HOUSE OF REPRESENTATIVES—*Friday, September 18, 1992*

The House met at 10 a.m.

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

Teach us, O God, of the meaning of grace in our lives and in our relationships with others. As You treat us with mercy and unmerited favor by not judging us as we deserve, but by extending the gift of forgiveness, so may we minister to people with a spirit that is understanding and kind and whose motivation is measured by the spirit of reconciliation and peace. May Your grace be upon us this day and every day we pray. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 120, answered "present" 1, not voting 85, as follows:

[Roll No. 402]

YEAS—226

Ackerman, Anderson, Andrews (ME), Andrews (NJ), Andrews (TX), Applegate, Archer, Bacchus, Bateman, Bennett, Berman, Bevill, Bilbray, Bonior, Borski, Boucher, Browder, Brown, Bruce, Bryant, Bustamante, Byron, Cardin, Carper, Carr, Clement, Clinger, Coleman (TX), Collins (IL), Combest, Condit, Costello, Cox (IL), Coyne, Cramer, Cunningham, Darden, de la Garza, DeFazio, DeLauro, DeLay, Dellums, Derrick, Dicks, Dingell, Dorgan (ND), Dornan (CA), Downey, Durbin, Dymally, Early, Eckart, Edwards (CA), Edwards (TX), Engel, English, Erdreich, Espy, Evans, Fazio, Fish, Foglietta, Frank (MA), Frost, Gejdenson, Geren, Gibbons, Gillmor, Gilman, Glickman, Gonzalez, Gradison, Guarini, Gunderson, Hall (TX), Hamilton, Harris, Hatcher, Hayes (IL), Hefner, Hoagland, Hochbrueckner, Horn, Horton, Houghton, Hoyer, Hubbard, Hughes, Hutto, Jenkins, Johnson (SD), Johnson (TX), Johnston, Jontz, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kleczka, Kolter, Kopetski, Kostmayer, LaFalce, Lancaster, Lantos, LaRocco, Laughlin, Lehman (CA), Levin (MI), Lewis (GA), Lipinski, Lloyd, Long, Lowey (NY), Luken, Markey, Martinez, Matsui, Mazzoli, McCloskey, McDermott, McGrath, McHugh, McMillen (MD), McNulty, Mfume, Miller (CA), Mineta, Mink, Moakley, Mollohan, Montgomery, Moody, Murtha, Myers, Nagle, Natcher, Nowak, Oakar, Oberstar, Obey, Olin, Olver, Ortiz, Orton, Owens (NY), Packard, Pallone, Panetta, Parker, Pastor, Patterson, Payne (NJ), Payne (VA), Pease, Pelosi, Penny, Perkins, Peterson (FL), Peterson (MN), Petri, Pickett, Poshard, Price, Pursell, Rahall, Rangel, Reed, Rinaldo, Roe, Roemer, Rose, Rostenkowski, Rowland, Roybal, Sabo, Sanders, Sangmeister, Sarpalius, Sawyer, Schulze, Schumer, Sharp, Sisisky, Skaggs, Skeen, Skelton, Slattery, Slaughter, Smith (FL), Smith (IA), Smith (NJ), Spence, Spratt, Staggers, Stallings, Stenholm, Studds, Swett, Swift, Synar, Tallon, Tanner, Tauzin, Taylor (MS), Thomas (GA), Thornton, Torres, Torricelli, Traficant, Unsoeld, Valentine, Vander Jagt, Vento, Visclosky, Volkmer, Walsh, Waters, Waxman, Wheat, Wise, Wolpe, Wyden, Yates

NAYS—120

Allard, Allen, Armey, Baker, Ballenger, Barrett, Bentley, Bereuter, Bilirakis, Bliley, Boehlert, Boehner, Burton, Callahan, Camp, Campbell (CA), Clay, Coble, Coleman (MO), Coughlin, Cox (CA), Crane, Dannemeyer, Dickinson, Doolittle, Dreier, Duncan, Emerson, Ewing, Fawell, Fields, Franks (CT), Gallegly, Gallo, Gekas, Gilchrest, Gingrich, Goodling, Goss, Grandy, Hammerschmidt, Hancock, Hansen, Hastert, Hefley, Henry, Herger, Hobson, Hopkins, Hunter, Hyde, Inhofe, Jacobs, James, Johnson (CT), Klug, Kolbe, Kyl, Lagomarsino, Leach, Lewis (CA), Lewis (FL), Lightfoot, Livingston, Lowery (CA), Machtley, McCandless, McCollum, McDade, McEwen, McMillan (NC), Meyers, Michel, Miller (OH), Miller (WA), Molinari, Moorhead, Morella, Morrison, Murphy, Nichols, Oxley, Paxon, Porter, Quillen, Ramstad, Ravenel, Regula, Rhodes, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Santorum, Schaefer, Schiff, Schroeder, Sensenbrenner, Shays, Shuster, Sikorski, Smith (OR), Smith (TX), Snowe, Solomon, Stearns, Stump, Sundquist, Taylor (NC), Thomas (WY), Upton, Vucanovich, Walker, Weldon, Wolf, Wylie, Young (FL), Zimmer

ANSWERED "PRESENT"—1

Lent

NOT VOTING—85

Abercrombie, Alexander, Annunzio, Anthony, Aspin, Atkins, AuCoin, Barnard, Barton, Beilenson, Blackwell, Boxer, Brewster, Brooks, Broomfield, Bunning, Campbell (CO), Chandler, Chapman, Collins (MI), Conyers, Cooper, Davis, Dixon, Donnelly, Dooley, Dwyer, Edwards (OK), Fascell, Feighan, Flake, Ford (MI), Ford (TN), Gaydos, Gephardt, Gordon, Green, Hall (OH), Hayes (LA), Hertel, Holloway, Huckaby, Ireland, Jefferson, Jones, Lehman (FL), Levine (CA), Manton, Marlenee, Martin, Mavroules, McCrery, McCurdy, Moran, Mrazek, Neal (MA), Neal (NC), Nussle, Owens (UT), Pickle, Ray, Richardson, Ridge, Riggs, Ritter, Russo, Savage, Saxton, Scheuer, Serrano, Shaw, Solarz, Stark, Stokes, Thomas (CA), Towns, Traxler, Washington, Weber, Whitten, Williams, Wilson, Yatron, Young (AK), Zeliff

□ 1026

Mr. MORRISON and Mr. RAVENEL changed their vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida [Ms. ROS-LEHTINEN] please come forward and lead the House in the Pledge of Allegiance?

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 238. An act for the relief of Craig A. Klien;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H.R. 454. An act for the relief of Bruce C. Veit;

H.R. 478. An act for the relief of Norman R. Ricks;

H.R. 712. An act for the relief of Patricia A. McNamara; and

H.R. 3379. An act to amend section 574 of title 5, United States Code, relating to the authorities of the Administrative Conference.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1181. An act for the relief of Christy Carl Hallien of Arlington, Texas.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1766), "An act relating to the jurisdiction of the United States Capitol Police" with amendment.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1731), "An act to establish the policy of United States with respect to Hong Kong, and for other purposes."

The message also announced that pursuant to Public Law 98-399, as amended, the Chair on behalf of the President pro tempore, appoints Mr. DOLE and Mr. DANFORTH, to the Martin Luther King, Jr., Federal Holiday Commission.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1106

Mr. INHOFE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1106.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVILEGES OF THE HOUSE—DIRECTING COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO INVESTIGATE ALLEGED DISCLOSURE OF CLASSIFIED INFORMATION

Mr. COMBEST. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 572) and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 572

Whereas on March 2, 1992, Representative Henry B. Gonzalez knowingly and willfully inserted in the Congressional Record documents of the Executive Branch bearing markings, indicating that they were classified for reasons of national security;

Whereas on July 7, 1992, Representative Gonzalez willfully disclosed information from a purported Central Intelligence Agency intelligence document which he publicly acknowledged at that time to be classified;

Whereas on September 14, 1992, Representative Gonzalez willfully disclosed information from a Central Intelligence Agency document classified as "Secret" in its entirety, which he acknowledged is still classified;

Whereas the Director of Central Intelligence, Robert M. Gates, has indicated in writing that Representative Gonzalez's "statement in the Congressional Record on 7 July 1992 included information from TOP SECRET compartmented and particularly sensitive document" to which the Central Intelligence Agency had given his commitment staff access;

Whereas the Director of Central Intelligence further stated in writing to Representative Gonzalez, regarding his July 7, 1992, statement in the Congressional Record, that, "Because of the sources and methods under that information, I will ask for a damage assessment to determine the impact of the disclosure. I regret that you chose to discuss information from classified documents without attempting to determine if we could work out a way to satisfy . . . our need to protect intelligence sources and methods";

Whereas the Acting Director of Central Intelligence, Admiral William O. Studeman, has confirmed in writing to Representative Gonzalez that portions of statements in the Congressional Record by Representative Gonzalez on July 21 and 27, 1992, "were drawn from classified intelligence documents, some of which are Top Secret, compartmented, and particularly sensitive";

Whereas the Acting Director of Central Intelligence has stated in writing to Representative Gonzalez, regarding this statements in the Congressional Records of July 21 and 27, 1992, that, "I have asked the Office of Security of the Central Intelligence Agency to undertake a review of your statements in order to determine the impact of the disclosures of intelligence information on intelligence sources and methods";

Whereas the Department of State has confirmed in writing that, over a number of days, Representative Gonzalez "inserted into the Congressional Record the full text of at least fourteen classified documents generated by the Department of State," and the Department of State indicated further that those documents "contain classified information involving sensitive diplomatic discussions";

Whereas the Treasury Department has indicated in writing "very serious concerns" over Representative Gonzalez's "disclosures of classified information in the Congressional Record" which included information from a classified Treasury Department document;

Whereas on numerous other occasions Representative Gonzalez has knowingly and willfully disclosed in the Congressional Record information from Executive Branch documents which are apparently classified for reasons of national security;

Whereas the classified documents in question were apparently made available to the Committee on Banking, Finance and Urban Affairs by Executive Branch agencies in good faith cooperation with a committee investigation and with the expectation that access would be restricted to persons with appropriate security clearances;

Whereas the public disclosure of information from the classified documents in question was not necessary for legitimate legislative oversight, and the Committee on Banking, Finance and Urban Affairs apparently has not voted to disclose publicly those classified documents;

Whereas the public disclosure of the contents of the classified documents in question appears to be detrimental to the national security and foreign policy interests of the United States;

Whereas the conduct of Representative Gonzalez raises serious questions of possible violations of Clauses 1 and 2 of Rule XLIII (Code of Official Conduct) and possibly of Clause 2(k)(7) of Rule XI' (Rules of Procedures for Committees) of the House;

Whereas the knowing, unilateral and unauthorized disclosure of classified information by Representative Gonzalez seriously imperils the spirit of mutual cooperation and trust between the Congress and the Executive Branch so critical to effective legislative oversight;

Whereas the nature and gravity of the conduct of Representative Gonzalez is such that the reputation and dignity of the House as an institution and the integrity of its proceedings, especially its oversight activities, may well be adversely affected;

Whereas Representative Gonzalez willfully continues to disclose publicly information from classified documents; and

Whereas in the interest of a prompt and fair resolution of the serious questions raised regarding the apparent unauthorized disclosure of classified information in seeming violation of the Rules of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is directed to investigate whether Representative Gonzalez has, during the Second Session of the One Hundred and Second Congress, publicly disclosed classified information in the Congressional Record, and in so doing violated the Rules of the House of Representatives or any duly constituted committees. All other committees, and all Members, officers, or employees of the House who may have information relevant to this investigation are directed to cooperate promptly with the Committee on Standards subject to procedures the Committee shall adopt necessary to protect from unauthorized disclosure classified information which may be transmitted to the Committee pursuant to this investigation. The Committee on Standards of Official Conduct shall promptly report its findings and any recommendations to the House.

□ 1030

The SPEAKER. The resolution raises a question of privilege.

MOTION TO TABLE OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BONIOR moves to lay the resolution on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan. [Mr BONIOR] to lay the resolution on the table.

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

Mr. COMBEST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 150, not voting 66, as follows:

[Roll No. 403]

YEAS—216

Abercrombie	Andrews (NJ)	Bacchus
Ackerman	Andrews (TX)	Beilenson
Anderson	Applegate	Bennett
Andrews (ME)	Aspin	Berman

Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fazio
Foglietta
Ford (TN)
Frank (MA)
Gejdenson
Geren
Gibbons
Glickman
Gonzalez
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Murphy
Murtha
Nagle
Natcher
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Rahall
Rangel
Reed
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Spratt
Staggers
Stallings
Stenholm
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Waxman
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—150

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Burton
Callahan
Camp
Campbell (CA)
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Rinaldo
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Schaefer
Schiff
Schulze
Sensenbrenner
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zimmer

NOT VOTING—66

Alexander
Annunzio
Anthony
Atkins
AuCoin
Barnard
Boxer
Brooks
Broomfield
Bunning
Campbell (CO)
Carr
Chandler
Chapman
Conyers
Cooper
Donnelly
Dooley
Dwyer
Edwards (OK)
Fascell
Feighan
Flake
Ford (MI)
Frost
Gaydos
Gephardt
Gordon
Green
Hayes (LA)
Hertel
Huckaby
Jefferson
Jones
Lehman (FL)
Levine (CA)
Manton
Marlenee
Martin
Mavroules
McCrery
Mrazek
Neal (MA)
Owens (UT)
Pickle
Ray
Richardson
Ridge
Riggs
Ritter
Russo
Savage
Saxton
Scheuer
Shaw
Solarz
Stark
Stokes
Thomas (CA)
Towns
Traxler
Washington
Weber
Williams
Yatron
Zeliff

□ 1056

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Resolution 572.

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

There was no objection.

FREE THE BRADY BILL

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

Mr. MAZZOLI. Mr. Speaker, the leadership has announced that it intends to limit our agenda in order that we might adjourn by early October to campaign for the November elections. There are many worthy, pieces of legislation which I hope we pass, or we pass over the President's veto, in that period of time, including campaign finance reform, the moratorium on burning hazardous wastes in cement kilns, the Family and Medical Leave Act, and cable reregulation.

All of these are worthy but the Brady bill, which calls for a waiting period before handguns can be sold or purchased, is absolutely essential; not just worthy, it is essential.

As all of us know, we passed in May 1991, a freestanding Brady bill. A modified version of the Brady bill was incorporated into the crime bill, where it has now languished for many months in the other body.

Mr. Speaker, we must not adjourn before passing the Brady bill, both to honor its namesakes, Jim and Sarah Brady, and also in honor of people like Dr. John Patrick Casey of Louisville who lost his life in a tragic handgun incident.

Mr. Speaker, let us free the Brady bill before adjournment.

RELEASING CLASSIFIED INFORMATION

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

Mr. GINGRICH. Mr. Speaker, our Members and the American people need to understand what just happened, because it is truly extraordinary.

There is information that in this House secrets have been released. There are written documents from the State Department involving 14 different secret documents. There are statements by the Director of Central Intelligence involving secrecy.

The Democratic leadership has refused to investigate it, has refused to do anything about the releases, and we just had the extraordinary moment of a Member offering a privileged resolution and the Democratic leadership cut off all debate by a deliberate motion to table.

I just want to suggest to the American people that when secrets which may endanger people's lives and secrets which may undermine American national security can be released in this Chamber, with nothing being done by the Democratic leadership, and when those who wish to stop secrets being released are gagged by the Democratic leadership, there is something profoundly wrong with what is going on in this House.

□ 1100

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1692

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1692, comprehensive long-term care for the elderly.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the re-

quest of the gentleman from California?

There was no objection.

SALE OF 72 F-15'S TO SAUDI ARABIA PROVIDES JOBS FOR AMERICA

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

Mr. VOLKMER. Mr. Speaker, I support the sale of 72 F-15 fighter aircraft to Saudi Arabia. I have waited anxiously for months, with many of my constituents, for President Bush to give his approval to this proposed sale of aircraft. I encourage my colleagues to join me in their support for this sale.

The sale of these 72 F-15's to Saudi Arabia benefits the United States in several ways. First, Saudi Arabia says the American-built F-15 best suits their national defense needs. By bolstering Saudi Arabia's self-defense, more stability may be brought to a volatile region of the world. Second, but more importantly, the sale of 72 F-15's to Saudi Arabia means jobs, high-wage, skilled jobs, for thousands of Americans.

Jobs is the major issue of concern for Americans. My colleagues in the Missouri delegation and I have sought the administration's approval of this sale to Saudi Arabia for many months. It's time to stop talking about job creation and create jobs.

Mr. Speaker, the sale of F-15's to Saudi Arabia is good for America as it provides jobs. Yet, this sale does not present any danger to our allies and, in fact, further secures the defense of Saudi Arabia.

CABLE TELEVISION LEGISLATION—ONE OF THE MOST IMPORTANT CONSUMER MEASURES IN YEARS

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

Mr. NICHOLS. Mr. Speaker, yesterday, Congress took action to stop price gouging by the Nation's only unrestricted monopoly—the cable companies which overcharge subscribers an estimated $6 billion a year. The result was one of the most important consumer measures in years.

The cable companies waged a war of scare tactics to derail this legislation. Why? Because it will set limits on rate increases. They've risen at a rate of more than three times the rate of inflation since 1986.

The best way to lower cable rates is through competition. With competition, cable rates are an average of 30 percent less than where there is no competition. Without competition, cable companies have been able to raise rates in order to increase profits.

In Congress, we are sent here to represent the ordinary people, not the special interest groups. We have heard the cries of consumers all across America. Thanks to our actions yesterday, the cable subscribers of America now have a voice.

AMERICA MUST BECOME AN EXPORT SUPERPOWER

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

Mr. TRAFICANT. Mr. Speaker, President Bush has a new TV commercial promoting trade. The President said America must become an export superpower.

Now in this TV commercial there is a giant cargo ship in the background. My colleagues, the name of that cargo ship is the *Evergreen*, and the *Evergreen* in President Bush's TV ad is owned by a company from Taiwan. The *Evergreen* is owned by a Taiwanese company.

Now, if that is not enough to sink your liferaft, the trade deficit just hit $8 billion last month. There are 400,000 new unemployed Americans on unemployment lines. Wall Street is overvalued; it is going to crash like the chandelier in the "Phantom of the Opera."

Meanwhile, Mr. Speaker, the President is floating a boat called the *Evergreen* owned by a company in Taiwan. Beam me up.

THE D.C. ECONOMY BRACES FOR A MAJOR SHOCK AS WALSH SPENDING EVAPORATES

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

Mr. WELDON. Mr. Speaker, as bad as things are here in the Nation's Capitol, it's going to get worse. The D.C. economy is bracing for a major shock and there are frowns on the faces of the majority party.

The hotel industry is poised for a downturn, the restaurants will take a hit, there will be a glut of deluxe office space, and runways will sit empty at National Airport.

Yes it is true—Special Prosecutor Lawrence Walsh is closing his investigation.

No longer will he and his team of attack dogs rent office space in the swankiest new building in town—at taxpayers expense.

No more expensive suites at the Watergate—with the taxpayers picking up the tab.

No more taxpayer-funded meals at the finest D.C. restaurants.

Say goodbye to taxpayer-funded first-class air travel in and out of National Airport.

And what have we gotten for this taste of the good life?

A few minor convictions. For all his high living, it took Walsh and his lackeys 6 years and $33 million to match the monthly output of any rookie prosecutor at your local DA's office.

But though the legal world may yawn—the D.C. economy and the Democrats may never be the same.

WE DON'T NEED ECONOMISTS—WE NEED A GROWTH PLAN

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

Mr. WISE. Mr. Speaker, I listened to a discussion a little while ago in the Committee on the Budget on what is called the present economic situation. It is not quite a recession, so is it stagnation? Is it contained growth? Is it a growth recession? Somebody called it a contained depression.

My answer is, in commonsense terms: "It's in a rut, and it's in a long-term rut. It's the lowest growth record since Herbert Hoover, has the worst job creation record since World War II".

The President bashes Congress for deficit spending, but never points out that Congress presently has appropriated $12 million less than what he has asked for. The gross private investment in this Nation is the lowest since the Depression. We are investing 12 percent. The Japanese, even in their doldrums, are investing 30 percent. Household income dropped for the second straight year, per capita income.

Folks at home do not need economists to know we are in a rut. The fact is it is a long-term growth plan that is needed.

The American people can tell us what the problem is. The American people are great, the leadership in the White House is not, and that is what needs to be changed.

SAY GOODBYE, ROSS

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

Mr. LIVINGSTON. Mr. Speaker, the comparative service records of George Bush and Bill Clinton leave one who is concerned about such things with an easy decision to favor Bush over Clinton for President of the United States.

But on another level, both men have shown their mettle to be far stronger than that of sometimes in, but mostly out, H. Ross Perot.

Perot showed amateurish cowardice when he suddenly fled the Presidential race in the face of ego-penetrating criticism.

Now he daily flirts with the press and the emotions of the American people by saying if his vague and ever chang-

ing conditions are met he might still grace us with his candidacy.

Well I say, hell no, Perot. I've had enough of your games, your platitudes, and your bunk. If you used your money to hire a real expert, he'd tell you to pull out, stay out, and shut up.

Say good-bye, Ross.

TWO-TIME VICTIMS

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

Mr. SMITH of Florida. Mr. Speaker, in a little while we are going to consider on this floor the rule to make in order the dire emergency supplemental, and then the supplemental itself. As part of that supplemental bill, Mr. Speaker, there will be a significant portion dealing with Hurricane Andrew, Hurricane Iniki, Typhoon Omar and the victims of those natural disasters.

Hurricane Andrew was probably the single largest natural disaster to hit this country ever in terms of damage and in terms of the aftermath. But when we look at this bill, although I am going to ask my colleagues to support it, they will see how people who are victims once have been victimized again, by the process through which we go in order to obtain disaster relief. There are people in the Senate whose States are going to get more relief for less reason than people in south Florida or in Louisiana. There are people who here need help badly and will not get it because the administration opposes a language change so that the crops that actually grow in south Florida can be included in that disaster relief, including shade and ornamental trees and nurseries that grow indoor plants. People that employed hundreds are wiped out, and they cannot get a dime from the Federal Government because people over there will not allow it to be made so.

Mr. Speaker, it is a shame. I ask my colleagues to vote for the bill because the aid is necessary, but, boy, there are some people who have been victimized by this institution as well as by the hurricane.

ANNOUNCEMENT OF MEETING WITH THE PRIME MINISTER OF THE NEW CZECH REPUBLIC

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

Mr. DREIER of California. Mr. Speaker, I would like to extend an invitation to our colleagues. This afternoon, at 12:45, downstairs here in the Capitol in room H-137, we are going to be having a meeting with the Prime Minister of the new Czech Republic, Vaclav Klause, and, as we have observed the bloody struggles which have taken place in Yugoslavia, it is very important for us to note that both the Velvet Revolution and the breakup of the Czechoslovakian Republic has been very peaceful, and I think that he can provide us with some very helpful input on that measure.

Mr. Speaker, I invite my colleagues on both sides of the aisle to join us at 12:45 this afternoon.

□ 1110

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Mr. Speaker, do you ever wonder what is actually in the hundreds of bills Congress passes each year? What about all the budget bills that are passed in the wee hours of the morning and are hundreds of pages long? Too often, most people do not know what is in them until after the fact.

That is when we find out about all the high-dollar goodies that were attached during late night jam sessions between the House and Senate. If these projects are really worthwhile, why were they not introduced in the light of day?

Congress spent almost $3 million for an Abraham Lincoln Research Center, which has never been authorized, almost $4 million for a physical fitness center in Maryland, and $3.6 million for urban gardening.

Recent examples are $2 million which was included in a bill to study truck-driver fatigue and another $1 million to research commercial truck driver fitness. Don't you think the trucking industry could pick up the tab on this research if it is even needed?

Keep on trucking, but do it with your own money. This gets my "Porker of the Week" award.

CABLE TELEVISION LEGISLATION SHOULD BE SIGNED INTO LAW

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

Mr. TAUZIN. Mr. Speaker, we hear a lot about gridlock in this presidential year. I wanted to point out that yesterday this House by over two-thirds majority adopted a bill that would create some fairness for consumers in the television marketplace, that would create some competition, that would give consumers a choice, and would lower cable rates to millions of Americans.

Repubicans and Democrats in this House came together in a great majority, over two-thirds. It is likely the same thing will happen on the Senate side.

Mr. Speaker, I want to urge all Members of the House to urge the administration to join us rather than oppose us in accomplishing this needed reform for American television consumers.

We do not have gridlock in the Congress on this issue. We are together. We ought to be together with the administration. We ought to have a bill that is signed into law so that when we leave this Congress we will have done something that I think Americans are anxious to see us do, take a problem and solve it, take an issue and resolve it, rather than answering to the special interests who always try to gridlock us, who always try to deadlock us, who always prevent us from solving problems for America.

THE GENDER GAP

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

Mrs. VUCANOVICH. Mr. Speaker, we have heard and read a lot during this Presidential campaign about a gender gap.

And, quite honestly, there is a huge difference in the records of President Bush and Governor Clinton regarding the appointment of women to important positions in Government.

President Bush has appointed more women in his administration than any previous President—3,000 positions, including 699 to executive positions and 53 to the Federal bench. That's 42 percent of all full-time Government positions.

In Arkansas, only 15 percent of the Clinton appointees who make more than $43,000 are women. And Clinton ranks only 32d out of 43 Governors who have appointed women to cabinet positions.

Governor Clinton talks a lot about the gender gap in the workplace—President Bush is doing something about it.

LEAK OF CLASSIFIED MATERIAL BEING COVERED UP

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

Mr. COX of California. Mr. Speaker, today, September 18, 1992, will be recorded as a black day in the already sadly spotted history of the House of Representatives. The Democrats who control this House have put partisan politics ahead of country. They have put protecting their own political hides ahead of defending the national security of the United States.

It has been reported to this House by the Director of the Central Intelligence Agency, by the Department of State, by the Department of Treasury, that in March, July, and September of this

year on repeated occasions one of our colleagues willfully disclosed information from top secret intelligence documents which he publicly acknowledged at the time to be classified.

One of my colleagues, the gentleman from Texas [Mr. COMBEST], brought a privileged motion to this floor under which he was entitled to 60 minutes of debate. He asked that we refer this matter to the Committee on Ethics. But the Democrats who control this Congress not only did not permit the referral to the Committee on Ethics, but refused to permit the gentleman his time even to present the case or to debate the issue. They covered up, they stonewalled, they prevented discussion on the issue.

This is a far more serious coverup than the House Bank or the House post office in which no one was killed. This jeopardizes people's lives. The American people are calling on us to clean the House. If the reasons for this vote have not been clear enough, today's sordid episode provides ample evidence.

ARE YOU BETTER OFF TODAY?

(Mr. APPLEGATE asked for and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the old question "Are you better off today that you were 4 years ago?" still stands. It is a favorite Republican phrase.

Mr. Speaker, it is coming back to haunt them. How safe is your job—that is, provided that you have one, and that you have any good income?

Do you have less than what you had 4 years ago? Do you have adequate health insurance? Do you have more than you had 4 years ago? Do you have a pension that you can rely on? Do you have money to send your kids to college? Do you have enough to house, clothe, and feed your family? If so, do you have any money left after you have done that? Are you still able to participate in the American Dream?

Well, I am sure Mr. Bush's friends who got all the tax breaks and all the defense contracts during the 1980's have no worries; do they?

I think now it is time for the rest of the American people to be able to participate in the American dream and grab just a little bit of that prosperity.

ADVICE FROM BENJAMIN RUSH: FOUNDING FATHER

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

Mr. STEARNS. Mr. Speaker, I would like to bring to your attention a lecture I attended yesterday by David Barton regarding the history of our country and the principles in the Bible.

We have all been appalled by the recent armed robbery of Mrs. Basu's car in Montgomery County, MD, and her subsequent death. Not only that but her baby was tossed out in the road as well. Again this morning there are more stories in the papers about carjackings and other brutal crimes against individuals.

We can sit here all year writing and passing laws, but until we return to the roots of the intentions of the Founding Fathers 200 years ago, crime will continue to escalate.

I would like to quote Founding Father, Benjamin Rush, whose essays 200 years ago formed the basis for our present Government. Our Founding Fathers had something different in mind for this country and we have gone far astray from the original plan as outlined in their writings. Rush was one of the Framers and signers of our Declaration of Independence, founded four universities, was a director of the U.S. Mint, and served under Presidents John Adams, Thomas Jefferson, and James Madison, and had a great influence on the development of our present form of government.

Our national attitudes and laws all began with the education of our young. Benjamin Rush wrote 200 years ago:

> In contemplating the political institutions of the United States, I lament, that we waste so much time and money in punishing crimes, and take so little pains to prevent them. * * * We neglect the only means of establishing and perpetuating our Republican forms of Government, that is, the universal education of our youth in the principles of Christianity, by means of the Bible; for this divine book, above all others, favors that equality among mankind, that respect for just laws, and all those sober and frugal virtues, which constitute the soul of Republicanism.

I would commend these essays to my colleagues as the best of warnings. The Framers of the Government of our country intended that prayer and Bible reading be part of the education of our youth.

CLINTON'S DRAFT TALES AND THE ENERGIZER BUNNY

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

Mr. JAMES. Mr. Speaker, Governor Clinton's accounts of his Vietnam-era draft evasion are like the energizer bunny. They just keep going, going, and going.

Did he get special treatment to evade the draft? Did he use political influence to challenge the draft board? And, more disturbing of all, did he willfully deceive the ROTC, as Colonel Holmes said in his letter? And is he deceiving the American people?

Just like the energizer bunny, Mr. Speaker, details of Governor Clinton's draft evasion just keep going, and going, and going.

There is one important difference. Unlike the energizer bunny, Governor Clinton's tale keeps changing. And if we cannot trust Governor Clinton's tale now, how can we trust him as Commander in Chief of all of our armed services?

DEMOCRATS VOTE TO PROHIBIT ETHICS COMMITTEE FROM INVESTIGATING DISCLOSURE OF SECRET INFORMATION

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, a very serious action was taken by this House this morning. In the face of very clear, indisputable evidence that one of our colleagues has broken the House rules governing Member responsibility for top secret information, in spite of the impact this has on the access of the legislative branch to confidential information important to policymaking, and in spite of the blatant disregard for our rules and the Nation's security with which top secret information has been revealed, the Democrats of this House just voted to prohibit the Committee on Ethics from investigating this matter or even discussing it on the floor.

□ 1120

This is politics being allowed to erode the very foundation of democracy, the rule of law. Let the public note.

WHAT ARE THE RULES?

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

Mr. GOSS. Mr. Speaker, just exactly what are the rules? Do we interpret the motion to table the resolution of the gentleman from Texas [Mr. COMBEST] as quiet concurrence, that it is OK to deliberately ignore House rules and willfully disclose classified information?

If this is OK for a committee chairman of the majority party, can other Members do the same? Can I, as a member of the Committee on Standards of Official Conduct, ignore the rules and deliberately disclose the proceedings of that committee? What fun that would be for the press.

In fact, what is the purpose of the Committee on Standards of Official Conduct, if the majority party manipulates procedures to prevent referral of serious and apparently substantiated allegations from being considered by the committee?

The American people have doubt about whether this House can police itself and, sadly, the motion to table the motion of the gentleman from Texas [Mr. COMBEST] can only further this doubt.

The Committee on Standards of Official Conduct does not operate on a partisan basis, and we are proud of that fact. This issue raised by the gentleman from Texas [Mr. COMBEST] is not partisan. It is a matter of national security.

I am deeply disappointed by the majority. I am deeply disappointed by the majority leadership, and I hope they are troubled by this.

PROVIDING FOR CONSIDERATION OF H.R. 5620, SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 575 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 575

Resolved, That upon adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House an indivisible motion to take from the speaker's table the bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments numbered 1 through 69 thereto, to disagree to the Senate amendments numbered 1 through 68, and to concur in the Senate amendment numbered 69 with an amendment. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their respective designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. (Mr. MCNULTY). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, three natural disasters within a few short weeks, hundreds of thousands of people without homes, emergency services strained to the limit, schools and businesses destroyed.

The devastation—in Florida, Louisiana, Hawaii, and Guam—is unprecedented. The task of rebuilding is enormous.

In many important ways, the people of this country have already responded. From all across the land, Americans have extended a helping hand to the victims of these disasters—they've sent food, supplies, financial support. Many have even traveled to the affected areas to lend a hand.

But the most extraordinary response has come from the people of the devastated communities themselves.

People whose homes have been destroyed—whose lives have been completely disrupted—have rallied with their neighbors to help the most vulnerable, to ensure that emergency services are available, to begin to rebuild their communities.

Their response—even in the face of such adversity—is a tribute to the determination and generosity of the American people.

But even with this outpouring of support, the people of Florida, Louisiana, Hawaii, and Guam still need help—they need help from the Federal Government. And that is what this legislation provides.

It provides funds to help rebuild these communities—to repair schools, roads and bridges, and public facilities.

It provides loans to rebuild small businesses and homes. It will help these devastated communities get back on their feet.

Mr. Speaker, this is an issue on which we can all agree. These people need help, and they need it now.

Andrew, Iniki, and Omar are past—now we must help to restore a future for the people who suffered in the wake of these disasters. Let's send this legislation to the President without delay.

Mr. Speaker, House Resolution 575 makes in order one indivisible motion to take the bill, H.R. 5620, from the Speaker's table with Senate amendments; to disagree with all the Senate amendments except the last—No. 69; and to concur in Senate amendment No. 69 with an amendment.

The motion—and the Senate amendments—will be considered as read. The rule provides 1 hour of debate time on the motion, equally divided and controlled by the chairman and ranking minority member of the Appropriations Committee.

I urge my colleagues to support the rule and bill, so that we can get this desperately needed assistance to the victims of these disasters.

At this time, I yield, for the purposes of debate only, to the gentleman from California [Mr. DREIER].

□ 1130

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

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my understanding that if this rule is adopted, an amendment will be made in order that reflects an agreement on all of the controversial provisions, including the Davis-Bacon provision, which would have provoked a Presidential veto.

The destruction that was left in the wake of Hurricanes Andrew and Iniki is nothing short of a tragedy for people who have lost their homes, their businesses, and maybe, sadly, their lives. I am pleased that we will be able to proceed with this critically needed legislation so that the rebuilding process in Florida, Louisiana, Hawaii, and Guam can move forward expeditiously.

Let me proceed by asking my colleague, the gentleman from Michigan [Mr. BONIOR] if the controversial provision which was raised last night in the Committee on Rules is in fact knocked out. I understand from discussions that I just had with the distinguished acting chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. NATCHER], that that in fact is the case.

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

Mr. DREIER of California. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I would say to the gentleman that he is correct.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for his response.

Mr. Speaker, there is another point I would like to add. That relates specifically to the issue of disaster aid. Fortunately, most of the homes that were damaged or destroyed by Hurricanes Andrew and Iniki have insurance coverage for windstorm damage so these disaster victims will have the financial resources to begin putting their lives back together, regardless of what we do here today.

This is a lesson that should not be ignored by Californians and others who live in States that face the risk of major earthquakes. I should say that there are 39 of those States. The big earthquake that scientists feel certain will occur within the next three decades could be substantially more devastating than what occurred in south Florida, yet few homeowners in this country have earthquake insurance to protect against physical and financial ruin.

As we have seen over the past few weeks, the Federal Government is not capable of responding with quick or complete compensation. This point was highlighted by Thomas Sowell in a recent commentary in Forbes magazine.

Mr. Speaker, for reference I include the article by Mr. Sowell featured in Forbes on September 28, 1992.

[From Forbes, Sept. 28, 1992]

MISPRICING THE RISKS

(By Thomas Sowell)

As people struggle to put their lives back together in Florida and Louisiana in the wake of Hurricane Andrew, they are likely to get the money they need from their insurance companies far more quickly than they get much-heralded, but slow-moving, help from the federal government.

The bottom line politically is that the President gets credit for showing up at a disaster scene, expressing his compassion and announcing that federal help is on the way. For the insurance companies, the bottom line is that they have to get money to their customers in the disaster area if they want to maintain a reputation that will hold other customers.

Under these conditions, it is hardly surprising that insurance companies, operating under the pressures of competition, find it necessary to move faster than government employees, who get paid the same salaries whether the money reaches disaster victims earlier or later.

Private insurance is more efficient than government in a more fundamental way as well. Economic pressures not only operate on the insurance companies, but also on their customers, who can minimize their insurance premiums by minimizing the risks they run in the first place.

Premiums are higher for people who choose to live in higher-risk locations, work in higher-risk occupations or operate their businesses in higher-risk ways. While insurance companies vary the premiums with the risk as a matter of economic self-preservation, the systemic effect on the economy as a whole is that risks are minimized throughout the society, consistent with other objectives that make people willing to pay a certain amount to do risky things.

Such incentives and results are often missing in government-provided services that call themselves "insurance," as well as in other government activities that take on some aspects of insurance, such as disaster relief. Before looking forward to government-provided or government-controlled "national health insurance," it may be well worthwhile to look back at some other government "insurance."

When the Social Security System was created back in the 1930s, it was promoted politically as an insurance system, when in fact it was nothing of the sort. Neither is the Federal Deposit Insurance Corporation.

A viable insurance system must have enough assets to cover its liabilities—which is another way of saying that policyholders pay for their own risks and costs. That has never been true of Social Security, which is run much more like a pyramid club.

Those who first joined the Social Security System received their money back several times over, but of course that could continue only so long as growing numbers of new people joined the pyramid. It works fine when the large generation of baby boomers pays for benefits for the small generation born during the 1930s, but when the baby boomers themselves retire, the pyramid gets shaky.

The most likely outcome is some combination of higher premiums for the working population of the 21st century and partial default on the benefits promised to retirees, whether through taxation of their benefits or inflation of the currency in which those benefits are paid.

Government "insurance" of banks and savings and loan associations would be more accurately described as blank-check underwriting of incalculable risks. When the existing fund set aside to compensate depositors in failed banks and S&Ls turns out to be inadequate, Congress simply appropriates more money.

Instead of having deposit insurance premiums vary with the degree of riskiness of a bank's investments, the safer banks have to subsidize the riskier ones. Subsidized risks, like subsidized agricultural crops, tend to be larger than they would be otherwise.

In other areas as well, the government promotes riskier behavior by putting the costs of those risks on other people, rather than on those who choose to take the risks.

Government-provided disaster relief also bears some superficial resemblance to insurance, but it too subsidizes riskier behavior than that under private insurance provided through the marketplace. Build your home in an area repeatedly flooded or hit by hurricanes, or in wooded California hills subject to severe fire dangers, and those risks are going to show up in bigger home insurance premiums. But federal disaster relief puts those costs on the taxpayers.

Government regulation of private insurance often pushes in the same direction. Automobile insurance regulation often forces safe drivers to subsidize reckless drivers, which of course has the effect of allowing more reckless drivers on the road, instead of pricing them out of their automobiles. "Gay rights" laws will likewise force the huge risks and costs of AIDS onto the general public.

Let insurance be insurance, not another illusion of a free lunch.

Mr. Speaker, it is my hope that we can move forward with a national earthquake insurance program, such as that contained in H.R. 2806, which is a bill that I have cosponsored in a bipartisan way with several of my colleagues, so that we can mitigate the potential physical and financial damage that may result from a catastrophic earthquake.

The experience we have gained from the aftermath of Hurricanes Andrew and Iniki only underscores the need for earthquake insurance legislation. I hope what we are about to go through here today will in fact focus more attention on the need to move ahead with legislation to address that.

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

Mr. BONIOR. Mr. Speaker, I yield 8 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to urge my colleagues, before I begin, to understand that I am going to support this rule and certainly support the bill. As one of the Members who had a portion of his district affected and has been down to the district of the gentleman from Florida [Mr. FASCELL] where the major damage occurred, I cannot begin to tell the Members the grief and the disaster and the destruction that has befallen the people who live in south Florida, basically south Dade. All of Dade County has been affected, and counties surrounding the area have been affected.

There is a lot of good Federal relief help in this bill. The majority whip was correct when he spoke about the outpouring of help and the support and love and charity from so many people, both surrounding the disaster area, from the surrounding counties, from the State of Florida, and from around the country.

Mr. Speaker, when I first went down to the disaster area a few days after the hurricane, that is, the major disaster area, because I had nine people in my house riding out the hurricane also, and we considered ourselves very fortunate to sustain only minor damage, I cannot begin to tell the Members how much in awe I was of how quickly people from all over the country had already begun responding.

I was stuck in a traffic jam just a few days after the hurricane, right at the exit off of the Florida Turnpike in Homestead, which was the site of major devastation, a traffic jam of 18-wheelers and vans and cars and police cars and city vehicles and county vehicles coming in from south Alabama and north Georgia.

The day of the hurricane, that night after it had passed, Charleston, SC, sent 12 police officers with their vehicles to help, because Florida City had lost 29 of its 31 vehicles, destroyed in the hurricane.

There were people from all over the country, not only coming in but sending food, sending clothing, sending medicine. The outpouring was just absolutely unbelievable and gratifying. For the first few days, unfortunately, there was some kind of what we might call organized or disorganized pandemonium as people struggled to set up a bureaucratic system to cope with the disaster which had overwhelmed the existing emergency capability.

The city of Homestead lost 90 percent of its homes, all of its infrastructure; no power, no electricity, no water, no sewer system, nothing. It was impossible to be able to cope fully. They needed a system to cope with all the help.

It was Friday by the time the Federal military showed up, but the help has arrived. It arrived by volunteers, it arrived by the State, it arrived by the county, it arrived by the Federal Government. This is long-term follow-on that we are being asked to vote on today, and it is absolutely the right thing to do.

Mr. Speaker, there is money in here to at least put Homestead Air Force Base back in a working mode. There is money here to help a lot of the farmers who have been devastated, a lot of the businesses which have been devastated, and certainly help by virtue of short-term disaster direct assistance, and then loans; a lot of the homeowners and renters have lost their homes, their clothing, and their personal possessions—all of them—their jobs, because many of them live locally and all of the commercial enterprises were devastated, their cars, their mementos. Their lives have been to a large degree obliterated. We thank God for the de minimis loss of life that occurred, but beyond that, everything is topsy-turvy.

The people of Florida, however, are fighting back, as are the people of Louisiana and now the people of Hawaii, who suffered under Hurricane Iniki.

However, notwithstanding all of what I said, I want to tell the Members how terribly disappointed I am that in many instances things which would have helped to distribute the aid that is in this bill effectively to people that

need it, those things never made it into this bill, but other people's attempts to benefit their own constituencies, which were never declared emergency disaster areas, made it into this bill; Senators have money in this bill for things that were not declared disasters, when farmers in south Miami who grow shade and ornamental plants cannot qualify for a dime's worth of help, although they hire 400 local people.

There was language that we wanted to mandate under the Stafford Act that local contractors be given some preference when contracts are let; $90 million has already been let by the Corps of Engineers. Not a dime went to a local Dade County firm to put local people back to work who lost their jobs. That was excluded.

There was language that would make it that all contracts would comply with local ordinances regarding minority participation. That was not included.

The SBA pool of insurance loan money, so that insurance companies, domestic ones who are now insolvent because the amount of claims from their narrow base of policyholders, which was right in that area, they were the majority of the claims. They cannot pay the claims, and if they go out of business, the State Guaranty Association is going to wind up only paying 10 or 20 cents on the dollar. SBA objected. We asked for help on certain issues and OMB objected.

The President of the United States came the day of the hurricane, and for that we are grateful, on Monday, assessed some of the damage, and left saying he would help. The problem is his agencies, the ones that deal with the help after he leaves, have now basically rejected a lot of help that could be available.

□ 1140

We are not asking for any more money. We are asking for language changes so that people who need it can get the help.

Florida does not have wheat crops, corn crops, barley crops. It grows shade and ornamental trees in Dade County, $20 million worth on one farm wiped out, the second largest in the world. He cannot get a dime. He employs 400 people. They are all out of work, and they live right there. They would not allow a lousy language change to be put into this bill that would make them eligible for loans; no grants, no money directly, just loans which he wants to borrow.

We grow tropical and exotic fruits. They do not qualify. We asked for help. There are hundreds of people employed in that. It provides millions of dollars in sales to south Florida. Would not do it, would not do it. Agriculture said no. SBA said no.

They are victimized again because of bureaucratic indifference and some legislative indifference, and people ought to know that.

We are going to work very hard to try to make during the process of application these people eligible for some kind of help. But notwithstanding that, there is a great deal of help in this bill, and we are very grateful for it. A majority of the people whose lives have been destroyed by this in Hawaii, in south Florida, in Louisiana, will be able to benefit, and for that we are very grateful, and we appreciate all of the work that a lot of good people on the Appropriations Committee have done on this.

The administration could have been better on this issue, could have not stood in the way on this issue. But I urge Members to vote for it because, frankly, this is only the beginning of what is going to be needed to bring so many thousands upon thousands of people's lives back to natural order, and they are very grateful to you. On their behalf I say thank you for your vote for this bill.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 5 minutes to my friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN]. She has worked diligently on this issue. In her newly drawn district she will be representing both Homestead and Florida City, and she has tried desperately to pull this project together, and I am happy to be able to yield time to her at this point.

Ms. ROS-LEHTINEN. Mr. Speaker, the devastation in south Dade County due to Hurricane Andrew is surely of epic proportions. Many have died, homes have been destroyed, businesses demolished, neighborhoods trashed, entire areas in ruins. Andrew left a true tragedy by its path and it did not discriminate—whether you lived in a fancy house in a secluded neighborhood, or an abandoned trailer, where the most humble illegal alien worked in the agriculture fields, you both got hit and you both got hit hard.

This Federal relief bill will at least give one ray of hope to an otherwise dismal human tragedy. The tired old cliche which says "Today is the first day of the rest of your life" seems to have new meaning to the residents of south Dade because these Federal funds will serve to alleviate some of the suffering that has been the fate of many for the last almost 4 weeks.

With these funds, folks will see that the Federal commitment is strong and that, although it is not as much as we would have liked, it is certainly a strong boost for our devastated economy in south Dade. Businesses will begin to fix up their demolished structures which will mean that there will be jobs once again for our area residents and residents will begin to rebuild their destroyed homes and family life will start to have a sense of routine once again.

We all will need to work together throughout the entire Dade County to ensure that our once beautiful communities will be thriving areas again. Opening family environments, like our parks, will serve as a signal for our children that life may be coming back to normal soon. For the psychological blow that this hurricane has rendered to the young will only be known by the passage of time. Today, for example, there was a strong thunderstorm in Miami and I wonder how many youngsters cowered in fear as the sound of the wind reminded them of that awful morning of August 24.

This hurricane has also scarred the elderly—some of whom rode out the night alone—instead of seeking shelter. May the elderly and the children—recover soon from this awful experience.

So let us not politicize this human tragedy. Let's pass this relief bill.

Through reapportionment, south Dade, unfortunately was carved into four different congressional districts, instead of one consolidated area, as they have now, by being wonderfully represented by our colleague DANTE FASCELL. But that will mean that Homestead will have four Congressmen from our area fighting vigorously to rebuild Homestead Air Force Base totally. But, that battle remains to be fought—and we will all be ready—at the proper time.

For now, I urge my colleagues to pass this much needed Federal relief bill to at least let us come up for air. We desperately need it.

And with these funds, let's make sure that our local construction companies and our local folks, especially in the hard hit areas, are the ones who get the contracts and the jobs to rebuild south Florida.

Our economy has been in a very weak position so we cannot afford for our people to be pushed aside when work contracts go through.

Out of the tragedy, we must also reexamine the disaster relief efforts of our Federal agencies. More must be done to ensure that the agencies coordinate their duties and communicate diligently and quickly with local and State agencies. We must not allow what happened in Miami in those critical days to happen ever again anywhere.

So I urge my colleagues to pass this relief bill, and let us get on with the business of rebuilding south Florida.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule and I will support the bill.

I would just like to remind the Congress that in the last several years some of the dollar participation we have had has come out of our budget. Estimates of the Congressional Budget Office state that America places about $170 billion, $170 billion a year in NATO accounts and in funds that go overseas through our defense accounts. In addi-

tion to that, last year American taxpayers spent $70 billion to free Kuwait. I know that the allies came up with $53 billion, but American taxpayers kicked in $70 billion more out of our own accounts to free Kuwait.

We came up with emergency money for the Kurds. We came up with emergency money for the Turks. We forgave a loan to Egypt of $7 billion. We gave Russia $2 billion cash and another $10 billion in loan guarantees. We give $12.5 billion a year in foreign aid.

Mr. Speaker, if Congress does not pass this measure for the American taxpayers in Florida, Louisiana, and Hawaii, then there is no hope for our Republic. Congress does not represent the right side.

Now I do not believe that will happen. But what concerns me is we seem to find this money for everybody else, but there is still some wrangling that goes on when we talk about American problems.

There is one aspect of this bill that bothers me, and that is some of these 100 percent funds. I support it, and I think they should be, but when that tornado ravished my district in 1985 there were no 100-percent funds. It was not an election time. And Congress should, in fact, set up a universal, standardized system that on these types of disasters all Americans are treated the same. That I think is one flaw in our policy.

But again, I want to commend all of those who have promulgated and developed this program of support for all the people of Florida, Louisiana, and Hawaii, and for every American around the country who should experience a disaster, I think it should be at least known in our country that our Congress will take care of them as well as they have taken care of everybody else around the world.

□ 1150

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

At this time I would like to, if possible, engage in a colloquy with my good friend, the gentleman from Michigan, the majority whip. There has been a great deal of confusion as it relates to this Davis-Bacon question.

As my friend knows, last night there was a very good prospect that we should have seen the helper provisions on Davis-Bacon, the regulations that relate to that, eliminated for a 1-year period. I would like, since calls have come down here to the floor, and a number of colleagues have asked, for my friend to explain exactly what has taken place.

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

Mr. DREIER of California. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, it is my understanding that the distinguished acting chairman of the Committee on Appropriations will, as stated by the rules, offer an amendment for consideration on the floor, an all-encompassing amendment which deals with the substance of which we have been just discussing. It will not touch or deal with the question that the gentleman refers to.

Mr. DREIER of California. If I could further inquire of my friend, are there any other changes at all that he anticipates at this point as it relates to the rule itself?

Mr. BONIOR. Not that I am aware of. There are no other changes.

Mr. DREIER of California. I thank my friend for the clarification. I will say that it has taken a while for us to get to this point, and I think it is important, because there are a lot of colleagues who just have not been clear on this issue.

Mr. Speaker, I yield 3 minutes to my very good friend from Mobile, the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, I rise to express my reservation about this legislation, yet under the circumstances, I intend to support it, and encourage my colleagues to do the same.

I have the deepest sympathy for the victims of Hurricane Andrew and Hurricane Iniki. I have lived through a major hurricane myself, Hurricane Frederic, and know first hand what total devastation is like. While I do not object to the fact that we are acting on emergency assistance legislation, I am seriously concerned over the path we are headed down by waiving State and local financial responsibility.

When Hurricane Frederic hit the coast of Alabama in 1979, it was classified at the time as the costliest hurricane to strike the United States. The same is applicable to Hugo. We did not get 100 percent Federal funding nor did we get 90 percent Federal funding. We received the traditional 75 percent Federal match and to the best of my knowledge we did not request special consideration. It should be noted that, then as now, Alabama was a very poor State. With all due respect, the State of Florida just doesn't jump to mind as being poverty-stricken or as needy as States such as Alabama.

I have the greatest respect for the citizens of Florida—indeed, my district borders the State of Florida and I have many friends in this neighbor State. I am a little outdone at the national media which I believe exploited the victims of Hurricane Andrew in south Florida. Ubiquitous news cameras and news reporters pressed victims to the breaking point at a time of tremendous upheaval and stress. The appearance given was that these people were ungrateful and selfish when in truth they were overwhelmed by extremely unnatural circumstances. They portrayed Floridians as ungrateful and unwilling to help themselves, but wanting to be spoon-fed by the Federal Government.

I urge my colleagues to be concerned about setting a dangerous precedent wherein all disasters receive 100 percent Federal funding. Make no mistake, no President will be able to tell a Governor that his State is not as important as Florida. And let me add, if that Governor is from Alabama and this precedent is in place, I will be here demanding equal treatment. So let's be honest—we simply can't afford this because it will never end. We just can't be all things for all men.

We still have communities as well as individuals striving to pay off disaster loans and expenses from Hurricanes Frederic and Hugo. Should we give them some retroactive support by forgiving existing disaster loans.

Since they struggled when knocked to the ground shouldn't we extend to them either repayments on a parity with what we propose for these recipients, or maybe forgiveness of balances still due because they accepted less, yet were appreciative that the Government was there to help?

Mr. BONIOR. Mr. Speaker, I yield 7 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the responsibility which I share with other Members of the House whose districts have been devastated by a recent hurricane is awesome, indeed.

All of the properties and all of the lives that were affected by Hurricane Iniki were constituents and confined in my district, the Second Congressional District. There was damage on the island of Oahu. Many homes were destroyed there. The people on the island of Oahu are dismayed even as I stand here in the well that FEMA has not opened a disaster area for them.

So much of the attention has been placed on the people and property on the island of Kauai that some of the other remote places on the island of Oahu and elsewhere have been more or less left to fend for themselves.

So there is much needed to be done, much coordinating and much efforts on the part of the Federal Government and the State and local governments to take care of the people who are still suffering and waiting for help from the local government and from the Federal Government.

Today, I want to say that I am deeply grateful to all of the Members of the House and of the other body who have worked diligently to add funds necessary to meet the initial demands for funds and support that the people of my district require.

Iniki was a category 4 hurricane, somewhat probably more powerful than the hurricane which hit Florida, Hurricane Andrew. It is probably the most powerful storm that has ever hit the is-

lands of Hawaii, certainly within recorded time. We are fortunate that the people that lost their lives were only four, at least of those that we have discovered in removing the rubble. There were well over 300 people injured, and many very seriously.

But what is so devastating in the power of the hurricane is the damage that it does to property, both private and public, and that is where the funds that are being provided by this supplemental appropriation are going to do the most. It is going to help to rehabilitate the public properties that have been destroyed.

Can you imagine a community, a modern community, one that is loved as a tourist destination, having 90 percent of its electric poles down as a result of the storm? It is going to take months to restore them and to be able to regain the electrical power necessary.

Last night one of the radio stations finally came on and called my office just wanting to hear some assurance that the Congress, indeed, was going to act today to provide that kind of security to the people in Hawaii.

The $1.2 billion that is contained in this bill is going to do a great deal to help rehabilitate the public facilities as well as the private properties that have been destroyed. Many of the homes that I saw last weekend when the entire Hawaii delegation went out there to visit were beyond repair, and they belonged to elderly citizens who thought some years ago, "How wonderful, I have paid for my home. Finally I can live with some sense of security." And now to have this happen and to realize that they probably are not going to be able to get a loan to rebuild their house. They are going to have to be counted among the homeless, and so the construction of public facilities to take care of these hundreds, if not thousands, of homeless people on the island of Kauai is going to be a major priority.

□ 1200

The agricultural damage on the island, together with the loss of tourism because most of the hotels were destroyed are devastated, so that they had to close, has rendered that island with more than 50 percent unemployed, so I do not know.

The answers for agricultural assistance, they tell me, have to come from other sectors of the Federal Government. It is a shame that we cannot coordinate all this assistance into one area. The agricultural economy is the cornerstone of the health and prosperity of this island, the sugarcane, the macadamia nuts, the coffee, the bananas, the guavas, the mangoes, all these things that have employed hundreds of people now are gone, and we have to look to the Federal Government for assistance to bring this back.

Mr. Speaker, the difficulties that the people are going to encounter are almost beyond description. I plan to return to my district this weekend and to spend time, several days, Sunday, Monday, and Tuesday, whatever is necessary, to see that the disaster area centers are functioning and that the insurance companies are there to take care of their clients and not laying back. There is no telephone service. Nobody can go and call their insurance company and ask for an agent to come, and yet the process which needs to start requires a certification that the insurance is not going to provide the recovery that a homeowner might need. So we need to pull together.

I have to say, the resilience of the business people and of people generally of the island of Kauai is tremendous. It is heartwarming. They are pulling together. They are helping one another come out of this destruction.

I think that hearing today that the Congress has approved this supplemental appropriation is just going to give them that bolt of continued energy to move ahead and to face whatever rigors and difficulties there are in the future.

So, Mr. Speaker, I urge my colleagues to support the rule and the bill and make possible the emotional, psychological, and physical recovery of the tens of thousands of people in my district.

Mr. Speaker, I rise today to urge my colleagues to vote for H.R. 5620 which provides assistance for the people of Hawaii.

The need for the assistance is indisputable, Iniki, a category 4 hurricane like Andrew and the most powerful storm to strike the Hawaiian Islands in over a century, caused 4 deaths, injured over 300 persons, and destroyed or damaged over 1 billion dollars' worth of public and private property.

H.R. 5620 appropriates $1.2 billion to be made available to the State of Hawaii in the wake of Hurricane Iniki. The $1.2 billion will take the form of Federal Emergency Management Administration [FEMA] disaster assistance, FEMA disaster loans, Small Business Administration [SBA] disaster loans, Federal Housing Administration [FHA] loans, agricultural programs, and public housing construction.

Although Iniki's winds and tidal surges touched all the major Hawaiian islands, the hurricane's full fury—winds between 140 to 160 miles per hour and tidal surges as high as 30 feet—were vented on the islands of Kauai and Niihau, and the Waianae coast of the island of Oahu.

Kauai, known locally as the Garden Island and long famed for its lush and pristine beauty, supported a pre-Iniki population of about 66,000 persons made up of 51,000 permanent residents and 15,000 visitors. Most permanent residents held jobs that were directly or indirectly connected to the tourism industry while many other permanent residents were employed by the agriculture industry.

However, in the late afternoon of September 11, 1992—1 week ago today—Kauai took a direct hit from Hurricane Iniki. In 3 hours Iniki swirled over Kauai, the hurricane destroyed or damaged a third of the homes, 70 hotels and resorts, felled 90 percent of the electric utility poles, leveled the sugarcane crop which was the island's second major source of income, and set back the diversified agriculture industry by destroying macadamia, guava, banana, papaya, and coffee orchards. In 3 hours, Iniki disrupted the lives of Kauai's residents by causing at least 8,000 of them to join the ranks of the homeless and raising Kauai's unemployment rate from 5 percent to over 50 percent by wiping out the tourism and agriculture-based economies.

Along with my colleagues in the Hawaii congressional delegation—Senator DANIEL K. INOUYE, Senator DANIEL K. AKAKA, and Representative NEIL ABERCROMBIE—I flew to Hawaii last weekend to survey the destruction and damage caused by Hurricane Iniki. Neither the accounts I read in newspapers, reports I heard on radio, the video shots I saw on television regarding Hurricane Andrew in late August, nor the updates on Hurricane Iniki I received en route to Hawaii, prepared me for what we saw back home. Last Saturday, we viewed Kauai from a helicopter. From the air, we saw shoreline areas that have been altered beyond recognition; formerly lush hills and valleys stripped bare of vegetation; boats left high and dry far above the normal tide line; and homes, apartments, and office buildings completely or partially demolished with their former contents strewn about the landscape.

I believe my colleagues in the House who represent the areas impacted by Hurricane Andrew and Typhoon Omar will agree with me that reports cannot convey the enormity of the destruction caused by a powerful hurricane.

While it was painful for me to see such devastation, I can only imagine how truly difficult it is for those persons who lived in those communities to come to terms with Hurricane Iniki.

In spite of enormous difficulties and inconveniences, it must be noted that the people of Kauai, Niihau, and the Waianae coast of Oahu have displayed a civility, strength of character, and generosity of spirit in the week since Iniki struck. Numerous reports by the media of how former strangers have joined together to rebuild or repair their property and share their limited resources are very reassuring. That bonding as well as the general absence of antisocial behavior such as looting suggests very strongly that while those persons impacted most directly by Iniki may no longer have homes to maintain, crops to tend, or businesses to nurture, they are obviously very committed to maintaining, tending, and nurturing the social contract by which we all must live. But these people need the help of the Federal Government to put their lives, and their economy, back together.

Mr. Speaker, on behalf of the people of Kauai, Niihau, the Waianae coast of Oahu, as well as the State of Hawaii, I respectfully urge my colleagues to support this bill.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Indiana [Mr. BURTON], the main opponent of pork in the Congress.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for those

kind words and for yielding me this 3 minutes.

Mr. Speaker, I do not think there is anybody in this body or the other body who opposes giving this kind of relief to our fellow human beings in Florida, Louisiana, and Hawaii. We all are concerned about their suffering and want to do the right thing; but there is always somebody who wants to take advantage of the situation to feather their own nest.

Now, last year in the Defense appropriations bill, on a point of order I was able to get $6.8 million cut out for the Monterey Institute, which is a foreign language teaching facility. It is a private facility. In Monterey, CA, the Department of Defense already has a language facility that does an excellent job, but the chairman of the Budget Committee, the gentleman from California [Mr. PANETTA], has the Monterey Institute in his district. He wanted $6.8 million to pay for this private organization—pure unadulterated pork.

On a point of order, I was able to strike that $6.8 million out of the legislation and we were able to convince the Department of Defense not to spend that money.

Now we have this hurricane relief bill containing billions of dollars to help thousands and thousands of Americans in Florida, Louisiana, and Hawaii, and we should do that; but last night the conferees stuck in under the cover of darkness this pork barrel project for $6.8 million.

I think that is just dead wrong. This should be a clean bill to help the people suffering from these hurricanes. It should not be a bill containing pork to feather somebody's nest back in California, and that is what it is doing.

We defeated this once and the people who put this in last night know full well that we are not going to be able to defeat it today, because we are going to vote for the humanitarian aid for those people who are suffering.

So I just want to say to those conferees, congratulations on being able to stick $6.8 million in unadulterated pork that this body defeated before into a humanitarian relief bill to help the chairman of the Budget Committee.

Do you want to know why the people of this country are fed up with this place? This is one of the reasons. We ought to care about our fellow man, but we should not be loading pork into a humanitarian bill.

Mr. BONIOR. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, when we say the Pledge of Allegiance, we say "One Nation under God, indivisible," and if ever there was a time to be one Nation tied together with concern for one another, it is during a time of crisis in any of our States. Unhappily, we see these natural disasters too often.

Private relief agencies have done a superb job. They are providing immediate emergency care, with the sacrifices of many individuals and groups all over the country to help their fellow Americans. Those efforts are truly heartwarming and important.

But Mr. Speaker, we are not naive, and we know that private help alone cannot do the job when you are faced with an emergency of this great a magnitude. Private help cannot possibly render the assistance necessary to rebuild our cities and our counties, to ensure domestic tranquility, to promote the general welfare, and these things our Constitution requires of us.

Mr. Speaker, to add to the urgency today is the fact that we already face the unconscionable situation where previously approved disaster relief for Los Angles and 20 other hard-hit disaster areas has been suspended because of the stress on current funds. We all understand that stress. We are not complaining about it, but it is necessary to act today, because more than 450 homes in California were destroyed by this summer's wildfires, in addition to the thousands left homeless in Florida and Louisiana. FEMA is holding back $80 million in payments for those communities because FEMA is nearly broke.

Our people cannot afford a break in the lifeline. We talk about a safety net. What could be more fundamental than this vote we are about to cast. If you value families, then today we must extend the help that they are relying on.

To me, Federal disaster relief is like a candle in the window. For people who have lost everything, it is their way of finding another tomorrow to rebuild their lives and their communities. I believe it is a sacred trust.

Government of, by, and for the people, must serve the people, must serve our families, must serve our fellow Americans at a time like this, and today when we vote we will be telling our people all over this Nation, we will not turn our backs on you. Your Government will not turn its back on you when you are in such dire trouble.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 4 minutes to my friend, the gentleman from California [Mr. ROHRABACHER], who was from Long Beach and now hails from Orange County.

Mr. ROHRABACHER. Mr. Speaker, I rise in the name of fiscal sanity and in opposition to yet another case of good intentions gone haywire, of Government spending totally out of control.

The rule before us today is not really in question, but it is linked to an all-purpose, spend-money-on-everything bill.

No one knows everything that has been put into this bill. Its sponsors were still making changes even after we convened this morning.

What we do know is that H.R. 5620, as proposed to be amended, contains about $10 billion of expenditures with no control mechanism in place. In our eagerness to alleviate the suffering of the victims of Hurricane Andrew and other recent disasters, if we do this, we must respond with our heads as well as with our hearts.

It is important in times of crisis not to go off half cocked.

We must face the fact that the Federal Government is broke. The Federal Government is more than $1 trillion in debt.

□ 1210

The Government is more than $1 trillion in debt. The national debt is rising at the rate of $13,000 a second. Yet here on Capitol Hill, it's business as usual which means, if there is a problem, if there is any kind of a challenge, spend, spend, spend, and that will take care of it.

Notwithstanding my colleagues' good intentions, it is disconcerting to see them clawing over top of one another to see who can shovel the most money out of the convoy for disaster relief. For years, the Federal Government has assumed 75 percent of the costs of disaster relief, and there was a reason behind that. It puts a control mechanism on what is requested for disaster relief while the State and the localities have picked up the remaining 25 percent so that just any claim will not be made.

However, in the aftermath of recent hurricanes and President Bush's pledge to provide 100 percent of emergency aid funding, my colleagues want to throw open the floodgates. Suddenly, they say, 20-ton relief trucks won't do; Federal taxpayers need to cart in 50-ton cash haulers.

Well, I will say it again. We need to respond to these disasters with our heads as well as with our hearts. The relief bill being considered here today is excessive. The Nation cannot afford such mindless benevolence.

I hail from a State that has known and doubtless will continue to know its share of natural disasters. With the precedent that we threaten to set here today, it would be easy for me to say, "Throw open the spigot." Ten billion in aid? Twelve billion? Pocket change. Let's make it $20 or $30 billion. The more money dumped in Florida, Louisiana, and Hawaii today, the more that will be dumped in earthquake-prone California tomorrow.

But in the long-term interest of our Nation, I will not join this spending spree and approve this legislation because this bill sends the wrong message, a deadly message, to those who are living in these areas that are prone to disasters that Uncle Sugar, Uncle Sam, is going to pick up everything. In fact, we are going to be in such a hurry to start shoveling the money out of the back of the truck, we are not even

going to put any control mechanisms in place. The taxpayers be damned. We are going to get credit for being such benevolent people here on the floor of the House. That is not responsible government. It is irresponsible government that has put our country right on the verge of bankruptcy—not on the verge of bankruptcy, in bankruptcy.

So, Mr. Speaker, we better start recognizing that. I rise in opposition to this mindless benevolence.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume to pose a question to my friend, the gentleman from California [Mr. ROHRABACHER], if he would be so kind. I would ask the gentleman how he voted on the earthquake relief we provided for the State of California.

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

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

Mr. ROHRABACHER. Mr. Speaker, I believe the earthquake formula was a 75-25 formula, and that is what I am talking about today. There is no such mechanism in this relief bill.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Guam, Gen. BEN BLAZ, who has been victimized by Typhoon Omar.

Mr. BLAZ. Mr. Speaker and Members of the House, as you all know, I do not go to the floor very often because I am one of those Members of the House who is not really a Member of the House. So, not being able to vote, I do not often frequent the Chamber because it is very difficult for me to sit here and not rise or sit with the rest of my colleagues.

But I do have this voice, and this voice is telling my colleagues that one of the proudest moments I have in this body has been in recent years when we have risen in periods of adversity. We have done it again.

I am very saddened by the events, but in the recent events we have seen Members of this body and the Senate respond, and respond magnificently.

I shall not burden my colleagues with details of disaster. They have seen many images of it. But as one who has already undergone 40 typhoons in my life, let me say that, when I heard that a typhoon was heading to Guam, I ran to the airport, got on the plane and beat the typhoon to Guam. No one can make a case that he, the gentleman from Guam [Mr. BLAZ], is championing or advocating without being able to present the dimensions of everything, having been there.

I am grateful to all of my colleagues for including Guam in the bill. The national media does not choose to do that. It does not even mention the word Guam. Sadly, Mr. Speaker, some of the leaders in this body have never pronounced the word Guam.

Mr. Speaker, I am saying to my colleagues, Guam is U.S. territory. I'm saying to you that over the years, in war and peace, Guam has stood by you, has stood by us, and all I ask today, in the name of Guam, is I ask you to stand by us as you consider this bill.

Mr. Speaker, I am grateful. I wish I could vote. It is not my choice; it is that of my colleagues which prevents me. So, for those of my colleagues who do not feel any particular feeling one way or the other, I wish they would vote in my behalf.

My colleagues, I really am a proud Member of this House. I appreciate very much, more than I can express, the occasional opportunity I have to come and say, "Thank you, thank you, thank you."

Mr. Speaker and Members of the House, having witnessed 3 weeks ago the devastation that was wrought by Typhoon Omar on Guam, I can attest to the events that transpired and to the outstanding performance of individuals and agencies involved in the relief and recovery activities that are now taking place.

While I cannot speak for the other congressional districts that were severely damaged by Hurricanes Andrew and Iniki, I can speak for Guam. I can say without reservation or hesitation that the performance of the various agencies, military and civilian, Federal and territorial, as well as the hundreds of volunteers, was truly inspiring. Whatever misgivings we may have had about Federal agencies, most notably FEMA, were erased. From the time they came off the plane, they hit the ground running and have not stopped. Nothing was more reassuring to us and the victims of the typhoon than to have FEMA personnel and the military providing every possible means of support and encouragement. I am certain that I am reflecting the sentiments of the Governor of Guam, Joseph Ada, when I state that FEMA's presence, under Dick Buck, made an extremely difficult situation tolerable and hopeful. The unselfish devotion to the task of helping in the relief and recovery effort by FEMA and U.S. military personnel will long be remembered after wounds from Typhoon Omar have healed.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague, the gentleman from California [Mr. DREIER] for recognizing Sanibel and yielding this time to me.

Mr. Speaker, I am a Member from south Florida, yes, but I am one of the lucky ones. Our part of southwest Florida was just hurt, it was not annihilated, by Andrew, as some of the parts of south Florida were. I express also my deep gratitude to everybody who responded to the plea for help that we had from the victims of this incredible hurricane. The State, local, and Federal officials all deserve praise for the prestorm and poststorm efforts, and I say that from the heart, not from something I have read in the media that did not exactly get it right all the time. Thanks to a well-coordinated evacuation effort, the fact is the loss of life was minimal for a storm of this magnitude.

I would also like to recognize all the generous citizens in the Nation that pitched in by donating money, food, clothing, diapers, lumber, just name it, that got sent to south Florida. Thanks to the help of the entire country, the immediate needs of the victims have been met and we can now focus on rebuilding.

Phase one of the hurricane response deals with the immediate human needs: food, clothing, and shelter.

□ 1220

Phase one is not entirely behind us yet. It is still critical that sufficient resources reach the devastated regions so that we can continue to meet these needs.

As we slowly move into phase two, the rebuilt phase, we are beginning to see new costs and impacts—the effect that Hurricane Andrew has had on areas that lie just outside of the officially declared disaster areas. Thousands of residents are leaving their ruins behind in search of shelter, schools, food, jobs, and medical service in locations nearby.

Those counties that were fortunate enough to survive the storm with minimal damage welcome these people and are eager to help, but we cannot overlook the fact that there is tremendous cost associated with this transmigration. For example, in my district, preliminary projections estimate that more than 5,000 people will move in from the devastated areas.

In fact, the clipping from this morning's paper indicates that HUD has already moved in 150 homeless people and put them into housing in our area.

County officials estimate the costs associated with such unexpected relocation to be up in the millions. Few county coffers are prepared to meet these demands without some type of assistance. We need to make sure that there is enough flexibility in the current system of Federal disaster assistance to provide aid to those areas that may have escaped the eye of the storm, but are beginning to feel the after shocks of the disaster.

If compassion alone could be converted into dollars to bring back the loss of property and spirit, south Florida would be in a surplus situation. But it is going to take much more than compassion, and much more money than we have already seen. That is why it is so very important that we pass this emergency appropriations bill today to get the money where it is most needed. I daresay your constituents will support for whatever part of the country you represent—I say that based on the outpouring of help we have received from so many places. I say thank you.

Mrs. COLLINS of Michigan. Mr. Speaker, I rise today to express my disappointment with

the recommended rule for H.R. 5620, to make emergency disaster relief appropriations for the victims of Hurricanes Andrew, and Iniki, and Tropical Storm Omar.

I fully support this measure, and hope that the lives of these innocent victims will return to normal quickly. But this rule, which will not make amendments in order, is counterproductive toward solving our Nation's problems. Mr. Speaker, our Nation has another national emergency that must be addressed as expeditiously as we address hurricane relief. I am speaking of the health and welfare of our children. Each Member of this body at some point in time, has articulated the needs of our Nation's children. Unfortunately, however, we have the dubious distinction of a lack of followthrough on our promises toward children. Rest assured, that in no way do I wish to belittle the tragedies of south Florida, Louisiana or Hawaii, but it is shortsighted to only address their situations. Our children need our leadership just as badly. It is reprehensible that children represent the largest group of poor people in America. It is reprehensible that children go to bed at night hungry; it is reprehensible that the status of our children's health has steadily declined over the past decade; it is reprehensible that many children start school unprepared to learn; and Mr. Speaker, it is reprehensible that many of our politicians continue to only talk of our children's problems and do nothing toward implementing their solutions.

Yesterday, Members from both Houses of Congress, and from both parties, introduced the Family Investment Act, which included the provisions of the Family and Medical Leave Act, the Family Preservation Act, the parents as teachers bill, Kidsnet and the Safe Children and Communities Act. I had hoped to see some, if not all of its provisions appear as amendments to the bill we will pass today. Sadly, this will not happen, and tonight, another child will go to bed hungry and the American family will remain in crisis.

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

Mr. BONIOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 3161, FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES AUTHORIZATION ACT OF 1992

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 3161, the Federal Property and Administrative Services Authorization Act of 1992. The committee is planning to meet the week of September 21, 1992, to take testimony and grant a rule on the bill.

In order to assure timely consideration of the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 3161 should submit, to the Rules Committee in H-312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 3 p.m. on Wednesday, September 23, 1992.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 3161.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to dispose of Senate amendments to H.R. 5620, and that I may be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

Mr. NATCHER. Mr. Speaker, pursuant to the rule just adopted, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. NATCHER moves to take from the Speaker's table the bill (H.R. 5620), making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree with Senate amendments numbered 1 through 68, and concur in Senate amendment numbered 69 with an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendments.

The texts of the Senate amendments and of the House amendment to Senate Amendment numbered 69 are as follows:

Senate amendments:

(1)Page 2, line 9, strike out [$1,795,000] and insert: *$3,000,000*

(2)Page 2, after line 16, insert:

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING RESCISSION)

Of the funds available under this heading, $3,500,000 are rescinded.

For an additional amount for "Operations, research, and facilities", $1,500,000, to remain available until expended, for lease costs of the National Marine Fisheries Service laboratory at Sandy Hook, New Jersey. Notwithstanding section 318(d) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(d)), amounts provided pursuant to Public Law 101-162 for the acquisition of Buxton Woods shall remain available to the State of North Carolina through September 30, 1993.

(3)Page 2, after line 16, insert:

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $2,100,000 are rescinded.

(4)Page 2, after line 25, insert:

SEC. 101. (a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1) the criminal act of stalking other persons is a problem of deep concern;

(2) previously available legal recourse against stalking, such as restraining orders, have proven largely ineffective;

(3) anti-stalking legislation has been enacted or proposed by several of the States;

(4) the constitutionality of several of the States' anti-stalking statutes may be in question; and

(5) the Congress has an interest in assisting the States in enacting anti-stalking legislation that is constitutional and enforceable.

(b) EVALUATION.—The Attorney General, acting through the Director of the National Institute of Justice, shall—

(1) evaluate anti-stalking legislation and proposed anti-stalking legislation in the States;

(2) develop model anti-stalking legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as a result of the evaluation; and

(4) not later than 1 year after the date of enactment of this Act, report to the Congress the findings and the need or appropriateness of further action by the Federal Government.

(c) EXPENSES.—Expenses incurred in conducting the evaluation and developing model legislation under subsection (b) shall be paid out of funds that are available to the National Institute of Justice for fiscal year 1992.

(5)Page 3, strike out lines 1 to 6

(6)Page 3, strike out lines 10 to 12

(7)Page 4, strike out lines 3 to 8

(8)Page 5, line 3, strike out [$69,700,000] and insert: *$19,700,000*

(9)Page 5, line 4, strike out all after "1992" down to and including "personnel" in line 10

(10)Page 5, line 10, strike out all after "personnel" down to and including "Forces" in line 15

(11)Page 5, line 15, strike out all after "Forces" down to and including "construction" in line 17

(12)Page 6, strike out lines 1 and 2 and insert: *shall remain available until September 30, 1993.*

(13)Page 6, line 9, strike out [$7,000,000] and insert: *$69,800,000*

(14)Page 7, line 10, strike out [$5,182,878,000] and insert: *$2,375,974,000*

(15)Page 7, line 12, strike out all after "appropriations" down to and including "Fund" in line 14, and insert: *from the defense cooperation account*

(16)Page 7, line 20, strike out [$1,037,261,000] and insert: *$399,000,000*

(17)Page 7, line 23, strike out [$205,700,000] and insert: *$30,000,000*

(18)Page 8, strike out lines 1 to 3

(19)Page 8, strike out lines 4 to 6

(20)Page 8, line 11, strike out all after "Army"," down to and including "1994" in line 13 and insert: *$1,355,274,000*

(21)Page 8, line 16, strike out [$101,000,000] and insert: *$75,000,000*

(22)Page 8, line 19, strike out all after "Corps"," down to and including "1994" in line 21 and insert: *$224,600,000*

(23)Page 8, line 24, strike out all after "Force"," over to and including "1994" in line 2 on page 9 and insert: *$247,200,000*

(24)Page 9, line 5, strike out [$10,700,000] and insert: *$4,900,000*

(25)Page 10, line 22, strike out [$12,485,446,313] and insert: *$14,696,040,000*

(26)Page 11, strike out lines 12 to 15

(27)Page 11, strike out lines 16 to 25

(28)Page 11, after line 25, insert:

SEC. 204. (a) The Secretary of Defense shall transfer up to $40,000,000 in additional funds from the Defense Cooperation Account to the appropriate appropriations accounts within the Department of Defense to remain available until expended for Kurdish humanitarian needs and related transportation costs to include, but not limited to, the prepositioning of emergency food stocks, water and seed, the provision of medical assistance, the establishment of regional medical clinics in recognized Kurdish areas of Iraq and the extension of technical assistance for land mine clearing, the drilling of water wells and the construction of temporary shelters.

(b) Wherever possible, the President shall make available personnel from the Department of Defense in preference to those of the United Nations to carry out the intent of this provision.

(c) The Secretary of Defense shall report to the Committees on Appropriations and Armed Services of the Senate and the House at the start of each quarter in fiscal year 1993 on the steps taken to bring relief and restore the well-being and security of the people of recognized Kurdish areas of Iraq.

(29)Page 11, after line 25, insert:

SEC. 205. In addition to any other transfer authority contained in this Act, amounts from the Defense Business Operations Fund shall be transferred to the following appropriations in the amounts specified to be merged with and be available for the same purposes and for the same time period as the appropriations to which transferred, as follows: $320,598,000 to Military Personnel, Army; $134,400,000 to Military Personnel, Navy; $17,127,000 to Military Personnel, Marine Corps; and $367,200,000 to Military Personnel, Air Force: Provided, That, for the purpose of maintaining the industrial base, $60,000,000 of the funds available in the Defense Business Operations Fund, combined with funds otherwise available to the Department of Defense, shall be obligated forthwith for the purchase of 2.88 million cases of Meals Ready to Eat.

(30)Page 11, after line 25, insert:

SEC. 206. Funds appropriated to the Department of Defense in the Department of Defense Appropriations Act, 1991 (Public Law 101-511) and made available for transfer to the Department of Commerce and the Department of Labor to assist State and local governments significantly impacted by reductions in defense industry employment or reductions in the number of military and civilian personnel residing in such States and communities shall be available until September 30, 1997.

(31)Page 11, after line 25, insert:

SEC. 207. Notwithstanding section 2391 of title 10, United States Code, the Secretary of Defense may make a grant of $1,100,000 to assist Astoria Oregon in the planning, design and modification of facilities and support infrastructure to accommodate new Navy Minesweeper/Minehunter vessels.

(32)Page 11, after line 25, insert:

SEC. 208. Funds appropriated for the Office of Economic Adjustment at the Department of Defense for fiscal year 1992 are reduced by $1,000,000, and funds appropriated for the Office of the Secretary of Defense for fiscal year 1992 are increased by $1,000,000 for the purpose of making an economic impact grant to Nye County, Nevada.

(33)Page 12, after line 11, insert:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

HUMAN DEVELOPMENT SERVICES

Funds appropriated in Public Law 102-170 under the heading "Human Development Services" for the "Family Violence Prevention and Services Act", shall remain available until expended.

(34)Page 12, line 12, strike out [PROVISION] and insert: *PROVISIONS*

(35)Page 13, line 2, after "expended" insert: *: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985*

(36)Page 13, line 8, after "pended" insert: *: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985*

(37)Page 16, after line 21, insert:

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES

LOAN GUARANTEE ACCOUNT

During fiscal year 1992, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall be increased by $25,000,000,000 and shall not exceed $99,769,293,000.

(38)Page 16, after line 21, insert:

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

The $140,000,000 under this heading in Public Law 102-139 for commitments to guarantee loans shall be increased by $85,000,000 to $225,000,000.

(39)Page 18, strike out lines 3 to 12

(40)Page 19, after line 5, insert:

COOPERATIVE STATE RESEARCH SERVICE

Title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992 (Public Law 102-142) is amended, under the heading "Cooperative State Research Service" in the last item of the first paragraph of that heading, for necessary expenses of Cooperative State Research Service activities pertaining to a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University, by striking "$8,580,000" and inserting in lieu thereof "$10,250,000".

(41)Page 19, strike out lines 20 to 25

(42)Page 20, line 8, strike out [$30,000,000] and insert: *$20,000,000*

(43)Page 20, strike out all after line 21 over to and including line 11 on page 21

(44)Page 21, after line 11, insert:

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for liquidation of obligations incurred for grants-in-aid for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations and obligations for noise compatibility planning and programs, $100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended.

(45)Page 21, after line 11, insert:

TITLE IX

DEPARTMENT OF THE TREASURY

(46)Page 21, after line 11, insert:

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $320,000, for repairs and improvements to the Main Treasury building and annex, to remain available until expended: Provided, That language under this heading in the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102-141; 105 Stat. 834), is amended by deleting the following: "not to exceed $490,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex"; and inserting in lieu thereof: "not to exceed $1,690,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex".

(47)Page 21, after line 11, insert:

INTERNATIONAL AFFAIRS

The language under this heading in the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102-141; 105 Stat. 834), is amended by inserting after "system modernization requirements" the following: "; not to exceed $300,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex".

(48)Page 21, after line 11, insert:

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,298,000, for systems modernization activities, to remain available until expended.

(49)Page 21, after line 11, insert:

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000, for systems modernization activities, to remain available until expended.

(50)Page 21, after line 11, insert:

UNITED STATES MINT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $270,000, for expansions and improvements to existing Mint facilities, to remain available until expended.

(51)Page 21, after line 11, insert:

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", $5,226,000, for systems modernization activities, to remain available until expended.

(52)Page 21, after line 11, insert:

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,400,000, for the White House armored window project, to remain available until expended.

(53)Page 21, after line 11, insert:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $1,273,000 are rescinded.

(54)Page 21, after line 11, insert:

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $220,000 are rescinded.

PROCESSING TAX RETURNS AND ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $1,460,000 are rescinded.

TAX LAW ENFORCEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $2,999,000 are rescinded.

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $270,000 are rescinded.

(55)Page 21, after line 11, insert:

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $4,292,000 are rescinded.

(56)Page 21, after line 11, insert:

TITLE X

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Jocelyn Burdick, widow of Quentin N. Burdick, late a Senator from North Dakota, $129,500.

(57)Page 21, after line 11, insert:

TITLE XI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS PROVIDING ASSISTANCE FOR NEEDS RESULTING FROM NATURAL DISASTERS

(58)Page 21, after line 11, insert:

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities" to cover the costs for the restoration of facilities damaged or destroyed by Hurricane Andrew, $12,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program", $25,000,000, to remain available until the end of fiscal year 1993: Provided, That funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That $8,500,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

For an additional amount for the "Commodity Credit Corporation Fund" to cover the incremental costs of crop losses arising from the consequences of Hurricane Andrew, or from damaging weather or related condition, as defined in section 2251 of Public Law 101-624, $300,000,000 to remain available until expended: Provided, That this additional amount is hereby made available as authorized by the terms and conditions specified in Public Law 101-624 and Public Law 102-229: Provided further, That in establishing yields for disaster payments to producers of the 1992 crop of sugarcane and sugar beets, the Secretary of Agriculture may make adjustments to county yields for adverse weather conditions during the 1989, 1990, and 1991 crop years: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. Notwithstanding any other provision of law or statute, any producer of crops and livestock who has suffered at least 40 percent loss to a program crop, 25 percent loss to livestock, and damage to building structures in 1992 as a consequence of a microburst wind occurrence shall be eligible for Emergency Crop Loss Assistance and Emergency Livestock Feed assistance as set forth in the Disaster Assistance Act of 1990, Public Law 101-624 (7 U.S.C. 1421 note), and loan guarantees from the Rural Development Insurance Fund program (7 U.S.C. 1929a).

For an additional amount for the "Commodity Credit Corporation Fund" to cover the costs arising from the consequences of natural disasters, $30,000,000, for the Tree Assistance Program, to remain available until the end of fiscal year 1993: Provided, That $10,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That such funds shall be used to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory: Provided further, That payments under this program shall be determined in accordance with Public Law 101-624: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for the "Commodity Credit Corporation Fund" to cover the incremental costs arising from the consequences of Hurricane Andrew and other natural disasters during 1992, up to $100,000,000, for payments to aquaculture producers and to oyster farmers who harvest oysters commercially, to remain available until expended: Provided, That such payments shall be under the same terms and conditions as payments authorized to crop producers under Public Law 101-624: Provided further, That such payments shall be made available at a rate not to exceed the pro-rata payment rate received in fiscal year 1993 by producers as a result of appropriations made by this Act and Public Law 102-229: Provided further, That the entire amount shall be made available only if designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" $3,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural Water and Waste Disposal Grants" $24,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For an additional amount for "Rural housing for domestic farm labor" $10,000,000, to remain available until the end of fiscal year 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For an additional amount for "Emergency Community Water Assistance Grants" $12,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds shall be available only to the extent funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL CREDIT INSURANCE PROGRAM ACCOUNT

For an additional amount for "Agricultural Credit Insurance Program Account" $40,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $150,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for "Rural Housing Insurance Program Account" for the cost of section 504 housing repair loans $5,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $10,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Development Insurance Fund Program account" for the costs of direct and guaranteed loans, to remain available until the end of fiscal year 1993: $5,000,000 for the cost of water and sewer facility direct loans, to subsidize additional gross obligations for the principal amount of loans not to exceed $30,000,000; and $18,000,000 for the cost of guaranteed industrial development loans, to subsidize total loan principal any part of which is to be guaranteed, not to exceed $300,000,000: Provided, That no application for a loan guarantee under this section shall be denied on the basis that an organization, tribe, or entity engages in whole or in part in production agriculture nor shall such a loan guarantee be denied under provisions of 7 U.S.C. 1926(a)(7): Provided further, That the entire amount appropriated shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $15,000,000 of the $18,000,000 provided for the cost of guaran-

teed industrial development loans shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

RURAL DEVELOPMENT LOAN PROGRAM ACCOUNT

For an additional amount for the "Rural Development Loan Program Account" for the cost of rural development loans, $7,058,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $13,500,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations," $50,000,000, to remain available until the end of fiscal year 1993: Provided, That $15,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(59)Page 21, after line 11, insert:

CHAPTER II

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Of the amounts available under this heading in the Department of Justice Appropriations Act, 1992, not to exceed $510,000 to be used by the Executive Office of Immigration Review may be available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and expenses, United States Marshals Service" to cover the incremental costs arising, from the consequences of Hurricane Andrew, $10,724,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States prisoners" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,691,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,139,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $451,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $16,559,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUILDING AND FACILITIES

For an additional amount for "Building and facilities" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,000,000 to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities" to cover the incremental costs arising from the consequences of Hurricane Andrew, $9,891,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Operations, research and facilities" for a grant to the Louisiana Department of Wildlife and Fisheries, pursuant to Section 308(b) of the Fishery Conservation and Management Act (P.L. 99-659), $8,500,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" pursuant to the Public Works and Economic Development Act of 1965 as amended, to be used for grants to assist states and local communities in recovering from the consequences of Hurricane Andrew, Hurricane Iniki, the severe storms that caused damage to electrical cooperatives in the State of Kansas on June 15, 1992, and July 7 and 8, 1992, and Typhoon Omar, $70,000,000, to remain available until expended; and in addition, $5,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

THE JUDICIARY

COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $300,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans,

$256,800,000 to remain available until expended; and in addition, for administrative expenses to carry out the disaster loan program, an additional $80,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition $20,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act is transmitted by the President to Congress

In addition, for the cost of emergency disaster loans and associated administrative expenses, $75,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency pursuant to section 251 of said Act: Provided further, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act is transmitted by the President to Congress.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $5,890,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(60) Page 21, after line 11, insert:

CHAPTER III

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $10,700,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $58,200,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $8,800,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,900,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,400,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $142,900,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $228,000,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $3,300,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and maintenance, Air Force Reserve" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $13,200,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,400,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to

other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $2,000,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $31,500,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

(61)Page 21, after line 11, insert:

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Flood control, Mississippi River and Tributaries" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,100,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $40,000,000, to remain available until expended, of which $25,000,000 is to cover the incremental costs arising from the consequences of Hurricane Andrew and $15,000,000 is for replenishment of this account for future emergency response: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

(62)Page 21, after line 11, insert:

CHAPTER V

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,300,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESOURCE MANAGEMENT

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $26,000,000, to remain available until expended: Provided, That $24,500,000 of these funds are to be provided as a grant from the Fish and Wildlife Service to the Louisiana Department of Wildlife and Fisheries: Provided further, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of National Park System" to cover the incremental costs arising from the consequences of Hurricane Andrew, $15,200,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HISTORIC PRESERVATION FUND

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $300,000, to remain available until expended: Provided, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction" to cover the incremental costs arising from the consequences of Hurricane Andrew, $18,800,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GEOLOGICAL SURVEY

SURVEYS, AND INVESTIGATIONS AND RESEARCH

For an additional amount for "Surveys, investigations and research" to cover the incremental costs arising from the consequences of Hurricane Andrew, and Typhoon Omar, $2,800,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $1,800,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $1,200,000, to remain available until expended: Provided, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,500,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,800,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $2,900,000, to remain available until expended: Provided, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for

a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(63)Page 21, after line 11, insert:

CHAPTER VI

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for Training and Employment Services, $30,000,000, to be available for obligation for the period July 1, 1992–July 30, 1993, for training in areas affected by recent natural disasters: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH EMERGENCY FUND

For carrying out section 319(a) of the Public Health Service Act with respect to public health emergencies created by natural disasters such as Hurricane Andrew and Typhoon Omar, not to exceed $63,600,000, to remain available until expended: Provided, That these amounts shall be available for any activity authorized under the Public Health Service Act, for repairs or replacement of property used in connection with a Federal or Federally-assisted program but damaged or destroyed by the natural disaster, and for the provision to individuals and families directly affected by the disaster of services of the type provided under a program conducted or assisted by the Department: Provided further, That notwithstanding sections 214 and 513 of Public Law 102–170, and any other provision of law, amounts spent for travel associated with the performance of additional functions or duties necessitated by Hurricane Andrew or Typhoon Omar shall not be counted against the limits that apply by reason of any such provision: Provided further, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for "Alcohol, Drug Abuse, and Mental Health", to carry out section 1911 of the Public Health Service Act for areas affected by natural disasters such as Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $20,000,000, of which $10,000,000 shall be for mental health services, to remain available through September 30, 1993: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

For an additional amount for "Payments to States for Child Care Assistance", for areas affected by natural disasters such as Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $20,000,000: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

HUMAN DEVELOPMENT SERVICES

For an additional amount for "Human Development Services," $2,000,000, for the United Houma Nation, Terrebonne Parish: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF EDUCATION

IMPACT AID

For an additional amount for "Impact aid", $42,500,000, to remain available through September 30, 1993, of which $30,000,000 shall be for carrying out disaster assistance activities authorized by section 7(a) of Public Law 81–874, as amended, and of which $12,500,000 shall be to help pay for operating costs for schools affected by Hurricane Andrew and Typhoon Omar: Provided, That notwithstanding any other provision of law, the payments for operating costs shall be provided on a noncompetitive basis upon the request of the affected school district and the Governor and on such terms and conditions as the Secretary of Education may reasonably require: Provided further, That notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall not be required to issue regulations to implement this authority to pay for operating costs: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $20,000,000 of these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

EDUCATIONAL EXCELLENCE

For an additional amount for "Educational excellence", $40,000,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards for award year 1992–1993, made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended prior to enactment of Public Law 102–325, $40,000,000: Provided, That notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of said Act that the Secretary deems necessary to assist individuals who suffered financial harm from Hurricane Andrew or Typhoon Omar, and who, at the time Hurricane Andrew struck the United States or Typhoon Omar struck Guam, were residing, attending an institution of higher education, or employed within these areas on the date which, the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from Hurricane Andrew, and who resided, or was employed in such an area at that time): Provided further, That notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, exercise this authority, through publication of waivers or modifications of statutory and regulatory provisions, as he deems necessary to assist such individuals: Provided further, That such authority shall be in effect only for awards for award year 1992–1993: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

SEC. 601. WAIVER AUTHORIZATION.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Education is authorized to grant waivers to recipients of Federal funds under any of the programs described in subsection (b) that are substantially affected by Hurricane Andrew or Typhoon Omar to waive the restrictions regarding the uses of funds under any such programs, but only if such recipients demonstrate to the satisfaction of the Secretary in the application submitted under subsection (d) that such restrictions impose a demonstrable barrier to the progress of such recipient in overcoming the effects of Hurricane Andrew or Typhoon Omar.

(2) REQUIREMENTS.—The Secretary shall only grant waivers under this section—

(A) for school year 1992–93; and

(B) if the application submitted under subsection (d) contains the approval of the Governor subsequent to a request of the school districts.

(b) PROGRAMS.—The programs for which waivers may be granted under subsection (a) are programs under—

(1) the Carl D. Perkins Vocational Education and Applied Technology Act;

(2) the Drug-Free Schools and Communities Act of 1986;

(3) subtitles A, B, and C of title VII of the Stewart B. McKinney Homeless Assistance Act;

(4) The Jacob K. Javits Gifted and Talented Students Education Act of 1988;

(5) chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

(6) chapter 2 of title I of the Elementary and Secondary Education Act of 1965;

(7) the Dwight D. Eisenhower Mathematics and Science Education Act;

(8) the School Dropout Demonstration Assistance Act; and

(9) the Adult Education Act.

(c) Notwithstanding any other provision of law, the Secretary of Education is authorized to grant to recipients of Federal funds under programs authorized by the Rehabilitation Act of 1973, as amended, that are substantially af-

fected by Hurricane Andrew, Hurricane Iniki, or Typhoon Omar, a waiver or modification of restrictions regarding requirements for the matching of Federal funds, maintenance of effort, and time period for the obligation of Federal funds but only if such recipients demonstrate to the satisfaction of the Secretary in the application submitted under subsection (c) that such restrictions impose a demonstrable barrier to the progress of such recipient in overcoming the effects of Hurricane Andrew or Typhoon Omar.

(1) The Secretary shall only grant waivers under this authority for fiscal years 1992 and 1993.

(d) REALLOCATION OF FUNDS.—

(1) For fiscal year 1992, the Secretary shall make up to seventy-five percent of excess amounts available for reallotment under sections 110, 633, and 703 of the Rehabilitation Act of 1973 to recipients of Federal funds under the Act substantially affected by Hurricane Iniki, Hurricane Andrew, or Typhoon Omar, upon the receipt of an application submitted under subsection (c).

(e) APPLICATION.—Each recipient of Federal funds under programs authorized under the Rehabilitation Act desiring a waiver and/or reallotment under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(f) LIMITATIONS.—Subsection (a) shall not be construed as permitting the Secretary of Education—

(1) to authorize any changes in, substitutions for, or lessening of the mandates and protections of Federal laws and regulations regarding civil rights, discrimination, and safety, and the procedural safeguards contained therein;

(2) to affect regulations and prohibitions concerning the diversion of Federal funds for private use;

(3) to absolve any State of—

(A) any purposes, goals, or objectives for students targeted by the programs described in subsection (b); or

(B) any requirement to provide for the equitable participation of private school students according to the requirements of the programs described in subsection (b); or

(4) to reduce services to schools unaffected by Hurricane Andrew or Typhoon Omar, or

(5) to change the way funds are utilized for programs which are not described in subsection (b), except as otherwise provided in this Act.

(g) APPLICATION.—Each recipient of Federal funds under any of the programs described in subsection (b) desiring a waiver under this section shall submit an application to the Secretary of Education at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

(64) Page 21, after line 11, insert:

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,000,000, to remain available until September 30, 1997: Provided, That this appropriation is consistent with the provisions of Public Law 101-510.

For an additional amount for "Military Construction, Air Force", $66,000,000, for the limited purpose of restoring airfield operations, to remain available until expended: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further,That none of the funds are available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions pending completion of the 1993 Base Closure process.

For an additional amount for "Military Construction, Air Force" to cover the incremental costs arising from the consequences of Typhoon Omar, $7,600,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAMILY HOUSING, DEFENSE

FAMILY HOUSING, AIR FORCE

For an additional amount for "Family Housing, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew, $16,000,000, to remain available until September 30, 1997: Provided, That this appropriation is consistent with the provisions of Public Law 101-510.

For an additional amount for "Family Housing, Air Force" to cover the incremental costs arising from the consequences of Typhoon Omar, $21,200,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", $60,130,000, to remain available for obligation until September 30, 1996: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Military Construction, Navy" to cover the incremental costs arising from the consequences of Typhoon Omar, $21,400,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for "Family Housing, Navy and Marine Corps", $56,700,000, to remain available for obligation until September 30, 1996: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental costs arising from the consequences of Typhoon Omar, $30,500,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(65) Page 21, after line 11, insert:

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $13,806,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements" to cover the incremental costs arising from the consequences of Hurricane Andrew, $11,500,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

For an additional amount for "Facilities and equipment" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $15,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

EMERGENCY TRANSPORTATION

For an additional amount for "Emergency transportation" to cover the incremental costs arising from the consequences of Hurricane Andrew, $44,000, to be derived by transfer from "Research and technology", to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY STUDIES

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For an additional amount to carry out a feasibility study, $300,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(66) Page 21, after line 11, insert:

CHAPTER IX

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $590,000, to remain available until expended: Provided, That this entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $4,670,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of

the Balanced Budget Emergency Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For an additional amount for "Operation and maintenance, air and Marine interdiction programs" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,500,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Deficit Control Act of 1985, as amended.

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For an additional amount for "Customs air interdiction facilities, construction, improvements and related expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $19,250,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Deficit Control Act of 1985, as amended.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For an additional amount for "Tax law enforcement" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,173,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS FOR NATURAL DISASTERS

To enable the President to meet unanticipated needs to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, there is appropriated $350,000,000, to remain available until expended, of which $300,000,000 may be transferred to "Disaster relief", Federal Emergency Management Agency, for disaster assistance payments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and of which $50,000,000 may be transferred to any other account only for unanticipated incremental costs arising from the consequences of Hurricane Andrew and Hurricane Iniki: Provided, That all of these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount for "Real Property Operations" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,500,000, to remain available until expended: Provided, That the aggregate limitation on Federal Buildings Fund obligations established in Public Law 102-141 is hereby increased by such amount; Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PERSONAL PROPERTY ACTIVITIES

FEDERAL SUPPLY SERVICE

For an additional amount for the "Federal Supply Service" to cover the incremental costs arising from the consequences of Hurricane Andrew, $700,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

SEC. 901. AGENCY ACCEPTANCE OF DONATIONS FOR FEDERAL EMPLOYEES.

(a) Notwithstanding any other provision of law, Federal agencies may accept gifts of property, money, or anything else of value from non-Federal sources for extraordinary and unanticipated expenses incurred by agency employees in their personal capacity within the areas designated as disaster areas pursuant to the President's declaration of a disaster resulting from Hurricane Andrew and Typhoon Omar.

(b) Agencies shall establish written procedures to implement this program, which shall, at a minimum, include provisions that ensure that (1) all money or cash gifts shall be collected directly by the agency before distribution, (2) all property or other tangible gifts shall be recorded and approved by the agency before deliverance to any individual employee, and (3) these gifts are distributed to agency employees in a fair and equitable manner.

(c) Agencies may accept gifts designated for individual employees. Agencies shall ensure that any gift designated for an individual employee is appropriate under the circumstances, taking into account, among other things, the official relationship of the employee to the source of the gift.

(d) This provision shall be effective through September 30, 1993.

(67) Page 21, after line 11, insert:

CHAPTER X

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters, $15,793,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters, $156,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Annual contributions for assisted housing" for voucher assistance for the victims of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters, not to exceed $183,000,000, to be derived by transfer prior to October 1, 1993, from the "Disaster relief" account of the Federal Emergency Management Agency: Provided, That such amounts shall be for rental housing voucher assistance pursuant to section 8(o) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f(o)): Provided further, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except provisions requiring nondiscrimination, in connection with the obligation by the Secretary or the use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HOUSING COUNSELING ASSISTANCE

For an additional amount for "Housing counseling assistance" for contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, $500,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FHA GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for the "General and Special Risk Program Account" for the cost of guaranteed loans authorized by the National Affordable Housing Act, as amended (12 U.S.C. 1715z—3(b) and 1735c(f)), $30,397,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed prior to the end of fiscal year 1993, not to exceed $2,428,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $10,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters, $60,000,000, to remain available until expended: Provided, That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided under this heading, require any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of Public Law 101-625: Provided further, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except for provisions requiring nondiscrimination, in connection with the obligation by the Secretary or any use by any

recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress: Provided further, That notwithstanding any other provision of this Act, funds provided under this heading that are allocated by the Secretary to the State of Hawaii are for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108), and in the case of programs for individuals directly to lessees under the provisions of the Act of July 9, 1921.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for necessary administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, $4,000,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $200,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act, $2,843,000,000, to remain available until expended, of which $35,295,630 shall be made available to reimburse the State of South Carolina for costs incurred due to Hurricane Hugo, and of which $493,000,000 shall be available only to the extent that an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251 of said Act: Provided further, That, notwithstanding any other provision of law, amounts provided under this paragraph shall be made available to the State of Hawaii under the same terms and conditions as funds made available to the State of Florida: Provided further, That an additional $589,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters, $50,000,000, to remain available through September 30, 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans for the "Community Disaster Loan Program," not to exceed $200,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $35,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared natural disasters, $15,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $10,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress.

(68) Page 21, after line 11, insert:

TITLE XII—ADDITIONAL ASSISTANCE TO DISTRESSED COMMUNITIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount to carry into effect the Job Corps Program under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1692 et seq.), $40,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for the community health centers program under section 329 and section 330 of the Public Health Services Act (42 U.S.C. 254c), $20,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for the Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), $40,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

For projects with respect to high risk youth under section 517 of the Public Health Service Act (as amended by the ADAMHA Reorganization Act), $10,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

OFFICE OF THE SECRETARY

NATIONAL COMMUNITY ECONOMIC PARTNERSHIP

For the National Community Economic Partnership program, $40,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

For the Youth Build program under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, $15,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

OFFICE OF COMMUNITY BANKING

For the Enterprise Capital Access Fund Demonstration Program, $25,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $10,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

INTERAGENCY COUNCIL

BLOCK GRANT FUNDING FOR ELIGIBLE PROGRAMS

For the interagency council for assistance on behalf of each tax enterprise zone designated under section 1391 of the Internal Revenue Code of 1986, $300,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

(69) Page 21, after line 11, insert:

TITLE XIII—WORKERS' FAMILY PROTECTION

SEC. 1301. WORKERS' FAMILY PROTECTION

(a) SHORT TITLE.—This section may be cited as the "Workers' Family Protection Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) hazardous chemicals and substances that can threaten the health and safety of workers are being transported out of industries on workers' clothing and persons;

(B) these chemicals and substances have the potential to pose an additional threat to the health and welfare of workers and their families;

(C) additional information is needed concerning issues related to employee transported contaminant releases; and

(D) additional regulations may be needed to prevent future releases of this type.

(2) PURPOSE.—It is the purpose of this section to—

(A) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in paragraph (1);

(B) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families;

(C) clarify regulatory authority for preventing and responding to such incidents; and

(D) assist workers in redressing and responding to such incidents when they occur.

(c) EVALUATION OF EMPLOYEE TRANSPORTED CONTAMINANT RELEASES.

(1) STUDY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health (hereafter in this section referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Adminis-

trator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplaces of such workers'.

(B) MATTERS TO BE EVALUATED.—In conducting the study and evaluation under subparagraph (A), the Director shall—

(i) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(I) the National Institute for Occupational Safety and Health;

(II) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(III) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(IV) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(ii) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(iii) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(I) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(II) the health effects, if any, of the resulting exposure on workers and their families;

(III) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers' homes and personal clothing;

(IV) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(V) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(iv) identify the role of Federal and State agencies in responding to incidents of home contamination;

(v) prepare and submit to the Task Force established under paragraph (2) and to the appropriate committees of Congress, a report concerning the results of the matters studied or evaluated under clauses (i) through (iv); and

(vi) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the appropriate committees of Congress a report concerning the findings with respect to such study.

(2) DEVELOPMENT OF INVESTIGATIVE STRATEGY.—

(A) TASK FORCE.—Not later than 12 months after the date of enactment of this Act, the Director, in cooperation with the National Institute of Environmental Health Services, shall establish a working group, to be known as the "Workers' Family Protection Task Force". The Task Force shall—

(i) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, the National Research Council, and government agencies, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(ii) review the report submitted under paragraph (1)(B)(v);

(iii) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(iv) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(B) INVESTIGATIVE STRATEGY.—

(i) CONTENT.—The investigative strategy developed under subparagraph (A)(iv) shall identify data gaps that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(ii) PEER REVIEW.—The Director shall publish the proposed investigative strategy under subparagraph (A)(iv) for public comment and utilize other methods, including technical conferences or seminars and a review by the National Research Council, for the purpose of obtaining comments concerning the proposed strategy.

(iii) FINAL STRATEGY.—After the peer review and public comment is conducted under clause (ii), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under subparagraph (A)(iii).

(C) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(3) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under subparagraph (B)(iii), each Federal agency or department shall fulfill the role assigned to it by the strategy.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 4 years after that date of enactment of this Act, and periodically thereafter, the Secretary of Labor, based on the information developed under subsection (c) and on other information available to the Secretary, shall—

(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(B) prepare and submit to the appropriate committees of Congress a report concerning the results of such determination.

(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

House amendment to Senate amendment numbered 69: In lieu of the matter proposed by the Senate, strike all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and Administration", $2,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING RESCISSION)

Of the funds made available under this heading in Public Law 102-140, $2,120,000 are rescinded.

Notwithstanding section 318(d) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(d)), amounts provided pursuant to Public Law 101-162 for the acquisition of Buxton Woods shall remain available to the State of North Carolina through September 30, 1993.

FOREIGN FISHING OBSERVER FUND

(RESCISSION)

Of the unobligated balances in the Foreign Fishing Observer Fund, $1,309,000 are rescinded.

FISHING VESSEL OBLIGATIONS GUARANTEES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-140, $930,000 are rescinded.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

Amounts appropriated under this title by Public Law 101-515 and available through September 30, 1992, for debt collection training, locating debtors and their property, and selling debtor property also may be used for processing and tracking debts owed to the United States Government.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $80,000,000: *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

For an additional amount for "Defender Services", $31,250,000, to remain available until expended: *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

The language under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and expenses" in Public Law 102-27 is amended by deleting "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

Notwithstanding the requirement of section 415 of Public Law 101-650 to submit the report mandated by said section not later than one year after the date of the Commission's first meeting, the National Commission on Judicial Discipline and Removal shall submit to each House of Congress, the Chief Justice of the United States, and the President, the report mandated in said section no later than August 1, 1993.

RELATED AGENCY

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000, to remain available until September 30, 1993: *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—TITLE I

SEC. 101. Notwithstanding the provisions of sec. 1402 of the Victims of Crime Act of 1984, as amended (42 U.S.C. 10601), amounts deposited into the Crime Victims Fund during fiscal year 1992, in excess of $152,200,000 shall be available to the Attorney General without fiscal year limitation for expenses associated with the activation and operation of Federal prisons.

MONTEREY BAY NATIONAL MARINE SANCTUARY

SEC. 102. (a) ISSUANCE OF DESIGNATION NOTICE.—Notwithstanding section 304(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(b))—

(1) the Secretary of Commerce shall, on September 18, 1992, (or as soon thereafter as is practicable), publish under that Act in the Federal Register a notice of the designation of the Monterey Bay National Marine Sanctuary (hereafter in this section the "Sanctuary"), as described in the notice of designation submitted to the Congress on September 15, 1992, and

(2) that designation shall take effect the later of September 18, 1992, or the date of enactment of this Act.

(b) OIL AND GAS ACTIVITIES PROHIBITED.—Notwithstanding any other provision of law, no leasing, exploration, development or production of oil or gas shall be permitted within the Sanctuary as required by section 944.5 of the Final Environmental Impact Statement and Management Plan for the Monterey Bay National Marine Sanctuary, published by the Department of Commerce in June 1992.

(c) INTERAGENCY COOPERATION.—

(1) REVIEW OF AGENCY ACTIONS.—

(A) IN GENERAL.—Federal agency actions internal or external to the Sanctuary including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Secretary.

(B) AGENCY STATEMENTS REQUIRED.—Subject to any regulations the Secretary may establish, each Federal agency proposing an action described in subparagraph (A) shall provide the Secretary with a written statement describing the action and its potential effects on sanctuary resources at the earliest practicable time, but in no case later than 45 days before the final approval of the action unless each Federal agency and the Secretary agree to a different schedule.

(2) SECRETARY'S RECOMMENDED ALTERNATIVES.—If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary shall (within 45 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which may include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources.

(3) RESPONSE TO RECOMMENDATIONS.—The agency head who receives the Secretary's recommended alternatives under paragraph (2) shall promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the alternatives, the agency head shall provide the Secretary with a written statement explaining the reasons for that decision.

(d) VESSEL TRAFFIC.—Within 18 months of the date of enactment of this Act, the Secretary of Commerce and Secretary of Transportation, in consultation with the State of California and with adequate opportunity for public input, shall report to Congress on measures for regulating vessel traffic in the Sanctuary if it is determined that such measures are necessary to protect sanctuary resources.

TITLE II

DEPARTMENT OF DEFENSE—MILITARY

SUPPLEMENTAL APPROPRIATIONS

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $116,000,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", $33,000,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $263,000,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $69,700,000, to remain available for obligation until September 30, 1993: *Provided*, That $50,000,000 of this appropriation shall be used to provide educational assistance to school districts where there are significant increases in the number of military dependent students as the result of relocation or realignment of Armed Forces personnel: *Provided further*, That the $50,000,000 specified in the preceding proviso shall be allocated to school districts where at least thirty percent of the students in average daily attendance in the schools are military dependent students: *Provided further*, That the $50,000,000 shall be made available only to supplement, not supplant, the amount of any other Federal, State, or local government funds otherwise authorized or expended for education of dependents of members of the Armed Forces: *Provided further*, That a portion of the $50,000,000 may be made available for construction.

ENVIRONMENTAL RESTORATION, DEFENSE

For an additional amount for "Environmental Restoration, Defense", $447,500,000, to remain available for obligation until September 30, 1993.

PROCUREMENT

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $4,372,000, to remain available for obligation until September 30, 1994.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

For an additional amount for "Research, Development, Test and Evaluation, Defense Agencies", $74,800,000, to remain available for obligation until September 30, 1993: *Provided*, That $5,000,000 of the funds appropriated in this paragraph shall be made available only for a National Defense Center of Excellence for Research in Ocean Sciences to be established through cooperation between the Defense Advanced Research Projects Agency (DARPA) and the Hawaii High Technology Development Corporation (a government entity) for the purposes of conducting research and development activities of interest to the Department of Defense on such topics as ocean environment preservation technology, new ship hull design concepts, shallow water surveillance technologies, ocean measurement instrumentation, and the unique properties of the deep ocean environment.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

For an additional amount for "Pentagon Reservation Maintenance Revolving Fund", $80,100,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $3,400,000.

TRANSFER OF FUNDS

OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF ADDITIONAL FUNDS)

For additional incremental costs of the Department of Defense associated with operations in and around the Persian Gulf resulting from Operation Desert Shield/Desert Storm, and under the terms and conditions of the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102-28), in addition to the amounts that may be transferred to appropriations available to the Department of Defense pursuant to that Act and the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229), not to exceed $3,431,176,560 may be transferred during fiscal years 1992 and 1993 to then currently applicable appropriations from the Defense Cooperation Account, to the following accounts in not to exceed the following amounts:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $1,007,961,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $170,400,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $17,127,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $313,500,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $1,355,274,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", $75,000,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", $224,600,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $247,200,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $4,900,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", $15,214,560, to remain available for obligation until September 30, 1993.

OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF EXISTING FUNDS)

For the purpose of adjusting amounts which may be transferred to military personnel and operation and maintenance appropriations pursuant to the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102-28) and the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229) and under the terms and conditions of those Acts, the Secretary of Defense may make adjustments to the amounts provided for transfer by such Acts in amounts not to exceed $611,010,000 and provide for the transfer of such amounts to the following accounts in not to exceed the following amounts to be available to the Department of Defense during fiscal years 1992 and 1993: *Provided*, That the Secretary of Defense shall provide prior notification to the Committees on Appropriations of the House of Representatives and the Senate indicating the accounts from which the funds will be derived for such transfers:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

NATIONAL GUARD PERSONNEL, ARMY

To be derived by transfer, $12,500,000 for "National Guard Personnel, Army".

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

To be derived by transfer, $341,310,000 for "Operation and maintenance, Army", to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, NAVY

To be derived by transfer, $257,200,000 for "Operation and maintenance, Navy", to remain available for obligation until September 30, 1993.

RESCISSION OF FUNDS

PERSIAN GULF REGIONAL DEFENSE FUND

(RESCISSION)

Of the funds made available under this heading in the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102-28; 105 Stat. 161), $14,696,040,000 is hereby rescinded: *Provided*, That the Persian Gulf Regional Defense Fund is hereby terminated.

GENERAL PROVISIONS—TITLE II

(TRANSFER OF FUNDS)

SEC. 201. Section 103 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229; 105 Stat. 1707) is amended by striking out "fiscal years 1991 and 1992" and inserting "fiscal years 1992 and 1993" in lieu thereof and by striking out "through February 1992".

SEC. 202. (a) The Secretary of Defense shall transfer up to $40,000,000 in additional funds from the Defense Cooperation Account to the appropriate appropriations accounts within the Department of Defense to remain available until expended for Kurdish humanitarian needs and related transportation costs to include, but not be limited to, the prepositioning of emergency food stocks, water and seed, the provision of medical assistance, the establishment of regional medical clinics in recognized Kurdish areas of Iraq and the extension of technical assistance for land mine clearing, the drilling of water wells and the construction of temporary shelters.

(b) The Secretary of Defense shall report to the Committees on Appropriations and Armed Services of the House of Representatives and Senate at the start of each quarter in fiscal year 1993 on the steps taken to bring relief and restore the well-being and security of the people of recognized Kurdish areas of Iraq.

SEC. 203. Of the funds appropriated under the heading "Operation and Maintenance, Army" in the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1152), $6,800,000 shall be available only for a grant to the Monterey Institute of International Studies and shall be obligated prior to September 30, 1992: *Provided*, That for the purposes of maintaining the industrial base, $60,000,000 of the funds available in the Defense Business Operations Fund, combined with funds otherwise available to the Department of Defense, shall be obligated forthwith for the purchase of 2.88 million cases of Meals Ready to Eat.

SEC. 204. Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Army" in title IV of the Department of Defense Appropriations Act, 1992 (Public Law 102-172), not less than $5,000,000 shall be made available only for the National Defense Environmental Corporation, or its successor in interest, for the continued establishment and operation of the National Defense Center for Environmental Excellence.

SEC. 205. Funds appropriated to the Department of Defense in the Department of Defense Appropriations Act, 1991 (Public Law 101-511) and made available for transfer to the Department of Commerce and the Department of Labor to assist State and local governments significantly impacted by reductions in defense industry employment or reductions in the number of military and civilian personnel residing in such States and communities shall be available until September 30, 1997.

SEC. 206. Notwithstanding section 2391 of title 10, United States Code, the Secretary of Defense may make a grant of $1,100,000 to assist Astoria, Oregon in the planning, design and modification of facilities and support infrastructure to accommodate new Navy Minesweeper/Minehunter vessels.

SEC. 207. Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Army" in the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1164), $8,000,000 shall be available only for neurofibromatosis research.

SEC. 208. Funds available to the Department of Defense for the payment of allowances under the provisions of section 405a of title 37, United States Code, may be used to make payments of such allowances retroactive to August 23, 1992: *Provided*, That dependents residing incident to government orders in the vicinity of Homestead Air Force Base, Florida on August 23, 1992 who actually moved to a safe haven designated by an authority ordering the departure of dependents shall be entitled to an allowance under the provisions of section 405a of title 37, United States Code, notwithstanding the fact that the member's duty station may have been at a place other than Homestead Air Force Base: *Provided further*, That for the purpose of section 5725 of title 5, United States Code, the departure of civilian employees of the Department of Defense and their dependents from the vicinity of Homestead Air Force Base on or after August 23, 1992 shall be considered to be an evacuation: *Provided further*, That funds available to the Department of Defense shall be available until September 30, 1994 for the payment of up to $40,000 per claim for personal property damage and losses to members of the uniformed services residing in the vicinity of Homestead Air Force Base as a result of Hurricane Andrew: *Provided further*, That the allowances and benefits provided under this paragraph shall be made available under equal terms and conditions to members of the uniformed services residing in the vicinity of military installations affected by Typhoon Omar and Hurricane Iniki.

SEC. 209. Funds appropriated for the Office of Economic Adjustment at the Department of Defense for fiscal year 1992 are reduced by $1,000,000, and funds appropriated for the Office of the Secretary of Defense for fiscal year 1992 are increased by $1,000,000 for the purpose of making an economic impact grant to Nye County, Nevada.

TITLE III

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $237,652,000 to remain available until September 30, 1993.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

HUMAN DEVELOPMENT SERVICES

Funds appropriated in Public Law 102-170 under the heading "Human Development Services" for the "Family Violence Prevention and Services Act", shall remain available until expended.

TITLE IV

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Base Realignment and Closure Account, Part II", $162,700,000, to be available solely for environmental restoration and to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Base Realignment and Closure Account, Part II", $69,000,000, to be derived by transfer from the "Environmental Restoration, Defense" account of Public Law 102-172, to be available solely for environmental restoration and to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $500,000,000, to remain available until expended.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

The limitation on direct loans in the current fiscal year for the "Vocational rehabilitation loans program account" is increased, within existing funds, by $350,000 to not to exceed $2,038,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

Notwithstanding any other provision of law, not less than $8,700,000,000 of the sums appropriated under this heading in fiscal year 1992 shall be available only for expenses in the personnel compensation and benefits object classifications.

TRANSITIONAL HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,000, as authorized by Public Law 102-54, section 8: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $30,000. In addition, for administrative expenses to carry out the direct loan program, $25,000, which may be transferred to and merged with the appropriation for "Medical care": *Provided further*, That the sums herein appropriated are to be derived by transfer from the "Medical care" appropriation provided in Public Law 102-139.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $14,100,000, to remain available until September 30, 1993.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The unreserved balances of funding provided under this heading in Public Law 102-139 and prior years for contracts for capital advances, including amendments to contracts for capital advances, and for project rental assistance, and amendments to contracts for project rental assistance, for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended, and for housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), shall be merged.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

(TRANSFER OF FUNDS)

For an additional amount of up to $407,000,000, to remain available until expended, and to be derived by transfer from the unreserved amounts in "Annual contributions for assisted housing": *Provided*, That the amount earmarked for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, shall be reduced accordingly.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 102-139, $250,000,000 is rescinded: *Provided*, That the $294,156,000 under this heading in the aforementioned Act which is not available until September 20, 1992, shall be reduced by $250,000,000 to $44,156,000.

For an additional amount for "Payments for operation of low-income housing projects", $250,000,000, to remain available until September 30, 1993: *Provided*, That these funds shall be available for obligation without regard to section 9(d) of the United States Housing Act of 1937, as amended: *Provided further*, That these funds shall not become available for obligation until September 20, 1992.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE ACCOUNT

During fiscal year 1992, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall be increased by $25,000,000,000 and shall not exceed $99,769,293,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

The $140,000,000 under this heading in Public Law 102-139 for commitments to guarantee loans shall be increased by $85,000,000 to $225,000,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 101-507, the $500,000 earmarked for the National Commission on Manufactured Housing in Public Law 102-27, is rescinded.

For an additional amount for "Research and technology", $500,000, to remain available under September 30, 1993: *Provided*, That these funds shall be made available for the National Commission on Manufactured Housing.

INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Notwithstanding any other provision of law, not more than $405,000 of the funds provided under this heading in Public Law 102-139 shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 102-139, the $950,000 earmarked for financial assistance for legal representation costs in Public Law 102-229, is rescinded.

For an additional amount for "Salaries and expenses", $950,000, to remain available until September 30, 1994: *Provided*, That these funds shall be available under the same terms and conditions as authorized for the funds under this heading in Public Law 102-229.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

Notwithstanding any other provision of law, the Administrator is authorized to award a grant under section 8001 of the Solid Waste Disposal Act, as amended, for the purchase of a building and associated costs to support a program for the environmental restoration of the Lackawanna Valley as described in House Report 102-226, the conference report accompanying H.R. 2519 (Public Law 102-139).

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $250,000, to remain available until expended, and to be derived by transfer from amounts provided to the Department of Housing and Urban Development under the heading "Research and technology" in Public Law 102-139.

TITLE VI

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

Title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992 (Public Law 102-142) is amended, under the heading "Cooperative State Research Service" in the last item of the first paragraph of that heading, for necessary expenses of Cooperative State Research Service activities pertaining to a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University, by striking "$8,580,000" and inserting in lieu thereof "$10,250,000".

COMMODITY CREDIT CORPORATION

The item relating to the "Commodity Credit Corporation" under the heading "DEPARTMENT OF AGRICULTURE" in chapter

III of title I of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229; 105 Stat. 1712) is amended by inserting after "provided to the producer" in the third proviso the following: ", and may be available for grants to assist low-income migrant and seasonal farmworkers as provided in section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a)".

TITLE VII

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount the "Construction program" to meet the emergency needs for areas stricken by drought, $30,000,000, to remain available until expended: *Provided*, That this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for liquidation of obligations incurred for grants-in-aid for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, $100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended.

GENERAL PROVISION

SEC. 801. Section 11(c)(6) of the Federal Transit Act (49 U.S.C. App. 1607c(c)(6)) is amended by adding at the end the following new sentence: "For fiscal year 1992, the Secretary shall expend from administrative and research funds deducted for such fiscal year under section 104(a) of title 23, United States Code, $1,000,000 for making grants under paragraph (3) to North Carolina A. and T. State University through the Institute for Transportation Research and Education and shall use all amounts appropriated for such fiscal year pursuant to this paragraph to carry out paragraph (3) for making grants to the University of South Florida and a consortium of Florida A and M, Florida State University, and Florida International University.".

TITLE IX

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $320,000, for repairs and improvements to the Main Treasury Building and Annex, to remain available until expended: *Provided*, That language under this heading in the Treasury, Postal Service, and General Government Appropriations Act, 1992 (Public Law 102-141; 105 Stat. 834), is amended by deleting the following: "not to exceed $490,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex"; and inserting in lieu thereof: "not to exceed $1,690,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex".

INTERNATIONAL AFFAIRS

The language under this heading in the Treasury, Postal Service, and General Government Appropriations Act, 1992 (Public Law 102-141; 105 Stat. 834), is amended by inserting after "systems modernization requirements" the following: "; not to exceed $300,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex".

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,298,000, for systems modernization activities, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,000,000 for systems modernization activities, to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $270,000, for expansion and improvements to existing Mint facilities, to remain available until expended.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the Public Debt", $5,226,000, for systems modernization activities, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,400,000, for the White House armored window project, to remain available until expended.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $1,273,000 are rescinded.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $220,000 are rescinded.

PROCESSING TAX RETURNS AND ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $1,460,000 are rescinded.

TAX LAW ENFORCEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $2,999,000 are rescinded.

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $270,000 are rescinded.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $4,292,000 are rescinded.

TITLE X

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Jocelyn Burdick, widow of Quentin N. Burdick, late a Senator from North Dakota, $129,500.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to M. Elizabeth Fischer Jones, widow of Walter B. Jones, late a Representative from the State of North Carolina, $129,500.

For payment to Sonya H. Weiss, widow of Theodore S. Weiss, late a Representative from the State of New York, $129,500.

TITLE XI

EMERGENCY SUPPLEMENTAL APPROPRIATIONS PROVIDING ASSISTANCE FOR NEEDS RESULTING FROM NATURAL DISASTERS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities" to cover the costs for the restoration of Federal research facilities destroyed or damaged by natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $15,000,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

CROP LOSSES

For an additional amount for the "Commodity Credit Corporation Fund" to cover crop losses associated with natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $482,000,000, of which $100,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available through September 30, 1993: *Provided*, That this additional amount is hereby made available as authorized by the terms and conditions specified in Public Law 101-624 and Public Law 102-229: *Provided further*, That such funds shall be available for payments to aquaculture producers and to oyster farmers who harvest oysters commercially: *Provided further*, That in establishing yields for disaster payments to producers of the 1992 crop of sugarcane and sugar beets, the Secretary of Agriculture may make adjustments to county yields for adverse weather conditions dur-

ing the 1989, 1990, and 1991 crop years; *Provided further*, That, notwithstanding any other provision of law or statute, any producer of crops and livestock who has suffered at least 40 percent loss to a program crop, 25 percent loss to livestock, and damage to building structures in 1992 as a consequence of a microburst wind occurrence shall be eligible for Emergency Crop Loss Assistance pursuant to Public Law 101-624 (7 U.S.C. 1421 note), for Emergency Livestock Feed Assistance pursuant to Public Law 100-387 (7 U.S.C. 1471 note), and for loan guarantees from the Rural Development Insurance Fund program (7 U.S.C. 1929a): *Provided further*, That if the total amount of funds made available under this Act and by Presidential designation in accordance with Public Law 102-229 is insufficient to result in payment to affected producers at the same proportionate rate as producers were paid by expenditure of the $995,000,000 made available by chapter III of Public Law 102-229, the Secretary of Agriculture may use such funds of the Commodity Credit Corporation as are necessary to make payments, to the maximum extent practicable, at the same proportionate rate: *Provided further*, That Congress hereby designates the entire amount provided herein as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

TREE ASSISTANCE PROGRAM

For an additional amount for the "Commodity Credit Corporation Fund" to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $48,000,000 for the tree assistance program, to remain available through September 30, 1993: *Provided*, That such funds shall be used to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory: *Provided further*, That payments under this program shall be determined in accordance with Public Law 101-624: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damages to the waterways and watersheds resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $62,000,000 of which $12,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available through September 30, 1993, to carry out the Emergency Watershed Protection Program of the Soil Conservation Service: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency conservation program" to repair damages to farmland resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $27,000,000, of which $10,500,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Housing Insurance Fund program account" for the cost of section 504 housing repair loans to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $19,750,000, of which $14,750,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available through September 30, 1993: *Provided*, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $39,500,000: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund program account" for the cost of emergency insured loans to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $43,285,000, to remain available through September 30, 1993: *Provided*, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $162,300,000: *Provided further*, That emergency loans made with respect to damage to an annual crop planted for harvest in 1992 and 1993 under subtitle C of the Consolidated Farm and Rural Development Act shall be made available without regard to the purchase of crop insurance under the Federal Crop Insurance Act by the producer who requests such a loan: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Development Insurance Fund program account" for the costs of direct and guaranteed loans to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, to remain available through September 30, 1993, $5,917,000 for the cost of water and sewer facility direct loans, to subsidize additional gross obligations for the principal amount of loans not to exceed $35,500,000; and $18,300,000 for the cost of guaranteed industrial development loans, to subsidize total loan principal any part of which is to be guaranteed, not to exceed $305,000,000: *Provided*, That no application for a loan guarantee under this section shall be denied on the basis that an organization, tribe, or entity engages in whole or in part in production agriculture nor shall such a loan guarantee be denied under provisions of 7 U.S.C. 1926(a)(7): *Provided further*, That Congress hereby designates the entire amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Development Loan Fund program account" for the cost of rural development loans to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $8,104,000, to remain available through September 30, 1993: *Provided*, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $15,500,000: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural water and waste disposal grants" for emergency repair to rural water and waste disposal systems damaged by natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $25,600,000, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants" for emergency repairs to rural housing of the very low-income elderly resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, pursuant to section 504 of the Housing Act of 1949, as amended (42 U.S.C. 1474), $10,000,000, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For an additional amount for "Rural housing for domestic farm labor" for the cost of repair and replacement of uninsured losses resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $10,500,000, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For an additional amount for "Emergency community water assistance grants" to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $15,400,000, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the costs arising from the consequences of natural disasters

such as Hurricanes Andrew and Iniki or Typhoon Omar, $3,200,000, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

Notwithstanding any other provision of law, the Secretary may waive the requirements of the National School Lunch Act and the Child Nutrition Act of 1966 as they pertain to schools and institutions only to the degree the Secretary determines necessary to ensure nutrition benefits for program participants in the areas directly affected by natural disasters such as Hurricanes Andrew and Iniki and Typhoon Omar: *Provided*, That Congress hereby designates any cost associated with this waiver as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOOD STAMP PROGRAM

For an additional amount for the "Food stamp program" for making benefit payments to individuals under the Food Stamp Act to meet the needs resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $400,000,000, to remain available through September 30, 1993.

GENERAL PROVISIONS—CHAPTER I

SEC. 101. Funds provided by this chapter shall be available only to the extent funds are not provided by the Federal Emergency Management Agency.

CHAPTER II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" pursuant to the Public Works and Economic Development Act of 1965 as amended, to be used for grants to assist States and local communities in recovering from the consequences of Hurricane Andrew, Hurricane Iniki, the severe storms that caused damage to electrical cooperatives in the State of Kansas on June 15, 1992, and July 7 and 8, 1992, Typhoon Omar, and other disasters, $70,000,000, to remain available until expended; and in addition, $5,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $9,891,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Operations, research, and facilities", for a grant to the Louisiana Department of Wildlife and Fisheries, for shellfish and fishery habitat restoration, $8,500,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Operations, research, and facilities", to cover incremental costs arising from the consequences of Hurricane Iniki and other disasters, $300,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for grants to States and other eligible entities to cover the costs of tourism promotion needs arising from Hurricane Andrew, Hurricane Iniki, and other disasters, $5,000,000, to remain available until expended: *Provided*, That the grants made available by this appropriation shall not be subject to the local match requirements of 22 U.S.C. 2123: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Of the amounts available under this heading in the Department of Justice Appropriations Act, 1992, not to exceed $510,000 to be used by the Executive Office of Immigration Review may be available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and expenses, United States Marshals Service", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $10,724,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States prisoners", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $16,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $1,139,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $451,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $16,559,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $10,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance", to cover the incremental costs

arising from the consequences of Hurricane Andrew and other disasters, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $5,890,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $300,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans, $331,800,000, of which $75,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available until expended; and in addition, for administrative expenses to carry out the disaster loan program, an additional $100,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That none of the funds provided in this Act may be used for the cost of direct loans to any borrower under section 7(b) of the Small Business Act to relocate voluntarily outside the community in which the disaster has occurred.

CHAPTER III

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $10,700,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $58,200,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $8,800,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,900,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For additional amount for "Operation and maintenance, Army" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,400,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $142,900,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $228,000,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $31,500,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $3,300,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and maintenance, Air Force Reserve" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $13,200,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,400,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $2,000,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general" to cover the in-

cremental costs arising from the consequences of Hurricane Andrew, $3,100,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $40,000,000, to remain available until expended, of which $25,000,000 is to cover the incremental costs arising from the consequences of Hurricane Andrew and Hurricane Iniki and $15,000,000 is for the replenishment of this account for future emergency response: *Provided*, That notwithstanding the provisions of 33 U.S.C. 701n, paragraph (a)(1), (Public Law 84-99 as amended), the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to repair and or replace the Mandeville Seawall, a vital shore protection project for Mandeville, Louisiana, damaged by Hurricane Andrew: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $27,000,000, to remain available until expended: *Provided*, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That $26,000,000 of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, in transmitted by The President to the Congress: *Provided further*, That $24,500,000 of these funds are to be provided as a grant from the Fish and Wildlife Service to the Louisiana Department of Wildlife and Fisheries.

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for "Construction and anadromous fish", $12,765,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That expenditures for Hawaii are to be made only for repair and replacement of existing facilities to approximate conditions current at the time of damage or destruction.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $23,000,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

HISTORIC PRESERVATION FUND

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $300,000, to remain available until expended: *Provided*, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction", $29,000,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $3,375,000, to remain available until September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That $1,800,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $1,200,000, to remain available until expended: *Provided*, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $1,500,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for "Construction", $3,800,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for "State and private forestry", $4,140,000, to remain available until expended: *Provided*, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER VI

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for Training and Employment Services, $30,000,000, to be available for obligation for the period July 1, 1992–July 30, 1993, for training in areas affected by recent natural disasters: *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For carrying out section 319(a) of the Public Health Service Act with respect to public health emergencies created by natural disasters such as Hurricanes Andrew and Iniki and Typhoon Omar, not to exceed $105,600,000, to remain available until expended: *Provided*, That these amounts shall be available for any activity authorized under the Public Health Service Act, for repairs or replacement of property used in connection with a Federal or Federally-assisted program but damaged or destroyed by the natural disaster, and for the provision to individuals and families directly affected by the disaster of services of the type provided under a program conducted or assisted by the Department: *Provided further*, That notwithstanding sections 214 and 513 of Public Law 102-170, and any other provision of law, amounts spent for travel associated with the performance of additional functions or duties necessitated by Hurricanes Andrew and Iniki or Typhoon Omar shall not be counted against the limits that apply by reason of any such provision: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities related to Presidentially-declared natural disasters such as Hurricanes Andrew and Iniki and Typhoon Omar, including those authorized under section 7 of Public Law 81-874, up to $42,500,000, of which $20,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as

defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available until September 30, 1993: *Provided*, That these funds shall be available for any currently authorized activity of the Department of Education: *Provided further*, That the Secretary may waive or modify any requirement of law or regulation which he determines is necessary in order to provide disaster aid as efficiently and expeditiously as possible to individuals or entities affected directly or indirectly by a Presidentially-declared emergency except that waivers or modifications of the Rehabilitation Act of 1973 shall be limited to restrictions regarding requirements for the matching of Federal funds, maintenance of effort, and time period for the obligation of Federal funds, but only if such recipients demonstrate to the satisfaction of the Secretary in their written application that such restrictions impose a demonstrable barrier to the progress of such recipient in overcoming the effects of the natural disaster: *Provided further*, That the Secretary may not waive any laws or regulations regarding civil rights, discrimination, or safety: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

EDUCATIONAL EXCELLENCE

For an additional amount for "Educational excellence", $40,000,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards for award year 1992-1993, made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended prior to enactment of Public Law 102-325, $40,000,000: *Provided*, That notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of said Act that the Secretary deems necessary to assist individuals who suffered financial harm from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, and who, at the time the disaster struck were residing, attending an institution of higher education, or employed within these areas on the date which, the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): *Provided further*, That notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, exercise this authority, through publication of waivers or modifications of statutory and regulatory provisions, as he deems necessary to assist such individuals: *Provided further*, That such authority shall be in effect only for awards for award year 1992-1993: *Provided further*, That the entire amount is designated by Congress as an emergency requirement for all purposes of the Emergency Deficit Control Act of 1985, as amended.

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" to cover planning costs arising from the consequences of Hurricane Andrew, $10,000,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of these funds are available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions at Homestead Air Force Base, Florida, pending completion of the 1993 Base Closure process.

For an additional amount for "Military Construction, Air Force", $66,000,000, for the limited purpose of restoring airfield operations at Homestead Air Force Base, Florida, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of these funds are available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions at Homestead Air Force Base, Florida, pending completion of the 1993 Base Closure process.

For an additional amount for "Military Construction, Air Force" to cover the incremental costs arising from the consequences of Typhoon Omar, $7,600,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAMILY HOUSING, AIR FORCE

For an additional amount for "Family Housing, Air Force" to cover demolition and clean up costs at Homestead Air Force Base, Florida, arising from the consequences of Hurricane Andrew, $16,000,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Family Housing, Air Force" to cover the incremental costs arising from the consequences of Typhoon Omar, $21,200,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", $60,130,000, for projects at Guam, to remain available for obligation until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Military Construction, Navy" to cover the incremental costs arising from the consequences of Typhoon Omar, $21,400,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for "Family Housing, Navy and Marine Corps", $56,700,000, for family housing at Guam, to remain available for obligation until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental costs arising from the consequences of Typhoon Omar, $30,500,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount of "Operating expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew and Hurricane Iniki, $20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements" to cover the incremental costs arising from the consequences of Hurricane Andrew and Hurricane Iniki, $21,500,000, of which $10,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Facilities and Equipment" to cover the incremental costs arising from the consequences of Hurricane Andrew, Typhoon Omar and Hurricane Iniki, $40,000,000, of which $25,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for grants-in-aid for airport planning and development under section 14 of Public Law 91-258, as amended, to cover the incremental costs arising from the consequences of Hurricane Andrew and

Hurricane Iniki, $20,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY RELIEF

(HIGHWAY TRUST FUND)

For an additional amount to the Emergency Relief Fund authorized by 23 U.S.C. 125 to cover the costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $30,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the provisions of 23 U.S.C. 125 (b)(1) and (b)(2) shall not apply to amounts available for these emergencies: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

METROPOLITAN PLANNING

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for "Metropolitan Planning" to be made available to metropolitan planning organizations in areas affected by Hurricane Andrew, Typhoon Omar, or Hurricane Iniki for conducting comprehensive reviews of transportation infrastructure needs, $3,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HIGHWAY STUDIES

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For an additional amount to carry out feasibility, design, environmental, and engineering studies, $750,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

For an additional amount, notwithstanding any other provision of law, and without regard to any obligation limitation, $10,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund, to remain available until expended, to assist transit operations affected by Hurricane Andrew and Hurricane Iniki: *Provided*, That the Secretary may establish a Federal share the Secretary deems appropriate in connection with any such project: *Provided further*, That approval by the Secretary of a grant under this provision shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

EMERGENCY TRANSPORTATION

(TRANSFER OF FUNDS)

For an additional amount for "Emergency Transportation" to cover the incremental costs arising from the consequences of Hurricane Andrew, $44,000, to be derived by transfer from "Research and technology", to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IX

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $590,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $4,670,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For an additional amount for "Operation and Maintenance, Air and Marine Interdiction Programs" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,500,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For an additional amount for "Customs Air Interdiction Facilities, Construction, Improvements and Related Expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $19,250,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For an additional amount for "Tax Law Enforcement" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,173,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

For an additional amount for "Real Property Operations" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,500,000, to remain available until expended: *Provided*, That the aggregate limitation on Federal Buildings Fund obligations established in Public Law 102-141 is hereby increased by such amount: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For an additional amount for the "Federal Supply Service" to cover the incremental costs arising from the consequences of Hurricane Andrew, $700,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

AGENCY ACCEPTANCE OF DONATIONS FOR FEDERAL EMPLOYEES

SEC. 901. (a) Notwithstanding any other provision of law, Federal agencies may accept gifts of property, money, or anything else of value from non-Federal sources for extraordinary and unanticipated expenses incurred by agency employees in their personal capacity within the areas designated as disaster areas pursuant to the President's declaration of a disaster resulting from Hurricane Andrew, Typhoon Omar, and Hurricane Iniki.

(b) Agencies shall establish written procedures to implement this program, which shall, at a minimum, include provisions to ensure that (1) all money or cash gifts shall be collected directly by the agency before distribution, (2) all property or other tangible gifts shall be recorded and approved by the agency before deliverance to any individual employee, and (3) these gifts are distributed to agency employees in a fair and equitable manner.

(c) Agencies may accept gifts designated for individual employees. Agencies shall ensure that any gift designated for an individual employee is appropriate under the circumstances, taking into account, among other things, the official relationship of the employee to the source of the gift.

(d) This provision shall be effective through September 30, 1993.

CHAPTER X

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, $16,793,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pur-

suant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $1,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress.

DEPARTMENT ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, $156,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Annual contributions for assisted housing" for voucher assistance for the victims of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, not to exceed $183,000,000, to be derived by transfer prior to October 1, 1993, from the "Disaster relief" account of the Federal Emergency Management Agency: *Provided*, That such amounts shall be for rental housing voucher assistance pursuant to section 8(o) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f(o)): *Provided further*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except provisions requiring non-discrimination, in connection with the obligation by the Secretary or the use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Annual contributions for assisted housing" for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, $100,000,000, to remain available until expended: *Provided*, That such amounts shall be available only for the development or acquisition cost of public housing, including major reconstruction of obsolete public housing projects, and modernization of existing public housing pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 14371): *Provided further*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except provisions requiring non-discrimination, in connection with the obligation by the Secretary or the use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress: *Provided further*, That none of the funds in this Act under the heading "HOME Investment Partnerships Program" shall be made available unless an official budget request that includes a designation that the entire amount of the request is an emergency requirement, as defined in section 251 of said Act, for at least a proportional amount of the $100,000,000 provided in this paragraph is transmitted by the President to the Congress: *Provided further*, That notwithstanding any other provision of this Act, funds provided under this heading that are allocated by the Secretary to the State of Hawaii are for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108), and in the case of programs for individuals directly to lessees under the provisions of the Act of July 9, 1921.

HOUSING COUNSELING ASSISTANCE

For an additional amount for "Housing counseling assistance" for contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, $500,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for the "FHA—General and special risk program account" for the cost of guaranteed loans authorized by the National Affordable Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $30,397,000, of which $10,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available until the end of fiscal year 1993: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed prior to the end of fiscal year 1993, not to exceed $2,428,000,000: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, $60,000,000, to remain available until expended: *Provided*, That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided under this heading, required any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of Public Law 101-625: *Provided further*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except for provisions requiring non-discrimination, in connection with the obligation by the Secretary or any use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress: *Provided further*, That notwithstanding any other provision of this Act, funds provided under this heading that are allocated by the Secretary to the State of Hawaii are for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108), and in the case of programs for individuals directly to lessees under the provisions of the Act of July 9, 1921.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for necessary administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, $4,000,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $200,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act, $2,893,000,000, of which not to exceed $50,000,000 may be transferred to the "Community Disaster Loan Program" account for administrative expenses in subsidies for direct loans provided under section 417 of such Act, and of which $143,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available until expended: *Provided*, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans for the "Community Disaster Loan Program", not to exceed $200,000,000: *Provided further*, That the entire amount is designated by

Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The limitation on direct loans for the "Disaster assistance direct loan program account" is increased, within existing funds, by $30,000,000 to not to exceed $58,000,000: *Provided*, That any unused portion of the direct loan limitation shall be available until September 30, 1993: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared natural disasters, $15,000,000, to remain available until expended: *Provided*, That these funds may be expended only for the Office of Disaster Assistance at headquarters and the Disaster Assistance Divisions in the regions: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE XII

ADDITIONAL ASSISTANCE TO DISTRESSED COMMUNITIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide appropriations for the fiscal year ending September 30, 1993, to implement initiatives to improve the quality of life and expand economic opportunity, namely:

COMMUNITY INVESTMENT PROGRAM

For grants to States, units of general local government and other entities as authorized by law for implementing activities to rejuvenate neighborhoods and promote economic opportunity, $500,000,000, subject to enactment of subsequent authorizing legislation, to remain available until September 30, 1994: *Provided*, That, of the funds made available under this head, not more than $400,000,000 may be made available for an "Enterprise Community Block Grant Demonstration Program", subject to enactment of subsequent authorizing legislation: *Provided further*, That, of the funds made available under this head, not more than $200,000,000 may be made available for a "National Public/Private Partnership Program" which shall consist only of eligible programs, projects and activities under the following programs:

Job Corps Program under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1692 et seq.);

Community health centers under section 329 and section 330 of the Public Health Services Act (42 U.S.C. 254c);

Head Start Program under the Head Start Act (42 U.S.C. 9831 et seq.);

Projects with respect to high risk youth under section 517 of the Public Health Service Act (as amended by the ADAMHA Reorganization Act);

Youth Build Program under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act;

Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107);

Salaries and Expenses, United States Attorneys, only to assist local law enforcement agencies for additional coordination of Federal law enforcement and prosecutorial activities;

Assistance to companies operating under authority of section 301(d) of the Small Business Investment Act of 1958;

Enterprise Capital Access Fund Demonstration Program, subject to the enactment of authorizing legislation;

National Community Economic Partnership Program, subject to the enactment of authorizing legislation;

Capacity Expansion Program under section 509F of the Public Health Service Act, as amended by P.L. 102-321;

Treatment Improvement Program under sections 301 and 509G of the Public Health Service Act, as amended by P.L. 102-321; and

Literacy activities authorized under the National Literacy Act of 1991:

Provided further, That none of the funds under this head shall be made available until authority is provided in subsequent authorizing legislation.

This Act may be cited as the "Dire Emergency Supplemental Appropriations Act, 1992, Including Disaster Assistance to Meet the Present Emergencies Arising From the Consequences of Hurricane Andrew, Typhoon Omar, Hurricane Iniki, and Other Natural Disasters, and Additional Assistance to Distressed Communities".

The SPEAKER pro tempore. Pursuant to House Resolution 575, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

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

Mr. Speaker, the bill H.R. 5620 contains the total sum of $9,260,000,000. The President's request that was sent to the Hill totaled $6,529,000,000. There is a difference of $2,700,000,000 in the bill.

As Members know, Iniki did not occur until after the President's request had been sent to the Hill. If it had occurred prior to that time, Mr. Speaker, probably there would have been no difference in the amounts sent to the Hill by the President and the amount that we now present.

The difference of $2,700,000,000, Mr. Speaker, breaks down like this, an additional $1 billion is for FEMA, $400 million is for food stamps, $180 million is for crop losses, $75 million is for EDA, $175 million is for HUD, and that pertains to the housing program, $50 million is for the Farmers Home Administration, $175 million is in defense, and this pertains not only to the Department of Defense as such but to military construction, and then the balance of about $700 million is in small items such as the Corps of Engineers, the Coast Guard, Public Health, and the Department of Education.

Mr. Speaker, the bill also contains the sum of $4 billion which pays off in its entirety the cost of the Persian Gulf war. As Members know, the Persian Gulf war cost $61,400,000,000. Our friends and allies that joined with us in the Persian Gulf paid every dollar that they were obligated to pay in money or in kind, and mainly in money. So $4 billion is in this supplemental to pay off the entire cost of the Persian Gulf war.

We not only have the $4 billion, but we make provisions for the reversion back to the Treasury of $14,700,000,000 for the Persian Gulf war.

Mr. Speaker, I wanted to make this preliminary statement to Members showing the amounts contained and the differences. We hope now that we can take this supplemental bill right on through to final passage.

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

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

Mr. Speaker, we are talking up, as my distinguished friend, the gentleman from Kentucky [Mr. NATCHER], has mentioned, a bill today that completes action in a number of important areas. The first and most important, of course, is disaster assistance as a result of the recent hurricanes, and also wrap-up of funding for the Desert Storm operation, supplemental funding for programs that are experiencing shortfalls, like veterans compensation and benefits funding, and funding the for the urban aid enterprise zone legislation which is pending here in Congress.

Mr. Speaker, I want to congratulate my colleagues on both sides of the aisle for the efforts and willingness to work this bill out and get it down to the President for signature, so that we can get the money flowing to disaster areas.

I want to point out that the bill does a superb job in my view on the funding levels and in meeting the requirements around the Nation for people who are truly suffering.

Mr. Speaker, I would be derelict in my duty if I did not at this time acknowledge two Members on my side of the aisle who are from affected States who did yeoman work in bringing this compromise to the floor today. I am referring to my friend, the distinguished gentleman from Florida [Mr. YOUNG], and the distinguished gentleman from Louisiana [Mr. LIVINGSTON], both of whom had significant input on this bill and made impressions on it that will benefit the people of the country and indeed the people of the affected States.

□ 1230

I just want to highlight, if I may, the emergency funding.

We break those figures down into $2.9 million for FEMA, for their administration of disaster programs, $1.5 billion in emergency loans for the Small

Business Administration, an increase in the FHA guarantee programs of about $2.4 billion, and $500 million for agriculture disaster figures.

All of these figures represent the best efforts of Members, as we meet today at 12:30, to get hard numbers. But we have to recognize, all of us, that these are estimates here. They are the hardest numbers we can find. There, of course, may be some changes, as we go along.

I wanted to make just one comment with respect to Homestead Air Force Base.

I believe we have a responsibility to assure that the Guard and Reserve and the retirees located in the area have a medical facility to meet their immediate needs, because of the leveling of the existing facility. So I have inserted language in the chairman's explanation directing the use of available funds for an immediate medical facility.

The second major area covered by the legislation is the area that was covered in H.R. 5620 as passed by the House last July. As I pointed out then, this bill rescinds, puts back into the Treasury, $14.7 billion of unneeded funds as a result of the significant leadership that occurred in Operation Desert Storm.

In my own view, Mr. Speaker, it is one of the unheralded success stories that we should all be acquainting the public about and the media about, when we can run an operation like that and end up rescinding and restoring to the Treasury $14.7 billion. That, to me, speaks for excellence in management.

We also provide some money for environmental restoration in the Department of Defense. As I mentioned, we provide $500 million to meet veterans' compensation payments. And that money has to be appropriated, or those checks cannot go, and they are due next week. And we also include $80 million for peacekeeping, and a number of other items.

Finally, we provide $500 million in here for the enterprise zone urban aid initiative. We hope that legislation will be enacted shortly, and we have, in a sense, forward funded it in anticipation of the fact that it will be.

Mr. Speaker, in my view this bill deserves the strong support of the House. I hope it will be enacted overwhelmingly.

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

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

Mr. Speaker, I would like to say this about my chairman. All down through the years, we had Mount St. Helens, under the chairmanship of the gentleman from Mississippi, Mr. JAMIE WHITTEN, we had Hugo, under the chairmanship of the gentleman from Mississippi, Mr. JAMIE WHITTEN, we had the earthquake, as my colleagues will remember, and then we had several others.

At all times, my chairman, the chairman of the full Committee on Appropriations, has immediately instituted the necessary action to bring these bills out so that we could act upon them quickly.

Mr. Speaker, I yield such time as he may consume to my chairman, the chairman of the full Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, the motion before the House on an amended version of H.R. 5620—

First, provides $6.3 billion of dire emergency disaster assistance to those devastated by Hurricane Andrew, Typhoon Omar, Hurricane Iniki, and other natural disasters,

Second, provides $2.4 billion of other needed supplemental appropriations, transfers, and rescissions, and

Third, provides $500 million of appropriations for additional assistance to distressed communities.

This motion brings these things together in one action. We are bringing this matter to the floor in this unusual manner at the request of the bipartisan leadership to expedite urgently needed disaster assistance because FEMA has no money left to reimburse States, and the Veterans' Administration compensation and pension programs are running out of money to pay claims.

On July 28, the House passed H.R. 5620. The House-passed version did not include disaster assistance for the recent natural disasters because they had not occurred at that time. On July 2 the House passed H.R. 11, which included in title 9 of that bill appropriations for additional assistance to distressed communities.

After the occurrence of Hurricane Andrew and Typhoon Omar, I introduced H.R. 5911 on September 9 along with 32 other original cosponsors, many from the Florida and Louisiana delegations as well as the gentleman from Guam [Mr. BLAZ]. H.R. 5911 would provide disaster assistance to meet the needs resulting from Hurricane Andrew and Typhoon Omar.

On September 15, the Senate passed its version of H.R. 5620. In addition to the matters the House addressed in its version of H.R. 5620, the Senate included the matters the House had addressed in H.R. 11 and the matters included in H.R. 5911 and additional assistance as a result of Hurricane Iniki, which struck Hawaii just last week.

Because the disaster assistance that we have included in the motion before the House is so desperately needed, the leadership on both sides asked us to move quickly to avoid delaying this assistance. We have worked with the Senate and with the administration to produce a bill that I believe is acceptable to all parties.

The action we take today is consistent with the way we have always responded to major natural disasters. The House has an outstanding record of providing disaster assistance quickly and cleanly. In 1980, after we had reported a supplemental, Mount Saint Helens erupted. We reconvened the Committee on Appropriations so we could report out a new bill including about $1 billion for disaster assistance—sound investments to replace and repair damaged facilities.

In September 1989, we provided $1,108,000,000 within days after Hurricane Hugo hit the Southeastern United States.

In October 1989, we provided $2,850,000,000 for earthquake assistance in San Francisco and the adjoining areas within days after a major earthquake destroyed roads and buildings.

The Los Angeles disaster happened at the end of April and on May 6, after receiving a letter from many of our colleagues and at the first opportunity, we introduced H.R. 5069. H.R. 5132, the product of that committee action on H.R. 5069, passed the House on May 14. Our action today on this bill maintains our tradition of quick response to meet the needs of those affected by disasters.

Mr. Speaker, this motion before us reflects a compromise agreement among all parties on what is needed to provide disaster assistance, to make other needed supplemental appropriations, and to provide appropriations for additional assistance to distressed communities. I strongly urge adoption of the motion.

Under leave to revise and extend my remarks, I want to provide some highlights of the proposed version of H.R. 5620 contained in the motion before us:

	President's request	Amended bill
Direct appropriations	$6,529	$9,260
Desert Shield/Desert Storm:		
By transfer from the Persian Gulf defense fund	5,182	3,471
By transfer from previous appropriations	611	(611)
Rescission of the remainder of the Persian Gulf defense fund	0	−14,962
I. General supplementals:		
International peacekeeping	80	80
Defender services	25	31
Department of Defense	1,072	1,254
Advances to UI trust fund	238	238
VA compensation and pensions	500	500
Drought assistance	0	30
Net miscellaneous	15	279
Total	1,930	2,412
II. Disaster assistance:		
Hurricane Andrew/Typhoon Omar/Hurricane Iniki:		
Federal Emergency Management Agency	1,924	2,958
Food Stamps Program	0	400
Department of Defense:		
Military personnel	80	80
Operations and maintenance	424	424
Homestead AFB	480	92
Military construction	0	198
CCC—Crop losses	300	482
Farmers Home Administration	109	160
Public health emergency fund	84	106
Department of Education	103	123
Economic Development Administration	0	75
U.S. Coast Guard	25	42
HUD—various housing programs	25	195
FAA—facilities and equipment	15	60
National Park Service	34	52
SBA—disaster loan program	412	432
Corps of Engineers	28	46
Other miscellaneous accounts	556	422
Total—disaster assistance	4,599	6,347

	President's request	Amended bill
III. Distressed community assistance	0	500

A more detailed explanation of the proposed bill in lieu of a statement of managers follows:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

The amended bill provides $2,000,000 for the International Trade Administration's (ITA) Import Administration to assist with the increased workload in administering the antidumping/countervailing duty (AD/CVD) laws, including investigations resulting from the recent expiration of the steel voluntary restraining agreement. The House bill had provided $1,795,000 for this purpose. The Senate bill had included a total of $3,000,000 for ITA, of which $1,000,000 was for the purpose of opening new United States and Foreign Commercial Service posts in the former Soviet Union.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The amended bill includes a rescission of $2,120,000 from the NOAA Operations, Research and Facilities appropriation. This rescission results from savings in FY 1992 related to the cancellation of the Pollar-NEXT satellite program and the NOAA Landsat commercialization program. The House bill had recommended no rescission from this account. The Senate bill included a rescission of $3,500,000 from this account and an additional appropriations of $1,500,000 for lease costs at Sandy Hook, New Jersey National Marine Fisheries Laboratory, which is a 1993 expense.

The amended bill also includes language included in the Senate bill which extends the availability of funds provided in P.L. 101-162 for the acquisition of Buxton Woods, North Carolina.

FOREIGN FISHING OBSERVER FUND

The amended bill includes a rescission of $1,309,000 from current balances available in the Foreign Fishing Observer Fund, as provided in both the House and Senate versions of this bill. This amount has been identified as excess to the Fund.

FISHING VESSEL OBLIGATIONS GUARANTEES

The amended bill includes a rescission of $930,000 from the subsidy amount appropriated for the Fishing Vessel Obligations Guarantee Fund in fiscal year 1992. This amount, which will not be obligated in FY 1992, would have expired on September 30, 1992. This rescission was included in neither the House nor the Senate versions of the bill.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The amended bill includes language, requested by the Administration, and in both the House and Senate bills, which allows amounts appropriated in fiscal year 1991 for debt collection to also be used for processing and tracking debts owed to the United States.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATION AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The amended bill provides an additional $80,000,000 for Contributions for International Peacekeeping Activities which was included in the House bill but not in the Senate bill. A fiscal year 1992 supplemental request totaling $350,000,000 for this purpose was submitted to the Congress in February of 1992 in order to fund the United States assessment for several new international peacekeeping forces. Congress appropriated $270,000,000 of the total supplemental request in the Further Continuing Resolution, Fiscal Year 1992 (Public Law 102-266). The $80,000,000 in the amended bill completes this supplemental requirement. If these funds are not appropriated, the United States will go into arrears on its assessments for the peacekeeping forces, and will have to make up the shortfall in future years.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

The amended bill provides a requested appropriation of $31,250,000 which was included in the House bill but not the Senate bill to meet the increased costs of panel attorneys and expert services. These additional requirements result from a number of factors, including increased numbers of multi-defendant drug trials, increasing complexity of Racketeering Influenced Corrupt Organizations (RICO) cases, and the effects of Federal sentencing guidelines and statutory minimum sentences. As a result of this increased demand, which has occurred throughout the fiscal year, all of the funds appropriated to date for the account were obligated by June 17, 1992.

NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

The amended bill provides language included in both the House and Senate bills which will extend the availability of unobligated balances of appropriations for the National Commission on Judicial Discipline and Removal for one year beyond the current expiration date of September 30, 1992. In addition, the amended bill includes language which will change the date for submission of the report of the Commission required by Public Law 101-650 from one year after the initial meeting of the Commission to no later than August 1, 1993.

Public Law 102-27 appropriated $750,000 for the Commission, to be available until September 30, 1992. The Commission, however, did not convene its first meeting until January 30, 1992, extending its authorized life until January 30, 1993. The Commission estimates that approximately $350,000 of the appropriation will not be obligated as of September 30, 1992, and that this amount is needed to help fund its fiscal year 1993 requirements.

RELATED AGENCY

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The amended bill provides the requested appropriation of $1,000,000, which was included in the House bill but not the Senate bill, to allow the Equal Employment Opportunity Commission to handle increased workload resulting from enactment of the Civil Rights Act of 1991 and the Americans with Disability Act.

GENERAL PROVISIONS—TITLE I

EXCESS CRIMINAL FINES

The amended bill includes new language (Sec. 101), not in either the House or Senate bills, which makes criminal fines deposited into the Crime Victims Fund that are in excess of the amounts authorized for use under the Victims of Crime Act, available for use by the Federal Prison System for the cost of operating prisons. This language will not lessen the amount of money available to Victims of Crimes in either fiscal year 1992 or fiscal year 1993.

MONTEREY BAY

The amended bill included new language (Sec. 102), not in either the House or Senate bills, which requires the Secretary of Commerce to designate the Monterey Bay National Marine Sanctuary as described in the notice of the designation submitted to Congress on September 15, 1992. The language also includes: (1) a prohibition on oil and gas activities in the Monterey Sanctuary; (2) a provision on interagency cooperation relating to the sanctuary; and (3) a requirement that the Secretary of Commerce submit a report to Congress on vessel traffic in the sanctuary.

TITLE II

DEPARTMENT OF DEFENSE—MILITARY

The amended bill incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 102-672 and Senate Report 102-395 should be complied with unless specifically addressed in the following to the contrary.

Defense cooperation account (DCA)

Defense cooperation account balance	$4,082,186,560
Less:	
Realignment of existing authority	611,010,000
VSI/SSB payments	1,079,988,000
Military personnel pay and allowances	429,000,000
Kurdish humanitarian relief	40,000,000
Operations and equipment repair	1,922,188,560
Account balance	0

MILITARY PERSONNEL

The amended bill included funds for the following accounts:

[In thousands of dollars]

	Army	Navy	Marine Corps	Air Force	Army National Guard	Total
Military personnel:						
New transfer authority, fiscal year 1992:						
Pay & allowances	399,000	30,000	0	0	0	429,000
VSI/SSB	608,961	140,400	17,127	313,500	0	1,079,988
Subtotal	1,007,961	170,400	17,127	313,500	0	1,508,988

[In thousands of dollars]

	Army	Navy	Marine Corps	Air Force	Army National Guard	Total
Realignment transfer authority, fiscal year 1992:						
Pay and allowances	0	0	0	0	12,500	12,500
Subtotal	0	0	0	0	12,500	12,500
Total, military personnel	1,007,961	170,400	17,127	313,500	12,500	1,521,488

OPERATION AND MAINTENANCE

The amended bill included funds for the following accounts:

[In thousands of dollars]

	Army	Navy	Marine Corps	Air Force	Defense agencies	Army National Guard	Environmental restoration defense	Total
Operation and maintenance:								
New authority:								
Educational assistance	0	0	0	0	50,000	0	0	50,000
Environmental compliance	116,000	33,000	0	263,000	19,700	0	0	431,700
Environmental restoration	0	0	0	0	0	0	447,500	447,500
Expedite Tailhook investigation	0	0	0	0	3,400	0	0	3,400
Subtotal	116,000	33,000	0	263,000	73,100	0	447,500	932,600
New transfer authority, fiscal year 1992–93:								
Operations and equipment repair	1,355,274	75,000	224,600	247,200	0	15,214	0	1,917,288
USSOCOM	0	0	0	0	4,900	0	0	4,900
Kurdish relief	0	0	0	0	40,000	0	0	40,000
Subtotal	1,355,274	75,000	224,600	247,200	44,900	15,214	0	1,962,188
Realignment transfer authority, fiscal year 1992–93:								
Equipment maintenance	341,310	257,200	0	0	0	0	0	598,510
Subtotal	341,310	257,200	0	0	0	0	0	598,510
Total, operation and maintenance	1,812,584	365,200	224,600	510,200	118,000	15,214	447,500	3,493,298

VSI/SSB PROGRAMS

The amended bill includes $1,079,988,000 for fiscal year 1992 Operation Desert Shield/Desert Storm costs for Voluntary Separation Incentive (VSI) and Special Separation Benefit (SSB) programs.

EDUCATIONAL ASSISTANCE

There is concern about the effect on local school systems of redeployment of military families from overseas and of realignment of units within the United States. The amended bill provides $50,000,000 to be available until September 30, 1993, in an attempt to alleviate at least part of the burden on the local school districts. In order to make certain that funding is provided to the most heavily affected school districts, these funds should be allocated to districts where at least thirty percent of the students in average daily attendance in the schools are military dependent students.

OPERATIONS AND EQUIPMENT REPAIR

The amended bill provides $1,922,188,560 to repair equipment damaged during Desert Shield/Desert Storm and fund continuing retrograde of equipment from the Persian Gulf Region. Of this amount $15,214,560 is provided to the Army National Guard for operation of ten maintenance sites currently repairing vehicles used during Desert Storm that have been declared excess. Also, $1,788,474,000 is provided to the military services for repair and maintenance of equipment used during the conflict. The remainder, $118,500,000, is made available to the Air Force and Special Operations Command for continuing airlift and in-country activities.

Since maintenance workload is expected to decrease in the coming years as forces are drawn down, the Department plans to reduce civilian employee levels at its depot maintenance facilities. Unless appropriate management actions are taken, the impending increase in workload for 1993 resulting from Operation Desert Shield/Storm will preclude an orderly reduction of personnel levels at these facilities. To minimize turbulence in its depot maintenance workforce, the Department is directed to allow funded carryover balances to increase from the traditional three months to six for fiscal years 1993 and 1994 only.

NEUROFIBROMATOSIS RESEARCH

In the fiscal year 1992 Defense Appropriations Act, $8,000,000 was appropriated for neurofibromatosis (NF) research.

Neurofibromatosis research has important military applications. The NF gene produces the same tumor suppressor GAP protein as cancer. Research into NF holds open enormous potential for finding a treatment and cure for cancer which afflicts more than 60 million Americans, including military members and their dependents. NF research could also greatly assist Army cancer research efforts. NF patients have a disproportionately larger number of learning disabilities, so NF research could study this phenomenon and assist all learning disabled military dependents. Finally, NF tumors are considered to be the model system for all tumor research.

Therefore, the amended bill included a general provision stating that the Department shall obligate $8,000,000 previously appropriated for this research.

PERSIAN GULF VETERANS' POST-WAR AILMENTS

There is deep concern about repeated reports of up to 300 American service personnel suffering from mysterious ailments which could be linked to their service and presence in the Persian Gulf region during the war. Complaints have included reports of skin rashes, loss of hair, bleeding gums, elevated blood pressure, liver disorders and miscarriages.

The Department is to mount a major effort to work with the Department of Veterans Affairs and other outside agencies to study this problem thoroughly. Periodic updates should be provided to the appropriate oversight committees on this issue detailing what steps have been taken to pursue this issue and what findings have resulted from this study.

MODIFICATION INSTALLATIONS

The Senate report explained the difficulty the Air Force is having accommodating the policy change in the funding of modification installations. The problem is especially acute in the fiscal year 1990 Air Force aircraft procurement account. To help alleviate this situation, the Senate Committee identified $91,600,000 in funds excess to the requirements for which appropriated and directed that these funds be transferred to modification installations. This action should be accomplished and the Air Force should accomplish the transfers as quickly as practicable.

V–22

The language proposed by the House to amend section 8090 of the Department of Defense Appropriations Act for fiscal year 1992 is not included in the amended bill. This issue will be considered further during deliberations on the Department of Defense Appropriations Act for fiscal year 1993.

BLACKHAWK HELICOPTERS

The House general provision which required the transfer of five Blackhawk helicopters from the Army to the Drug Enforcement Administration has been deleted from the amended bill.

AUTOMATIC BUILDING MACHINES

$4,372,000 of the funds appropriated to the Army for Automatic Building Machines in fiscal year 1990 are about to expire. This expiration is because of a prolonged delay in initiating a demonstration project using these machines to construct helicopter protective shelters.

$4,372,000 should be used to procure one Automatic Building Machine for each of the seventeen Army Reserve Combat Engineer Battalions and other organizations designated by the Chief, Army Reserve. Because of the capability of the ABM's to rapidly construct shelters and other facilities in a matter of days, they can be useful in responses to natural disasters in addition to their normal military mission. The requirement for this equipment has recently been included in the Table of Organization and Equipment for Army engineer battalions.

DEFENSE LANGUAGE TRAINING

Section 203 has been included directing the Department of the Army to transfer to the

Monetary Institute of International Studies, which supports the Defense Language Institute, the $6,800,000 appropriated in the fiscal year 1992 Department of Defense Appropriations Act.

NATIONAL DEFENSE CENTER FOR ENVIRONMENTAL EXCELLENCE

In the reports accompanying the Department of Defense Appropriations Act, 1992, Congress directed the Army to utilize $5,000,000 of the funds appropriated in Research, Development, Test and Evaluation, Army, to support the National Defense Center for Environmental Excellence (NDCEE). Section 204 provides the Army with legislative authority to follow the directions provided in House Reports 102-95 and 102-328.

EVACUATION ENTITLEMENTS AND CLAIMS

Section 208 has been included to allow payment of per diem to DOD personnel who were evacuated from Homestead Air Force Base, and also to allow payment of claims for personal property damage or loss suffered up to $40,000 per claim by Department of Defense personnel in the vicinity of Homestead Air Force Base, Florida, as a result of Hurricane Andrew, as well as, under equal terms and conditions, to those military personnel in the vicinity of military installations affected by Typhoon Omar and Hurricane Iniki.

NATIONAL DEFENSE CENTER OF EXCELLENCE FOR RESEARCH IN OCEAN SCIENCES

$5,000,000 is appropriated within the Research, Development, Test and Evaluation, Defense Agencies account to establish a National Defense Center of Excellence for Research in Ocean Sciences through cooperation between the Defense Advanced Research Projects Agency (DARPA) and the Hawaii High Technology Development Corporation (HTDC), a government entity, for the purposes of conducting research and development of interest to the Department of Defense.

TITLE III

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

The bill includes $237,652,000 for advances to the Unemployment Trust Fund as requested by the Administration. This was in both the House and Senate bills. Also included is the Senate amendment to extend the availability of family violence prevention funds appropriated in fiscal year 1992. The bill does not include language that would permanently prohibit the Department of Labor from implementing its new regulations with respect to the use of helpers under the Davis-Bacon Act and with respect to apprenticeship in the construction industry. This matter needs to be addressed, but it has been decided that this emergency bill, that is urgently needed to assist recent disaster victims, is not the appropriate vehicle.

The bill does not include a proposed title XIII that was added in the Senate. This proposed new title is the text of an authorizing bill that is completely unrelated to this appropriations bill. This matter should be addressed by the appropriate authorizing committees.

TITLE IV

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

BASE REALIGNMENT AND CLOSURE ACCOUNT—PART II

(INCLUDING TRANSFER OF FUNDS)

The bill appropriates $162,700,000 for environmental cleanup at closed bases. In addition, the bill transfers $69,000,000 from the Environmental Restoration, Defense Account of Public Law 102-172 to the Base Realignment and Closure Account to be available solely for environmental restoration at closed bases.

TITLE V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The bill includes two increases in loan limitations under the Department of Housing and Urban Development. The limitation on the amount of loan commitments in the Government National Mortgage Association's guarantees of mortgage-backed securities program is increased by $25,000,000,000 to $99,769,293,000 for fiscal year 1992. The increase is due to the easing of interest rates which has generated a high level of activity in the refinancing market. The section 108 community development loan guarantee program is being increased by $85,000,000 to $225,000,000 in fiscal year 1992. This increase is needed due to higher than anticipated activity resulting from changes to the program by the National Affordable Housing Act of 1990 permitting States to help small communities, and to permit communities to borrow larger amounts for longer periods of time. Both of these increases in loan limitations have been requested by the Department.

TITLE VI

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

The bill includes language, passed by the Senate, which makes a technical correction to the Agriculture Appropriations Act for fiscal year 1992. The bill clarifies that $10,250,000 is available for the 1890 capacity building grants program in fiscal year 1992.

COMMODITY CREDIT CORPORATION

The bill includes language, passed by both the House and Senate, which clarifies that low-income migrant and seasonal farmworkers are eligible for disaster assistance grants under the Dire Emergency Supplemental Appropriations Act of 1992 (Public Law 102-229).

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The bill does not include language, passed by the House but deleted by the Senate, which provided $7,500,000 for emergency watershed and flood prevention operations. These funds have been incorporated within the $62,000,000 provided later in the bill for emergency watershed and flood prevention operations.

TITLE VII

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The bill includes $30,000,000 for emergency drought relief measures to be carried out by the Bureau of Reclamation as authorized in Public Law 102-250, "the Reclamation States Emergency Drought Relief of 1991," and other applicable statutes, as proposed by the House in H.R. 5620. The Senate had proposed an appropriation of $20,000,000 for this effort in its amendments to H.R. 5620.

Many river basins in the West have experienced six consecutive years of drought. Without the funding provided in this bill for supplemental water supplies and other mitigating activities, farming and farm income will be drastically reduced in many areas, which will result in significant job losses and lost economic activity in agriculture-related areas of the economy.

These funds will also permit the Bureau of Reclamation to provide critically needed relief for fish and wildlife resources affected by drought conditions.

The Bureau of Reclamation is directed to provide the Committees on Appropriations of the House and Senate a detailed report, no later than April 1, 1993, on how the funds appropriated will be allocated and expended and the specific work to be undertaken.

TITLE VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

The bill includes $100 million in liquidating cash for the Federal Aviation Administration grants-in-aid for airports program. The bill also includes language earmarking $1 million of Federal Highway Administration general operating and research funds for North Carolina A&T State University.

TITLE IX

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

This bill provides an additional $320,000, for repairs and improvements to the Main Treasury Building and Annex, and increases the legislative ceiling on these expenditures to reflect the additional funds. This action is necessary due to the deteriorating roof of the Main Treasury Building. The House Appropriations Committee has already approved partial funding for this requirement with a reprogramming action.

INTERNATIONAL AFFAIRS

This bill increases the legislative ceiling on the expenditure of funds for repairs and improvements to the Main Treasury Building and Annex to reflect the expenditure of additional funds for repair projects. This action is necessary due to the deteriorating roof of the Main Treasury Building.

FINANCIAL MANAGEMENT SERVICE

This bill provides an additional $1,298,000, for automated systems modernization efforts. This is needed for additional equipment and personnel for increased modernization activity in the firearms operations of the government.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

This bill provides an additional $2,000,000, for automated systems modernization efforts. This is needed to enhance ATF's law enforcement efforts, particularly in the firearms activity.

UNITED STATES MINT

This bill provides an additional $270,000, for expansion and improvements to existing U.S. Mint buildings and facilities. This is needed because recent actions require additional building space and improvements to current facilities.

BUREAU OF THE PUBLIC DEBT

This bill provides an additional $5,226,000, for systems modernization activities. This is related to the transfer of automated data processing equipment and personnel to the new location of the Bureau of the Public Debt.

UNITED STATES SECRET SERVICE

This bill provides an additional $1,400,000, for the continuing replacement armored window project for protection at the White House. Due to cost increases and the complexity of the replacement program, additional funds are needed for this ongoing project.

UNITED STATES CUSTOMS SERVICE

This bill rescinds $1,273,000 from the amounts appropriated in fiscal year 1992 for the U.S. Customs Service. These funds are available due to lower expenditures than anticipated for equipment and other expenses.

INTERNAL REVENUE SERVICE

This bill rescinds $220,000 from the amounts appropriated in fiscal year 1992 for IRS administration and management; $1,460,000 from the amounts appropriated for processing tax returns and assistance; $2,999,000 from the amounts appropriated for tax law enforcement; and $270,000 from the amounts appropriated for information systems. These funds are available due to lower expenses than anticipated during the tax filing season.

UNITED STATES SECRET SERVICE

This bill rescinds $4,292,000 from the amounts appropriated in fiscal year 1992 for candidate protection. These funds are available due to the requirement to protect fewer candidates than originally anticipated during the Presidential campaign.

TITLE X

CONGRESSIONAL OPERATIONS

The bill provides the customary death gratuity to the designated heirs of Quentin N. Burdick, late a Senator from North Dakota; Walter B. Jones, late a Representative from the State of North Carolina; and Theodore S. Weiss, late a Representative from the State of New York.

TITLE XI

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

The bill provides an additional appropriation of $15,000,000 for Buildings and facilities of the Agricultural Research Service. The Subtropical Horticultural Research Lab in Miami, Florida, comprised 48 buildings and over 200 acres. All of the buildings were either destroyed or severely damaged, as were several greenhouses and small buildings at other research sites located in southern Florida and southern Louisiana. The Barking Sands and Wailua Homestead Research Facility in Hawaii also suffered damage. These funds would pay for cleanup costs, building temporary facilities, and the planning, design, and construction of replacement facilities.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

CROP LOSSES

The bill provides an additional appropriation of $482,000,000 for crop disaster payments, of which $100,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement is transmitted by the President to the Congress.

Public Law 102-299 made available $1,750,000,000 for disaster payments for crop years 1990, 1991, and 1992. Last spring $995,000,000 was made available under that law for disaster payments on crop years 1990 and 1991. When the $995,000,000 was prorated among producers, the payment rate was approximately 50 percent of the eligible loss.

On September 2, 1992, the President released the remaining $755,000,000 of the funds provided by Congress for disaster payments. Natural disasters, such as Hurricane Andrew in southern Florida and Louisiana, Hurricane Iniki in Hawaii, and Typhoon Omar in Guam, have caused devastating agricultural losses. Estimated crop losses and the extent of potential claims are very tentative. Other 1992 claims for crop losses in winter wheat, cotton, and other program and nonprogram crops are also pending or anticipated.

Further, there are also some remaining unpaid claims for 1990 and 1991 crop losses. As previously mentioned, a total of $995,000,000 was released for payments last spring on losses in 1990 and 1991, but a producer could only claim losses in one of the two years. Many farmers suffered qualifying losses in both years. In trying to estimate total eligible claims, it is necessary to take into account remaining unpaid claims for 1990 and 1991 crop losses as well as potential claims on the 1992 crop. In addition, there could be further crop losses depending on weather conditions during the remainder of the 1992 growing season.

The bill includes funds for payments to aquaculture producers and to oyster farmers who harvest oysters commercially. Language is also included, which is contained in the Senate-passed bill, to provide disaster assistance in the case of a microburst wind occurrence. Senate-passed language is also incorporated allowing the Secretary to make adjustments to county yields for sugarcane and sugar beets. The bill also includes language which allows the Secretary to use Commodity Credit Corporation funds in the event funds are insufficient to meet the payment levels made in connection with the $995,000,000 released last spring.

TREE ASSISTANCE PROGRAM

For the Tree Assistance Program the bill provides $48,000,000. These funds will be used to provide cost-sharing assistance for the costs of replanting, reseeding, and repairing commercial production seedlings and trees lost or damaged by natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, including orchard and nursery inventory. The funds will cover losses to orchard and nursery inventory of trees, plants, grasses, shrubs, and other ornamental plants, including those that may require several years' growth prior to sale and those grown in containers.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

Hurricanes Andrew and Iniki and Typhoon Omar left tremendous loss of life and devastation to property. The Emergency Watershed Protection Program is used to safeguard life and property from floods and the products of erosion when a natural disaster impairs a watershed. Preliminary damage estimates from Hurricanes Andrew and Iniki and Typhoon Omar, plus unmet needs already on hand, total over $100,000,000. Accordingly, the bill provides an additional appropriation of $62,000,000, of which $12,000,000 shall be available only to the extent and official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement is transmitted by the President to the Congress, for emergency watershed protection nationwide to assist in debris removal from streams, prevent further flooding and bridge collapses, and replant denuded hills to prevent excess erosion. These funds, along with funds provided in the fiscal year 1993 Agriculture Appropriations Act, should be used to address the most critical exigency situations.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

Severe flooding from Hurricanes Andrew and Iniki and Typhoon Omar left farmlands in the South, Hawaii, and Guam in seriously deteriorated condition. Additional funds are needed for removing debris from farmland; grading, shaping, and re-leveling of land; and repairing permanent fences and other farmland structures, such as dams and terraces. Therefore, an additional appropriation of $27,000,000 is provided for the Emergency Conservation Program to assist farmers in rehabilitating farmlands, of which $10,500,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement is transmitted by the President to the Congress.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The bill provides an additional $39,500,000 in loans to be made available to Farmers Home Administration borrowers to repair their single family houses damaged by natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar. Also included is $19,750,000 in loan subsidy costs, of which $14,750,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement is transmitted by the President to the Congress.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The bill provides an additional $162,300,000 in emergency disaster loans. These funds will provide direct emergency loans to victims of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar. In addition, $43,285,000 is provided for the lifetime subsidy cost of the aforementioned loans, as required by the Federal Credit Reform Act of 1990. The bill also waives the requirement to have crop insurance in 1992 to obtain emergency loans.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

The bill provides an additional $35,500,000 for water and sewer facility loans and an additional $305,000,000 for guaranteed industrial development loans. These loans will be made available to Farmers Home Administration borrowers whose facilities suffered damage as a result of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar. Losses consist of damaged buildings and inventories, broken pumps, contaminated leaching fields and sewage ponds, broken water mains, and broken water hookups.

In addition, $5,917,000 is provided for the lifetime subsidy cost of the water and sewer loans and $18,300,000 is provided for the lifetime subsidy cost of guaranteed industrial development loans, as required by the Federal Credit Reform Act of 1990.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The bill provides $15,500,000 in loans to intermediary rural development lenders. These loans would be made available for high-priority rural development projects designated by State-affiliated authorities to repair damages resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar. In addition, $8,104,000 is provided for the lifetime subsidy cost of the aforementioned loans, as required by the Federal Credit Reform Act of 1990.

RURAL WATER AND WASTE DISPOSAL GRANTS

The bill provides an additional appropriation of $25,600,000 in grants to repair water and waste disposal systems damaged by natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar.

VERY LOW-INCOME HOUSING REPAIR GRANTS

The bill provides an additional appropriation of $10,000,000 for grants to the very low-income elderly to assist them in repairing damage to their homes as a result of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar.

RURAL HOUSING FOR DOMESTIC FARM LABOR

The bill provides an additional appropriation of $10,500,000 for Rural Housing for Domestic Farm Labor Grants. In Florida alone, over 700 farm labor housing units for migrant farm workers were destroyed by Hurricane Andrew. These funds would provide grants to pay costs not covered by private insurance and would allow these dwellings to become functional again for farm labor families.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

The bill provides an additional appropriation of $15,400,000 for Emergency Community Water Assistance Grants. These funds would provide grants to repair water system damage such as pump failures, damage to water mains, and chemical leakage caused by natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar.

SALARIES AND EXPENSES

The bill provides $3,200,000 for additional salaries and expenses funds for the Farmers Home Administration. These funds would be used to contract with the private sector for the cleanup of acquired property, in particular, mobile homes damaged by natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

Relief is required in the application process to allow schools and institutions to claim as free all meals served as a result of the disruption caused by natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar. Many schools and institutions sustained such severe damage that they will not be opening for 6-9 months. Some remaining schools and institutions will be operating double sessions. A large number of children affected by the disaster will be attending schools and institutions which have no information regarding the students' eligibility for free and reduced price meals. Many of these students are effectively homeless, and obtaining applications will be difficult. The bill will allow officials of schools and institutions to respond to the nutritional needs of this special group of children who are in a crisis situation.

FOOD STAMP PROGRAM

Due to the serious decline in the economy and the continuous unacceptable high level of unemployment, the number of people receiving food stamps has increased to a record-breaking high of 25.74 million in June. Nearly one in every ten Americans receives food stamps. In addition, it is estimated that an additional 1.1 million recipients will receive food stamps as a result of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar. Therefore, the bill provides an additional appropriation of $400,000,000 for the Food Stamp Program to provide assistance to those needy individuals during these difficult times in our economy. The $400,000,000 is essential to maintain the $2,500,000,000 reserve provided in the fiscal year 1993 Appropriations Act.

GENERAL PROVISIONS—CHAPTER I

SEC. 101. The bill also includes a general provision which provides that funds provided by chapter I shall be available only to the extent funds are not provided by the Federal Emergency Management Agency. This language was requested in the budget request for several of the accounts, and the bill provides that it be applied to all accounts.

CHAPTER II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The amended bill provides a total of $75,000,000 in emergency supplemental funding for the Economic Development Administration, as provided in the Senate bill. Of this amount, $70,000,000 is to be used for grants under EDA's Title IX authority to assist States and local communities in recovering from the consequences of Hurricane Andrew and other disasters. The remaining $5,000,000 is to be transferred to the EDA Salaries and Expenses appropriation to cover administrative costs associated with carrying out this program. The House bill provided $55,000,000 for the Title IX program and $2,500,000 for administrative expenses.

MINORITY BUSINESS DEVELOPMENT AGENCY

The amended bill includes $2,000,000 for the Minority Business Development Agency for providing assistance to minority victims of Hurricane Andrew and other disasters. These funds were included in both the House and Senate versions of the bill.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

The amended bill provides $9,891,000 for repair and replacement of NOAA facilities and equipment damaged during Hurricane Andrew, as well as the relocation of the Aircraft Operations Center. This amount was included in both the House and Senate versions of this bill as well as the President's budget request.

The amended bill also includes an appropriation of $8,500,000, included in the Senate bill but not the House bill, for a grant to the Louisiana Department of Wildlife and Fisheries to restore shellfish habitats in coastal Louisiana areas damaged by Hurricane Andrew and to conduct marine finfish restoration studies.

The amended bill also includes $300,000 for replacement of tide guages and repair of a weather station on the island of Kauai in the State of Hawaii which were damaged as a result of Hurricane Iniki.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

The amended bill includes $5,000,000 for the disaster grants program of the U.S. Travel and Tourism Administration. These funds would provide grants to States and local entities for tourism promotion activities in the wake of Hurricanes Andrew and Iniki and other disasters. Language is also included waiving the matching requirements for this program.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The amended bill extends the availability of up to $510,000 within the General Administration appropriation for fiscal year 1992 for the Executive Office for Immigration Review to replace equipment damaged during Hurricane Andrew. This item was included in the Senate bill but not the House bill.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The amended bill provides the full budget request of $10,724,000, as proposed in both the House and Senate bills for the Salaries and Expenses appropriation of the U.S. Marshals Service. These additional funds are required to handle costs incurred as a direct result of damage caused by Hurricane Andrew.

SUPPORT OF UNITED STATES PRISONERS

The amended bill provides $16,000,000 for Support of U.S. Prisoners as proposed in the House bill instead of the requested $10,691,000 proposed in the Senate bill. These funds are required to temporarily house Federal prisoners in contract facilities due to damage caused by Hurricane Andrew to the Federal Detention Center in Miami. The increase above the request is based upon the most recent information provided by the U.S. Marshals Service.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The amended bill provides the requested $1,139,000 for the FBI as proposed in the Senate bill, instead of the $2,278,000 proposed in the House bill. These additional funds are required to replace vehicles and equipment damaged as a result of Hurricane Andrew.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The amended bill provides the requested $451,000 for the DEA as proposed in the Senate bill, instead of $903,000 as proposed in the House bill. These additional funds are required to replace vehicles and equipment damaged as a result of Hurricane Andrew.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The amended bill provides the requested $1,000,000 for the INS as proposed in the Senate bill, instead of $2,000,000 as proposed in the House bill. These additional funds are required to replace vehicles and equipment damaged as a result of Hurricane Andrew.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill provides the requested $16,559,000 for the Salaries and Expenses appropriation of the Federal Prison System as proposed in the Senate bill. These additional funds are required to temporarily house inmates in State and local facilities, replace damaged equipment, and overtime, temporary duty and change of station costs.

BUILDINGS AND FACILITIES

The amended bill provides $10,000,000 for the Buildings and Facilities appropriation of the Federal Prison System as proposed in both the House and Senate bills. These additional funds are required to repair prison facilities damaged as a result of Hurricane Andrew. No funds were requested for this purpose by the Administration due to the availability of prior year unobligated balances in this account. However, the Committee understands that these prior year funds are needed for projects necessary for the ongoing expansion of prison facilities.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The amended bill provides the requested $1,000,000 for the Emergency Assistance pro-

gram as proposed in the Senate bill, instead of the $1,600,000 proposed in the House bill. These additional funds are required to restore funds in this account in the event they are required for subsequent emergencies. It is understood that any additional emergency assistance resulting from Hurricane Andrew will be funded through amounts appropriated to FEMA.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

The amended bill includes an emergency appropriation of $5,890,000 for salaries and expenses to cover the extraordinary costs incurred as a result of the destruction of the State Department's Miami Regional Center due to Hurricane Andrew. This funding was included in the supplemental budget request and in the Senate bill, but not in the House bill. The recommended funding will be used for replacement of diplomatic security and information management equipment, inventories, emergency travel, and temporary facilities.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The amended bill includes an emergency appropriation of $300,000 to cover the costs of making minor repairs to the court building, replace damaged automation equipment, repair minor damage to automobiles, and travel and per diem expenses incurred by detailees assigned to southern Florida as a result of Hurricane Andrew. These additional funds were included in the supplemental request and in the Senate bill, but not in the House bill.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

The amended bill includes a total of $431,800,000 for the Small Business Administration's Disaster Loan Program. The bill includes $331,800,000 in subsidy amounts which would provide up to $1.55 billion in additional direct disaster loan authority. Of the subsidy amount, $75,000,000, which could subsidize up to $350,000,000 in direct loans, is available only to the extent an official budget request, designating the amount as an emergency requirement, is submitted to the Congress. The contingency language, therefore, allows $1.2 billion in direct loan authority to be available immediately for disaster victims. The House bill had also provided $331,800,000 in subsidy amounts, but had not included any contingency language.

The bill also includes an additional $100,000,000 for administrative costs associated with the disaster loan program, as provided in the House bill. The Senate bill also provided a total of $431,800,000 for the SBA disaster loan program, as follows: (1) $256,800,000 for subsidy costs for $1.2 billion in direct disaster loans; (2) $80,000,000 for administrative costs as requested by the President; (3) an additional $20,000,000 for administrative costs which would be subject to an emergency declaration, and (4) $75,000,000 in contingency funds.

The amended bill also includes language which would prohibit disaster loan recipients from voluntarily relocating outside the area impacted by the disaster. This provision is necessary in order to preserve communities impacted by disasters. The provision would only prevent *voluntary* relocation by homeowners and business owners receiving disaster loan funds. The prohibition should not adversely impact military personnel who have been transferred to other military bases as a result of the damage to Homestead; military transfers should be considered involuntary relocations under this provision.

CHAPTER IV

U.S. ARMY CORPS OF ENGINEERS

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

The bill includes $3,000,000 for Flood Control, Mississippi River and Tributaries, to meet emergency needs resulting from Hurricane Andrew. These funds will provide for costs resulting from placing revetment operations on a standby basis and the loss of two barge loads of concrete bank stabilization mats.

Funds for this work were included in H.R. 5911 as introduced in the House, in the Senate amendments to H.R. 5620, and in the amount requested by the President for costs related to Hurricane Andrew.

OPERATION AND MAINTENANCE

The bill includes $3,000,000 to repair Corps of Engineers projects in Florida, Louisiana, and Hawaii damaged by Hurricane Andrew and Hurricane Iniki. These funds will be used to repair of federally constructed and operated features of the Central and Southern Florida flood control project, the removal of sunken vessels and debris in the Miami River and the Intracoastal Waterway, Jacksonville to Miami projects in Florida, for necessary dredging in the Atchafalaya River in Louisiana, and for repair of projects in Hawaii.

Funds for these activities were included in H.R. 5911 as introduced in the House, in the Senate amendments to H.R. 5620, and in the amount requested by the President for costs related to Hurricane Andrew.

FLOOD CONTROL AND COASTAL EMERGENCIES

The bill includes a total of $40,000,000 for the Corps of Engineers' emergency fund to enable the Corps to respond to requirements arising from the consequences of Hurricane Andrew, Hurricane Iniki, and other natural disasters.

Of the total provided, $25,000,000 is to cover the incremental costs arising from the consequences of Hurricane Andrew and Hurricane Iniki. The funds will enable the Corps of Engineers to repair unexpected damages and replace as required the federally and locally constructed but nonfederally operated features of the Central and Southern Florida flood control project, the Grand Isle, Louisiana, hurricane protection project, the Mandeville, Louisiana, seawall, and the Lake Pontchartrain and vicinity, Louisiana, hurricane protection project. The funds will also enable the Corps to repair unexpected beach erosion at federally constructed hurricane protection projects in Dade County, Broward County, and Key Biscayne, Florida, and at Wine Island, Louisiana. The funds will enable the Corps to repair projects damaged as a result of Hurricane Iniki and will cover the costs of Corps emergency response efforts to both events.

The bill also includes $15,000,000 for replenishment of the Corps' emergency fund for future emergency response needs.

Funds for these activities were included in H.R. 5911 as introduced in the House, in the Senate amendments to H.R. 5620, and in the President's budget request in response to Hurricane Andrew.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCES MANAGEMENT

A total of $27,000,000 is provided for fish and wildlife recovery activities in Louisiana and other areas affected by storm damage. This amount includes $24,500,000 as a grant from the Fish and Wildlife Service to the Louisiana Department of Wildlife and Fisheries for restoration of freshwater and wildlife populations, including the development and execution of restoration plans as well as the construction of necessary hatchery and incubation facilities and land acquisition. An additional amount of $1,500,000 is recommended for the National Wetlands Research Center to assess the effects of Hurricane Andrew on Louisiana's coastal ecosystems including forested wetlands, coastal marshes, and migratory bird habitat. These funds will only become available upon Presidential designation of these purposes as emergency expenditures, pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION AND ANADROMOUS FISH

An additional amount of $12,765,000 for Construction and anadromous fish is provided in response to damage incurred from Hurricane Andrew, Typhoon Omar, and Hurricane Iniki. Fish and Wildlife Service facilities in Florida, Hawaii, Louisiana, and Guam sustained significant damage. The money will pay for reconstruction and rehabilitation of refuge, hatchery and research facilities.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

An additional $23,000,000 is provided for Operation of the National Park System in response to Hurricane Andrew damage to Everglades National Park, Biscayne National Park, Big Cypress National Preserve, and Jean Lafitte National Historic Park. The amount provided is for emergency response and cleanup, replacement of lost equipment, and natural resource recovery activities.

HISTORIC PRESERVATION FUND

A total of $300,000 is provided for grants to the National Trust for Historic Preservation for assistance in restoration of historic private properties. These funds will only become available upon Presidential designation of these purposes as emergency expenditures, pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

An additional amount of $23,000,000 is provided for construction for Hurricane Andrew damage to Biscayne National Park, Everglades National Park, Big Cypress National Preserve, and Jean Lafitte National Historic Park. The recommended amount will allow for reconstruction and rehabilitation of visitor facilities, park buildings, and employee housing. Of the amount provided, $1,000,000 is for Jean Lafitte NHP, LA.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS AND RESEARCH

An additional amount of $3,375,000 is provided for Surveys, investigations, and research consisting of $1,575,000 for replacement of equipment and structures damaged by Hurricanes Andrew and Iniki and Typhoon Omar and $1,800,000, subject to a Presidential declaration of an emergency, for follow-on studies to the Louisiana barrier is-

lands study and documentation of shoreline damages.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

An additional $1,200,000 is provided for the Minerals Management Service to inspect offshore oil and gas facilities in the Gulf of Mexico and to provide oversight of pipeline repairs. Of the 3,852 offshore oil and gas facilities in the Gulf of Mexico, 2,000 were in the path of Hurricane Andrew and 166 received notable damage. Thirty-four structures were toppled and 28 sustained severe structural damage. Eighty-three segments of oil and gas pipeline received damage. These funds will only become available upon Presidential designation of these purposes as emergency expenditures, pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

An additional $1,500,000 is provided for Operation of Indian programs, for Hurricane Andrew damage to the Miccosukee, FL and Chitimacha, LA Indian reservations. Included are $900,000 for emergency welfare assistance for approximately 170 families; $300,000 for clean-up operations, including removal of fire hazards and debris and heavy equipment rental; and $300,000 for facilities operations and maintenance, including emergency generators, line repairs, and building inspections.

CONSTRUCTION

An additional $3,800,000 is provided for construction for Hurricane Andrew damage to the Miccosukee, FL and Chitimacha, LA Indian reservations. Included is $1,500,000 for the housing improvement program, to repair or replace approximately 51 homes damaged or destroyed by the hurricane. Also included is $2,300,000 for facilities improvement and repair, including $500,000 to repair the Miccosukee fire station; $1,000,000 to repair schools on both the Miccosukee and Chitimacha reservations; $300,000 to repair Chitimacha tribal buildings and offices; and $500,000 to repair government-funded tribal enterprises on both reservations.

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For State and private forestry, an additional $4,140,000 is provided. The total includes $2,900,000 for assistance to the State of Louisiana related to damage from Hurricane Andrew. The funds will be provided to the State's Office of Forestry under the authority of the Cooperative Forestry Assistance Act, and will be used for the development of forestry management plans to restore damaged commercial, urban, and private timber stocks; to remove and replace damaged trees; and to prevent further damage to remaining stocks from insects and other diseases. Funds will also be provided for the State to undertake a full tree inventory and damage assessment of trees in the 53 impacted communities, to assist in hazard tree removal, tree replacements, home/business owner assistance, and to replace damaged trees on State-owned facilities. Under the Cooperative Forestry Assistance Act, the State will be required to match the funds unless an exemption is granted under other provisions of law. There is also $1,240,000 for the State of Hawaii related to damage from Hurricane Iniki. These funds will be available only to the extent the President designates them as an emergency requirement.

CHAPTER VI

SUBCOMMITTEE ON THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION

The bill provides a total of $258,100,000 for disaster relief administered by the Departments of Labor, Health and Human Services and Education. This amount is the same as the amount provided by the Senate in H.R. 5620 and $69,850,000 more than the level provided by the House in H.R. 5911. This amount will fund a broad array of health, education and social services for victims of natural disasters including Hurricanes Andrew and Iniki and Typhoon Omar.

DEPARTMENT OF LABOR

The bill provides $30,000,000 for emergency job training grants administered by the Department of Labor. This is the same amount included by the Senate in its amendments to H.R. 5620. H.R. 5911 did not include funding for this account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The bill includes $105,600,000 for emergency health and social services related to Presidentially-declared emergencies. This is the same amount provided in the Senate amendment for these activities and an increase of $20,600,000 over the comparable House amount. The bill assumes that this amount includes additional funding for health resources and services; disease control, research and training; the National Centers for Research Resources; the Alcohol, Drug Abuse and Mental Health Block Grant; the Community Services Block grant; the Child Care Block Grant, and other Human Development Services programs. The bill does not, however, earmark a specific amount for each program. The bill instead appropriates the entire amount under a broad emergency authority which provides maximum flexibility for the Department of Health and Human Services to respond to the emergency. The bill provides that these funds are available for any emergency health or social service activities which are authorized without the need for reprogramming of funds. This includes social services provided by both public and private relief agencies.

While no specific earmark of funds has been included for a grant to the United Houma Nation in bill language as provided in the Senate amendment, the Department is encouraged to provide up to $2,000,000 to meet the needs of this Indian tribe when allocating disaster assistance funding.

DEPARTMENT OF EDUCATION

The bill includes $122,500,000 for disaster assistance activities of the Department of Education. This is the same amount provided by the Senate in H.R. 5620 and $19,250,000 more than provided by the House in H.R. 5911. The bill accepts Senate language providing $40 million to partially finance emergency Pell grants for students in Presidentially-designated disaster areas. The bill also accepts Senate language which replaces $40 million within the Educational Excellence account which was reprogrammed for disaster assistance activities. Both of these amounts were also included in H.R. 5911 as introduced in the House.

The bill provides $42,500,000 for disaster assistance activities under the Impact Aid account the same amount provided in the Senate amendments to H.R. 5620 and $19,250,000 more than the amount provided by the House in H.R. 5911. The additional amounts will allow assistance to the State of Hawaii related to Hurricane Iniki as well as a broader array of support related to Hurricane Andrew and Typhoon Omar. The bill provides broad discretion to the Secretary in allocating these funds and permits him to grant waivers to laws and regulations where such waivers are necessary to target aid more effectively or more efficiently.

The bill includes funds to assist those school districts which are incurring substantially increased costs as a result of Presidentially-declared emergencies. This includes districts within the designated disaster areas as well as districts outside these geographic areas which are educating large numbers of students whose families were displaced as a result of the destruction of their homes and businesses. The Congress is aware, in particular, of a number of districts which have received large numbers of students whose parents were previously stationed at Homestead Air Force Base.

In allocating disaster funds the Secretary should give high priority to continuing existing services for disadvantaged students such as those provided by the Upward Bound program.

The bill permits that up to $750,000 of the amount provided under impact aid disaster assistance may be used for disaster-related administrative costs at the Department of Education.

The bill provides specific authority for the Secretary to waive provisions of law related to Pell grant eligibility. Similar waiver authority was provided in Public Law 102-26 related to the Desert Shield/Desert Storm emergency. The provisions of Public Law 102-26 (20 USC 1070) provide an excellent model for the type of waivers which may be appropriate. The Secretary is directed to report to the Congress by December 31, 1992 on his use of this authority.

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, AIR FORCE

The bill appropriates $10,000,000 for planning costs arising from the consequences of Hurricane Andrew, provided none of the funds can be used for construction of facilities to support active Air Force units and missions at Homestead Air Force Base, Florida, until the completion of the 1993 Base Closure process.

The bill appropriates $66,000,000 for the limited purpose of restoring airfield operations at Homestead Air Force Base, Florida, provided that none of these funds are available for construction of facilities to support active Air Force units and missions until completion of the 1993 Base Closure process. These funds are appropriated for the purpose of providing the Homestead community with an operational aviation asset. This would include restoring to operational use the runway, air traffic control complex, utilities and aviation support infrastructure. It would also provide for environmental restoration which is required regardless of the disposition of the airfield as a military asset or a civil airport.

The bill appropriates $7,600,000 for replacement of damaged and destroyed facilities at Andersen Air Force Base at Guam as a consequence of typhoon Omar.

FAMILY HOUSING, AIR FORCE

The bill appropriates $16,000,000 for demolition and clean up of damaged or destroyed family housing units at Homestead Air Force Base, Florida, as a consequence of Hurricane Andrew.

The bill appropriates $21,200,000 for damaged family housing units as a consequence of Typhoon Omar.

MILITARY CONSTRUCTION, NAVY

The bill appropriates $60,130,000 for projects at Guam. The appropriated funds are to be allocated for the following projects:

Andersen AFB: Maintenance hangar	$29,000,000
Naval Station: Child Development Center	2,900,000
Naval Supply Depot: Hazardous material storage	14,820,000
Ship repair facility: Ship/spare storage	5,200,000
Naval magazine: Tomahawk magazines	8,210,000

The bill appropriates $21,400,000 for repair and replacement of damaged facilities on Guam arising from the consequences of Typhoon Omar. The appropriated funds are to be allocated for the following projects:

NAS operations/maintenance building	$830,000
NAS SEABEE operations building	1,050,000
SRF mooring facility	4,780,000
SRF drydock causeway	1,150,000
NAVSTA breakwater	11,640,000
Various planning and design	1,950,000

FAMILY HOUSING, NAVY AND MARINE CORPS

The bill appropriates $56,700,000 for construction of family housing units on Guam. The funds provide for construction of 300 units of new family housing at the Public Works Center on Guam.

The bill appropriates $30,500,000 for repair of family housing units at Guam as a consequence of Typhoon Omar.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

The Department of Defense shall redirect existing unobligated funds provided in Public Law 102-136 for construction of medical facilities at Homestead Air Force Base, Florida toward such construction as may be necessary to care for medical needs of retired personnel in the Homestead community as well as for the Air National Guard and Air Force Reserve units that may be assigned to Homestead Air Force Base.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION

The bill provides an additional $20 million for Coast Guard operating expenses to reflect the incremental costs attributable to intensified operations and the repair of facilities necessitated by Hurricane Andrew and Hurricane Iniki. For Coast Guard acquisition, construction, and improvements, the bill includes $21.5 million to replace the Coast Guard communications station in Miami and to reconstruct other facilities that were damaged or destroyed by Hurricane Andrew or Hurricane Iniki.

For the Federal Aviation Administration, the bill provides $40 million for facilities and equipment and $20 million for grants-in-aid for airports.

The bill includes three appropriations for the Federal Highway Administration: $750,000 for a number of highway feasibility studies related to expediting evacuations from hurricane-threatened areas; $3,000,000 for metropolitan planning organizations in areas affected by Hurricane Andrew, Hurricane Iniki or Typhoon Omar; and $30,000,000 for the Emergency Fund. Preliminary estimates indicate the existing balance plus the fiscal year 1993 emergency relief funds may not be adequate to cover the costs of the recent disasters. The bill would also waive the per state limit on these emergency funds.

The bill includes $10,000,000 to enable the Federal Transit Administration to assist transit operations affected Hurricanes Andrew and Iniki.

For the Research and Special Programs Administration, the bill includes a transfer of $44,000 for the agency's emergency transportation activities.

CHAPTER IX

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

This bill provides an additional $590,000, for salaries and expenses to cover the incremental costs arising from the consequences of Hurricane Andrew. These funds are for overtime, travel, office equipment, supplies, and other related costs in law enforcement.

U.S. CUSTOMS SERVICE

SALARIES AND EXPENSES

This bill provides an additional $4,670,000, for salaries and expenses to cover the incremental costs arising from the consequences of Hurricane Andrew. These funds are to be used to cover costs related to losses to vehicles, communication networks, and other related materials. It also provides additional funds for overtime, travel, emergency office equipment, space, and supplies.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

This bill provides an additional $10,500,000, for operation and maintenance to cover the incremental costs arising from the consequences of Hurricane Andrew. These funds are for equipping and furnishing a replacement facility, replacement of aircraft and maintenance equipment, replacement of boats and equipment, equipping and furnishing the Richmond Heights C31 facility and temporary operations at alternative locations.

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

This bill provides an additional $19,250,000, for Customs Air Interdiction Facilities, Construction, Improvements and Related Expenses to cover the incremental costs arising from the consequences of Hurricane Andrew. These funds are to rebuild Customs Miami Air Branch facilities damaged or destroyed by Hurricane Andrew and to repair the C31 facility at Richmond Heights. It also includes funds for engineering, construction, and related expenses.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

This bill provides an additional $1,173,000, for tax law enforcement to cover the incremental costs arising from the consequences of Hurricane Andrew. These funds are for overtime, travel, and other costs related to assisting disaster loan applications and providing help in filing expedited tax returns to take advantage of disaster related reductions.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

This bill provides and additional $2,500,000, for Real Property Operations to cover the incremental costs arising from the consequences of Hurricane Andrew. These funds are for the protection of GSA-controlled federal and leased space, moving costs, tree removal, and general clean-up.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

This bill provides an additional $700,000, for the Federal Supply Service to cover the incremental costs arising from the consequences of Hurricane Andrew. These funds are for the repair and replacement of vehicles destroyed and damaged by Hurricane Andrew.

GENERAL PROVISIONS

This bill provides a provision allowing agencies to accept donations for federal employees involved in disaster resulting from Hurricane Andrew, Typhoon Omar, and Hurricane Iniki.

CHAPTER X

DEPARTMENT OF VETERANS AFFAIRS

The bill includes $16,793,000 for medical care to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters. The increase of $1,000,000 above the budget request is due to additional disaster declarations subsequent to the submission of the supplemental appropriations request.

The bill includes $156,000, as requested by the Administration, for general operating expenses to cover overtime costs incurred by the Veterans Benefits Administration to ensure proper disbursement of benefits checks, appraisal of VA-owned homes damaged by disasters, and reopening of regional offices closed during and after such disasters.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The bill includes the $183,000,000 requested for voucher assistance for victims of Presidentially-declared disasters. These monies, to be derived by transfer from FEMA's disaster relief account, will enable HUD to fund 12,000 rental assistance vouchers for 24 months for the benefit of eligible, very low-income families in areas recently impacted by disasters.

The bill includes $100,000,000 for the development, major reconstruction and modernization of public housing for use in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar and other Presidentially-declared disasters. Language is also included providing the Secretary with authority to waive any provision of any statute or regulation, except provisions requiring nondiscrimination, to ensure that these funds will be made available in an expeditious manner for damages resulting from recently declared disasters. These funds are required to assist the families who lived in the thousands of public housing units recently destroyed or damaged by disasters.

The bill includes the $500,000 requested for housing counseling assistance for emergency counseling regarding housing availability, maintenance, and financing, for homeowners, home buyers, and renters living in areas affected by recent disasters.

The bill provides $30,397,000 for subsidy costs associated with the general and special risk program account, and a loan limitation of $2,428,000,000. These recommended amounts are $10,000,000 and $800,000,000, respectively, above the budget request and reflect anticipated additional needs resulting from disasters declared subsequent to the submission of the supplemental budget request. These funds will enable HUD to ensure approximately 95,000 mortgages and loans for the construction, reconstruction, rehabilitation, and purchase of single-family homes and multifamily housing, including health care facilities.

The bill includes $60,000,000 for the HOME Investment Partnerships Program for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters. Language

has been included providing authority for the Secretary to waive any provision of any statute or regulation, except for provisions requiring nondiscrimination, to ensure that these funds are utilized in an expeditious fashion. It is expected that the Department will make these funds, and the funds provided for public housing, available as quickly as possible to those people whose homes have been devastated by recent disasters. To ensure that these funds are made available as soon a possible, an additional $4,000,000 has been provided in the salaries and expenses account for increased staffing needs. The Department is to report to the Committees on Appropriations within 30 days of enactment of this Act as to how it intends to utilize both the public housing and HOME funds.

The bill includes $4,000,000, an increase of $200,000 above the budget request, for salaries and expenses. The requested funds will permit an expansion of staffing in the Coral Gables field office to accommodate the increased demand for program services created by Hurricane Andrew in southern Florida. The additional funds above the budget request are to be available for additional field offices expenses caused by other recent disasters.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The bill has been amended to include an additional $2,893,000,000 for disaster relief assistance for the Federal Emergency Management Agency for fiscal year 1992. These funds will provide urgently needed assistance for the recent disasters in Florida, Louisiana, Hawaii, and Guam as a result of devastating hurricanes as well as other natural disasters that have occurred recently.

This is $989,000,000 above the President's request for this account. The extraordinary circumstances of recent disasters make it necessary to provide such a large sum of money. In addition to the many requirements placed upon the Federal Emergency Management Agency, this account will be used by FEMA to reimburse other agencies for performing tasks assigned to them under the Federal Response Plan. Due to the magnitude of the Hurricane Andrew disaster, the military has been utilized extensively in the response effort. It is now estimated by the Administration that the cost to the disaster relief fund for military expenses will be about $300,000,000.

In addition to the disaster relief account, a loan limitation of $200,000,000 has been provided for the Community Disaster Loan Program. This account allows FEMA to make loans to local governments which, due to a major disaster, have suffered a substantial loss of tax and other revenues. These loans are used to provide financial assistance to local communities which allow them to continue to perform their governmental functions.

It is recommended that this amount, as well as the other amounts included under FEMA in this supplemental appropriation, be designated by Congress as an emergency requirement for all the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

Local officials and businesses in South Florida have expressed concern that disposal, relief, repair, and reconstruction projects in the aftermath of Hurricane Andrew are not going to local companies who are able to perform such work. A large number of the contracts are being let to out-of-region and out-of-state contractors when capable local companies are available. The Federal Emergency Management Agency (FEMA) is encouraged to employ the services of local companies doing relief, repair, and reconstruction work in South Florida. These companies would be expected to comply with local ordinances and rules governing minority participation and minority employment. Further, FEMA is urged to provide more effective preannouncements of potential contracts.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The limitation on direct loans for this account is increased by $30,000,000 for fiscal year 1992 and for a total loan authority of $58,000,000. This loan account allows FEMA to lend eligible applicants or States the portion of assistance for which the State is responsible under the cost-sharing provisions of the Stafford Act. A provision has been included allowing FEMA to utilize this loan authority through fiscal year 1993.

SALARIES AND EXPENSES

An additional $15,000,000 is recommended for the Salaries and Expenses account for FEMA. Due to recently declared disasters as well as other disasters and emergencies, additional personnel is required to respond to the demands of the disaster assistance program. Included in the bill is a provision directing all of these resources to be utilized only by the disaster assistance programs in FEMA.

TITLE XII

ADDITIONAL ASSISTANCE TO DISTRESSED COMMUNITIES

The amended bill provides $500 million, subject to authorization, for two programs: the Enterprise Community Block Grant Demonstration Program and the National Public/Private Partnership Program. These programs will be more fully defined in H.R. 11.

A detailed table reflecting the amounts in the proposed bill is as follows:

FY 1992 Dire Emergency Supplemental Appropriations Bill (H.R. 5620)

Doc No.		Supplemental Request	House [2]	Senate	Conference	Conference compared with House	Conference compared with Senate
	FY 1992 SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS						
	TITLE I						
	DEPARTMENT OF COMMERCE						
	International Trade Administration						
.....	Operations and administration	.....	1,795,000	3,000,000	2,000,000	+205,000	-1,000,000
	National Oceanic and Atmospheric Administration						
.....	Operations, research and facilities	.....	.....	1,500,000	.....	.....	-1,500,000
.....	(Rescission)	.....	.....	-3,500,000	-2,120,000	-2,120,000	+1,380,000
.....	Fishing vessel obligations guarantees (rescission)	.....	.....	.....	-930,000	-930,000	-930,000
.....	Foreign fishing observer fund (rescission)	.....	-1,309,000	-1,309,000	-1,309,000	.....	.....
	Total, National Oceanic and Atmospheric Administration	.....	-1,309,000	-3,309,000	-4,359,000	-3,050,000	-1,050,000
	Economic Development Administration						
.....	Economic Development Revolving Fund (rescission)	.....	.....	-2,100,000	.....	.....	+2,100,000
	Total, Department of Commerce	.....	486,000	-2,409,000	-2,359,000	-2,845,000	+50,000
	DEPARTMENT OF JUSTICE						
	Federal Prison System						
102-358	National Institute of Corrections (by transfer)	(3,700,000)	.....	.....	.....	.....	.....
	DEPARTMENT OF STATE						
	International Organizations and Conferences						
.....	Contributions for international peacekeeping	80,000,000	80,000,000	.....	80,000,000	.....	+80,000,000
	THE JUDICIARY						
	Courts of Appeals, District Courts, and Other Judicial Services						
102-178	Defender services	24,500,000	31,250,000	.....	31,250,000	.....	+31,250,000
	RELATED AGENCIES						
	Commission on Civil Rights						
102-358	Salaries and expenses	817,000	.....	.....	.....	.....	.....
	Equal Employment Opportunity Commission						
102-358	Salaries and expenses	1,000,000	1,000,000	.....	1,000,000	.....	+1,000,000
	Total, Title I:						
	New budget (obligational) authority	106,317,000	112,736,000	-2,409,000	109,891,000	-2,845,000	+112,300,000
	Appropriations	(106,317,000)	(114,045,000)	(4,500,000)	(114,250,000)	(+205,000)	(+109,750,000)
	Rescissions	.....	(-1,309,000)	(-6,909,000)	(-4,359,000)	(-3,050,000)	(+2,550,000)
	(By transfer)	(3,700,000)	.....	.....	.....	.....	.....
	TITLE II						
	DEPARTMENT OF DEFENSE - MILITARY						
	OPERATION AND MAINTENANCE						
102-191	Operation and Maintenance, Army	116,000,000	116,000,000	116,000,000	116,000,000	.....	.....
102-191	Operation and Maintenance, Navy	33,000,000	33,000,000	33,000,000	33,000,000	.....	.....
102-191	Operation and Maintenance, Air Force	263,000,000	263,000,000	263,000,000	263,000,000	.....	.....
102-191	Operation and Maintenance, Defense Agencies	19,700,000	69,700,000	19,700,000	69,700,000	.....	+50,000,000
102-191	Environmental Restoration, Defense	447,500,000	447,500,000	447,500,000	447,500,000	.....	.....
	Total, Operation and maintenance	879,200,000	929,200,000	879,200,000	929,200,000	.....	+50,000,000
	PROCUREMENT						
.....	National Guard and Reserve Equipment	.....	.....	.....	4,372,000	+4,372,000	+4,372,000
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
102-191	Research, Development, Test and Evaluation, Defense Agencies	30,000,000	7,000,000	69,800,000	74,800,000	+67,800,000	+5,000,000
	REVOLVING AND MANAGEMENT FUNDS						
.....	Pentagon reservation maintenance revolving fund	.....	80,100,000	80,100,000	80,100,000	.....	.....
	OTHER DEPARTMENT OF DEFENSE PROGRAMS						
.....	Office of the Inspector General	.....	3,400,000	3,400,000	3,400,000	.....	.....
	MILITARY PERSONNEL (by transfer from the Defense Cooperation Account or the Persian Gulf Regional Defense Fund)						
1/	Military Personnel, Army	(1,037,261,000)	(1,037,261,000)	(399,000,000)	(1,007,961,000)	(-29,300,000)	(+608,961,000)
1/	Military Personnel, Navy	(205,700,000)	(205,700,000)	(30,000,000)	(170,400,000)	(-35,300,000)	(+140,400,000)
1/	Military Personnel, Marine Corps	(20,227,000)	(20,227,000)	.....	(17,127,000)	(-3,100,000)	(+17,127,000)
1/	Military Personnel, Air Force	(333,500,000)	(333,500,000)	.....	(313,500,000)	(-20,000,000)	(+313,500,000)
	Total, Military personnel	(1,596,688,000)	(1,596,688,000)	(429,000,000)	(1,508,988,000)	(-87,700,000)	(+1,079,988,000)

1/ Cost estimates for the incremental costs of Operation Desert Shield/Desert Storm funded by transfer from the Defense Cooperation Account or the Persian Gulf Regional Defense Fund were provided by DOD.

FY 1992 Dire Emergency Supplemental Appropriations Bill (H.R. 5620), continued

Doc No.		Supplemental Request	House [2]	Senate	Conference	Conference compared with House	Conference compared with Senate
	OPERATION AND MAINTENANCE (by transfer from the Defense Cooperation Account or the Persian Gulf Regional Defense Fund)						
1/	Operation and Maintenance, Army	(2,383,890,000)	(2,383,890,000)	(1,355,274,000)	(1,355,274,000)	(-1,028,616,000)	.....
1/	Operation and Maintenance, Navy	(101,000,000)	(101,000,000)	(75,000,000)	(75,000,000)	(-26,000,000)	.....
1/	Operation and Maintenance, Marine Corps	(433,000,000)	(433,000,000)	(224,600,000)	(224,600,000)	(-208,400,000)	.....
1/	Operation and Maintenance, Air Force	(657,600,000)	(657,600,000)	(247,200,000)	(247,200,000)	(-410,400,000)	.....
102-191 1/	Operation and Maintenance, Defense Agencies	(10,700,000)	(10,700,000)	(4,900,000)	(4,900,000)	(-5,800,000)	.....
.....	Operation and Maintenance, Army National Guard	.....	.....	.....	(15,214,560)	(+15,214,560)	(+15,214,560)
	Total, Operation and Maintenance	(3,586,190,000)	(3,586,190,000)	(1,906,974,000)	(1,922,188,560)	(-1,664,001,440)	(+15,214,560)
	MILITARY PERSONNEL (transfer of existing funds)						
1/	National Guard Personnel, Army	(12,500,000)	(12,500,000)	(12,500,000)	(12,500,000)	.....	.....
	OPERATION AND MAINTENANCE (transfer of existing funds)						
1/	Operation and Maintenance, Army	(341,310,000)	(341,310,000)	(341,310,000)	(341,310,000)	.....	.....
1/	Operation and Maintenance, Navy	(257,200,000)	(257,200,000)	(257,200,000)	(257,200,000)	.....	.....
	Total, Operation and Maintenance	(598,510,000)	(598,510,000)	(598,510,000)	(598,510,000)	.....	.....
	PERSIAN GULF REGIONAL DEFENSE FUND						
.....	Persian Gulf Regional Defense Fund (rescission)	.....	-12,485,446,313	-14,696,040,000	-14,696,040,000	-2,210,593,687	.....
	GENERAL PROVISION (by transfer from the Defense Cooperation Account or the Persian Gulf Regional Defense Fund)						
.....	Kurdish relief (section 204)	.....	.....	(40,000,000)	(40,000,000)	(+40,000,000)	.....
	Total, Title II:						
	New budget (obligational) authority	909,200,000	-11,465,746,313	-13,663,540,000	-13,604,168,000	-2,138,421,687	+59,372,000
	Appropriations	(909,200,000)	(1,019,700,000)	(1,032,500,000)	(1,091,872,000)	(+72,172,000)	(+59,372,000)
	Rescissions	.....	(-12,485,446,313)	(-14,696,040,000)	(-14,696,040,000)	(-2,210,593,687)	.....
	(By transfer of existing funds) (Desert Storm)	(611,010,000)	(611,010,000)	(611,010,000)	(611,010,000)	.....	.....
	(By transfer from the Defense Cooperation Account or the Persian Gulf Regional Defense Fund)	(5,182,878,000)	(5,182,878,000)	(2,375,974,000)	(3,471,176,560)	(-1,711,701,440)	(+1,095,202,560)
	TITLE III						
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
102-358	Advances to the Unemployment Trust Fund and other funds	237,652,000	237,652,000	237,652,000	237,652,000	.....	.....
	RELATED AGENCY						
	National Commission on Libraries and Information Science						
102-358	White House Conference on Library and Information Services	400,000	.....	.....	.....	.....	.....
	Total, Title III:						
	New budget (obligational) authority	238,052,000	237,652,000	237,652,000	237,652,000	.....	.....
	TITLE IV						
	DEPARTMENT OF DEFENSE - MILITARY						
102-191	Base realignment and closure account, Part II	162,700,000	162,700,000	162,700,000	162,700,000	.....	.....
102-191	(By transfer)	(69,000,000)	(69,000,000)	(69,000,000)	(69,000,000)	.....	.....
	Total, Title IV:						
	New budget (obligational) authority	162,700,000	162,700,000	162,700,000	162,700,000	.....	.....
	(By transfer)	(69,000,000)	(69,000,000)	(69,000,000)	(69,000,000)	.....	.....
	TITLE V						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Benefits Administration						
102-178 102-358	Compensation and pensions	500,000,000	500,000,000	500,000,000	500,000,000	.....	.....
	Vocational rehabilitation loans program account:						
.....	(Limitation on direct loans)	.....	(350,000)	(350,000)	(350,000)	.....	.....
	Veterans Health Administration						
	Transitional housing loan program account:						
102-178	Loan program account (by transfer)	(3,000)	(3,000)	(3,000)	(3,000)	.....	.....
102-178	(Limitation on direct loans)	(30,000)	(30,000)	(30,000)	(30,000)	.....	.....
102-178	Administrative expenses (by transfer)	(25,000)	(25,000)	(25,000)	(25,000)	.....	.....
	Departmental Administration						
102-358	General operating expenses	14,100,000	14,100,000	14,100,000	14,100,000	.....	.....
	Total, Department of Veterans Affairs	514,100,000	514,100,000	514,100,000	514,100,000	.....	.....

1/ Cost estimates for the incremental costs of Operation Desert Shield/Desert Storm funded by transfer from the Defense Cooperation Account or the Persian Gulf Regional Defense Fund were provided by DOD.

FY 1992 Dire Emergency Supplemental Appropriations Bill (H.R. 5620), continued

Doc No.		Supplemental Request	House [2]	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
102-358	Assistance for the renewal of expiring section 8 subsidy contracts (by transfer)	(407,000,000)	(407,000,000)	(407,000,000)	(407,000,000)		
	Payments for operation of low-income housing projects:						
	Rescission		-250,000,000	-250,000,000	-250,000,000		
	Appropriation		250,000,000	250,000,000	250,000,000		
	FHA - General and special risk program account:						
102-358	(Limitation on guaranteed loans)	(1,500,000,000)					
102-358	Program costs (by transfer)	(10,000,000)					
	Government National Mortgage Association						
	Guarantees of mortgage-backed securities loan guarantee program account: (Limitation on guaranteed loans)			(25,000,000,000)	(25,000,000,000)	+25,000,000,000)	
	Community Planning and Development						
	Community development grants (limitation on guaranteed loans)			(85,000,000)	(85,000,000)	(+85,000,000)	
	Policy Development and Research						
	Research and technology:						
	Rescission		-500,000	-500,000	-500,000		
	Appropriation		500,000	500,000	500,000		
	INDEPENDENT AGENCIES						
	Court of Veterans Appeals						
	Salaries and expenses:						
	Rescission		-950,000	-950,000	-950,000		
	Appropriation		950,000	950,000	950,000		
	National Commission on Severely Distressed Public Housing						
	Salaries and expenses (by transfer)		(250,000)	(250,000)	(250,000)		
	Total, Title V:						
	New budget (obligational) authority	514,100,000	514,100,000	514,100,000	514,100,000		
	Appropriations	(514,100,000)	(765,550,000)	(765,550,000)	(765,550,000)		
	Rescissions		(-251,450,000)	(-251,450,000)	(-251,450,000)		
	(By transfer)	(417,028,000)	(407,278,000)	(407,278,000)	(407,278,000)		
	(Limitation on direct loans)	(30,000)	(380,000)	(380,000)	(380,000)		
	(Limitation on guaranteed loans)	(1,500,000,000)		(25,085,000,000)	(25,085,000,000)	(+25,085,000,000)	
	TITLE VI						
	DEPARTMENT OF AGRICULTURE						
	Soil Conservation Service						
	Watershed and flood prevention operations		7,500,000			-7,500,000	
	TITLE VII						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
	Construction program		30,000,000	20,000,000	30,000,000		+10,000,000
	TITLE VIII						
	DEPARTMENT OF TRANSPORTATION						
	Federal Aviation Administration						
	Grants-in-aid for airports (Airport and Airway Trust Fund) (liquidation of contract authorization)			(100,000,000)	(100,000,000)	(+100,000,000)	
	TITLE IX						
	DEPARTMENT OF THE TREASURY						
	Departmental Offices						
	Salaries and expenses			320,000	320,000	+320,000	
	Financial Management Service						
	Salaries and expenses			1,298,000	1,298,000	+1,298,000	
	Bureau of Alcohol, Tobacco and Firearms						
	Salaries and expenses			2,000,000	2,000,000	+2,000,000	
	United States Mint						
	Salaries and expenses			270,000	270,000	+270,000	
	Bureau of the Public Debt						
	Administering the Public Debt			5,226,000	5,226,000	+5,226,000	
	United States Secret Service						
	Salaries and expenses			1,400,000	1,400,000	+1,400,000	
	(Rescission)			-4,292,000	-4,292,000	-4,292,000	
	Total, United States Secret Service			-2,892,000	-2,892,000	-2,892,000	
	United States Customs Service						
	Salaries and expenses (rescission)			-1,273,000	-1,273,000	-1,273,000	

FY 1992 Dire Emergency Supplemental Appropriations Bill (H.R. 5620), continued

Doc No.		Supplemental Request	House [2]	Senate	Conference	Conference compared with House	Conference compared with Senate
	Internal Revenue Service						
.....	Administration and management (rescission)	.....	.....	-220,000	-220,000	-220,000	.....
.....	Processing tax returns and assistance (rescission)	.....	.....	-1,460,000	-1,460,000	-1,460,000	.....
.....	Tax law enforcement (rescission)	.....	.....	-2,999,000	-2,999,000	-2,999,000	.....
.....	Information systems (rescission)	.....	.....	-270,000	-270,000	-270,000	.....
	Total, Internal Revenue Service	.....	.....	-4,949,000	-4,949,000	-4,949,000	.....
	Total, Title IX:						
	New budget (obligational) authority	.....	.....	.....	.....	.....	.....
	Appropriations	.....	.....	(10,514,000)	(10,514,000)	(+10,514,000)	.....
	Rescissions	.....	.....	(-10,514,000)	(-10,514,000)	(-10,514,000)	.....
	TITLE X						
	CONGRESSIONAL OPERATIONS						
	SENATE						
	Payments to Widows and Heirs of Deceased Members of Congress						
102-	Gratuities, deceased Members	129,500	.....	129,500	129,500	+129,500	.....
	HOUSE OF REPRESENTATIVES						
	Payments to Widows and Heirs of Deceased Members of Congress						
.....	Gratuities, deceased Members	.....	.....	.....	259,000	+259,000	+259,000
	Total, Title X:						
	New budget (obligational) authority	129,500	.....	129,500	388,500	+388,500	+259,000
	Grand total, Titles I - X:						
	New budget (obligational) authority	1,930,498,500	-10,401,058,313	-12,731,367,500	-12,549,436,500	-2,148,378,187	+181,931,000
	Appropriations	(1,930,498,500)	(2,337,147,000)	(2,233,545,500)	(2,412,926,500)	(+75,779,500)	(+179,381,000)
	Rescissions	.....	(-12,738,205,313)	(-14,964,913,000)	(-14,962,363,000)	(-2,224,157,687)	(+2,550,000)
	(By transfer)	(489,728,000)	(476,278,000)	(476,278,000)	(476,278,000)	.....	.....
	(Limitation on direct loans)	(30,000)	(380,000)	(380,000)	(380,000)	.....	.....
	(Limitation on guaranteed loans)	(1,500,000,000)	.....	(25,085,000,000)	(25,085,000,000)	(+25,085,000,000)	.....
	TITLE XI						
	PROVIDING ASSISTANCE FOR NEEDS RESULTING FROM NATURAL DISASTERS						
	CHAPTER I						
	DEPARTMENT OF AGRICULTURE						
	Agricultural Research Service						
102-381	Buildings and facilities	12,000,000	13,000,000	12,000,000	15,000,000	+2,000,000	+3,000,000
	Commodity Credit Corporation						
102-381	Crop losses	300,000,000	500,000,000	300,000,000	482,000,000	-18,000,000	+182,000,000
102-381	Tree assistance program	20,000,000	20,000,000	30,000,000	48,000,000	+28,000,000	+18,000,000
.....	Aquaculture	.....	.....	100,000,000	.....	.....	-100,000,000
	Soil Conservation Service						
102-381	Watershed and flood prevention operations	35,000,000	50,000,000	50,000,000	62,000,000	+12,000,000	+12,000,000
	Agricultural Stabilization and Conservation Service						
102-381	Emergency conservation program	16,500,000	25,000,000	25,000,000	27,000,000	+2,000,000	+2,000,000
	Farmers Home Administration						
	Rural Housing Insurance Fund Program Account:						
	Housing repair (sec. 504):						
102-381	(Direct loan authorization)	(10,000,000)	(10,000,000)	(10,000,000)	(39,500,000)	(+29,500,000)	(+29,500,000)
102-381	Loan subsidy	5,000,000	5,000,000	5,000,000	19,750,000	+14,750,000	+14,750,000
	Agricultural Credit Insurance Fund Program Account:						
	Emergency disaster loans:						
102-381	(Direct loan authorization)	(150,000,000)	(150,000,000)	(150,000,000)	(162,300,000)	(+12,300,000)	(+12,300,000)
102-381	Loan subsidy	40,000,000	40,000,000	40,000,000	43,285,000	+3,285,000	+3,285,000
	Rural Development Insurance Fund Program Account:						
	Water and sewer facility loans:						
102-381	(Direct loan authorization)	(30,000,000)	(30,000,000)	(30,000,000)	(35,500,000)	(+5,500,000)	(+5,500,000)
102-381	Loan subsidy	5,000,000	5,000,000	5,000,000	5,917,000	+917,000	+917,000
	Industrial development loans:						
102-381	(Guaranteed loan authorization)	(50,000,000)	(50,000,000)	(300,000,000)	(305,000,000)	(+255,000,000)	(+5,000,000)
102-381	Loan subsidy	3,000,000	3,000,000	18,000,000	18,300,000	+15,300,000	+300,000
	Rural Development Loan Fund Program Account:						
102-381	(Direct loan authorization)	(13,500,000)	(13,500,000)	(13,500,000)	(15,500,000)	(+2,000,000)	(+2,000,000)
102-381	Loan subsidy	7,058,000	7,058,000	7,058,000	8,104,000	+1,046,000	+1,046,000
102-381	Rural water and waste disposal grants	24,000,000	25,000,000	24,000,000	25,600,000	+600,000	+1,600,000
.....	Very low-income housing repair grants	.....	10,000,000	.....	10,000,000	.....	+10,000,000
102-381	Rural housing for domestic farm labor	10,000,000	10,000,000	10,000,000	10,500,000	+500,000	+500,000
102-381	Emergency community water assistance grants	12,000,000	12,000,000	12,000,000	15,400,000	+3,400,000	+3,400,000
102-381	Salaries and expenses	3,000,000	3,000,000	3,000,000	3,200,000	+200,000	+200,000
	Total, Farmers Home Administration	109,058,000	120,058,000	124,058,000	160,056,000	+39,998,000	+35,998,000
	Food and Nutrition Service						
.....	Food stamp program	.....	400,000,000	.....	400,000,000	.....	+400,000,000
	Total, Chapter I:						
	New budget (obligational) authority	492,558,000	1,128,058,000	641,058,000	1,194,056,000	+65,998,000	+552,998,000
	(Limitation on direct loans)	(203,500,000)	(203,500,000)	(203,500,000)	(252,800,000)	(+49,300,000)	(+49,300,000)
	(Limitation on guaranteed loans)	(50,000,000)	(50,000,000)	(300,000,000)	(305,000,000)	(+255,000,000)	(+5,000,000)

FY 1992 Dire Emergency Supplemental Appropriations Bill (H.R. 5620), continued

Doc No.		Supplemental Request	House [2]	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER II						
	DEPARTMENT OF COMMERCE						
	Economic Development Administration						
.....	Economic development assistance programs	.....	55,000,000	70,000,000	70,000,000	+15,000,000	.....
.....	Administrative expenses	.....	2,500,000	5,000,000	5,000,000	+2,500,000	.....
	Total, Economic Development Administration	.....	57,500,000	75,000,000	75,000,000	+17,500,000	.....
	Minority Business Development Agency						
102-381	Minority business development	2,000,000	2,000,000	2,000,000	2,000,000	.....	.....
	National Oceanic and Atmospheric Administration						
102-381	Operations, research, and facilities	9,891,000	9,891,000	18,391,000	18,691,000	+8,800,000	+300,000
	United States Travel and Tourism Administration						
.....	Salaries and expenses	.....	.....	.....	5,000,000	+5,000,000	+5,000,000
	Total, Department of Commerce	11,891,000	69,391,000	95,391,000	100,691,000	+31,300,000	+5,300,000
	DEPARTMENT OF JUSTICE						
	General Administration						
.....	Salaries and expenses	.....	5,700,000	.....	.....	-5,700,000	.....
102-381	(Reappropriation)	(510,000)	.....	.....	.....	.....	.....
	Legal Activities						
102-381	Salaries and expenses, United States Marshals Service	10,724,000	10,724,000	10,724,000	10,724,000	.....	.....
102-381	Support of United States prisoners	10,691,000	16,000,000	10,691,000	16,000,000	.....	+5,309,000
	Total, Legal activities	21,415,000	26,724,000	21,415,000	26,724,000	.....	+5,309,000
	Federal Bureau of Investigation						
102-381	Salaries and expenses	1,139,000	.....	1,139,000	1,139,000	+1,139,000	.....
	Drug Enforcement Administration						
102-381	Salaries and expenses	451,000	.....	451,000	451,000	+451,000	.....
	Immigration and Naturalization Service						
102-381	Salaries and expenses	1,000,000	.....	1,000,000	1,000,000	+1,000,000	.....
	Federal Prison System						
102-381	Salaries and expenses	16,559,000	18,843,000	16,559,000	16,559,000	-2,284,000	.....
.....	Buildings and facilities	.....	10,000,000	10,000,000	10,000,000	.....	.....
	Total, Federal prison system	16,559,000	28,843,000	26,559,000	26,559,000	-2,284,000	.....
	Office of Justice Programs						
102-381	Justice assistance	1,000,000	1,600,000	1,000,000	1,000,000	-600,000	.....
	Total, Department of Justice	41,564,000	62,867,000	51,564,000	56,873,000	-5,994,000	+5,309,000
	DEPARTMENT OF STATE						
	Administration of Foreign Affairs						
102-381	Salaries and expenses	5,890,000	7,350,000	5,890,000	5,890,000	-1,460,000	.....
	THE JUDICIARY						
	Courts of Appeals, District Courts, and Other Judicial Services						
102-381	Salaries and expenses	300,000	300,000	300,000	300,000	.....	.....
	RELATED AGENCY						
	Small Business Administration						
	Disaster Loans Program Account:						
102-386							
102-381	Direct loans subsidy	256,800,000	331,800,000	256,800,000	331,800,000	.....	+75,000,000
102-386							
102-381	(Limitation on direct loans)	(1,200,000,000)	(1,550,000,000)	(1,200,000,000)	(1,550,000,000)	.....	(+350,000,000)
102-381	Administrative expenses	80,000,000	100,000,000	100,000,000	100,000,000	.....	.....
102-381	Contingency fund	75,000,000	.....	75,000,000	.....	.....	-75,000,000
102-381	(Limitation on direct loans)	(350,000,000)	.....	(350,000,000)	.....	.....	(-350,000,000)
	Total, Small Business Administration	411,800,000	431,800,000	431,800,000	431,800,000	.....	.....
	Total, Chapter II:						
	New budget (obligational) authority	471,445,000	571,708,000	584,945,000	595,554,000	+23,846,000	+10,609,000
	(Limitation on direct loans)	(1,550,000,000)	(1,550,000,000)	(1,550,000,000)	(1,550,000,000)	.....	.....
	CHAPTER III						
	DEPARTMENT OF DEFENSE - MILITARY						
	MILITARY PERSONNEL						
102-381	Military Personnel, Navy	10,700,000	10,700,000	10,700,000	10,700,000	.....	.....
102-381	Military Personnel, Air Force	58,200,000	58,200,000	58,200,000	58,200,000	.....	.....
102-381	Reserve Personnel, Air Force	8,800,000	8,800,000	8,800,000	8,800,000	.....	.....
102-381	National Guard Personnel, Air Force	1,900,000	1,900,000	1,900,000	1,900,000	.....	.....
	Total, Military Personnel	79,600,000	79,600,000	79,600,000	79,600,000	.....	.....

FY 1992 Dire Emergency Supplemental Appropriations Bill (H.R. 5620), continued

Doc No.		Supplemental Request	House [2]	Senate	Conference	Conference compared with House	Conference compared with Senate
	OPERATION AND MAINTENANCE						
102-381	Operation and Maintenance, Army	1,400,000	1,400,000	1,400,000	1,400,000		
102-381	Operation and Maintenance, Navy	142,900,000	142,900,000	142,900,000	142,900,000		
102-381	Operation and Maintenance, Air Force	228,000,000	228,000,000	228,000,000	228,000,000		
102-381	Operation and Maintenance, Defense Agencies	31,500,000	31,500,000	31,500,000	31,500,000		
102-381	Operation and Maintenance, Army Reserve	3,300,000	3,300,000	3,300,000	3,300,000		
102-381	Operation and Maintenance, Air Force Reserve	13,200,000	13,200,000	13,200,000	13,200,000		
102-381	Operation and Maintenance, Army National Guard	1,400,000	1,400,000	1,400,000	1,400,000		
102-381	Operation and Maintenance, Air National Guard	2,000,000	2,000,000	2,000,000	2,000,000		
	Total, Operation and Maintenance	423,700,000	423,700,000	423,700,000	423,700,000		
	Total, Chapter III: New budget (obligational) authority	503,300,000	503,300,000	503,300,000	503,300,000		
	CHAPTER IV						
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
102-381	Construction, general	10,200,000	12,750,000			-12,750,000	
102-381	Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	3,000,000	3,000,000	3,000,000	3,000,000		
102-381	Operation and maintenance, general	3,100,000	3,100,000	3,100,000	3,100,000		
102-381	Flood control and coastal emergencies	11,500,000	13,750,000	40,000,000	40,000,000	+26,250,000	
	Total, Chapter IV: New budget (obligational) authority	27,800,000	32,600,000	46,100,000	46,100,000	+13,500,000	
	CHAPTER V						
	DEPARTMENT OF THE INTERIOR						
	United States Fish and Wildlife Service						
	Resource management			26,000,000	27,000,000	+27,000,000	+1,000,000
102-381	Construction and anadromous fish	2,300,000	2,765,000	2,300,000	12,765,000	+10,000,000	+10,465,000
	National Park Service						
102-381	Operation of the national park system	15,200,000	15,200,000	15,200,000	23,000,000	+7,800,000	+7,800,000
	Historic Preservation Fund			300,000	300,000	+300,000	
102-381	Construction	18,800,000	18,800,000	18,800,000	29,000,000	+10,200,000	+10,200,000
	Total, National Park Service	34,000,000	34,000,000	34,300,000	52,300,000	+18,300,000	+18,000,000
	United States Geological Survey						
102-381	Surveys, investigations, and research	1,000,000	2,000,000	2,800,000	3,375,000	+1,375,000	+575,000
	Minerals Management Service						
	Leasing and royalty management			1,200,000	1,200,000	+1,200,000	
	Bureau of Indian Affairs						
102-381	Operation of Indian programs	1,500,000	1,500,000	1,500,000	1,500,000		
102-381	Construction	3,800,000	3,800,000	3,800,000	3,800,000		
	Total, Bureau of Indian Affairs	5,300,000	5,300,000	5,300,000	5,300,000		
	DEPARTMENT OF AGRICULTURE						
	Forest Service						
	State and private forestry			2,900,000	4,140,000	+4,140,000	+1,240,000
	Total, Chapter V: New budget (obligational) authority	42,600,000	44,065,000	74,800,000	106,080,000	+62,015,000	+31,280,000
	CHAPTER VI						
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
	Training and Employment Services			30,000,000	30,000,000	+30,000,000	
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Health Resources and Services Administration						
102-381	Health resources and services	27,000,000					
	Centers for Disease Control						
102-381	Disease control, research, and training	18,000,000					
	National Institutes for Health						
102-381	National Center for Research Resources	4,600,000					
	Alcohol, Drug Abuse and Mental Health Administration						
	ADAMHA block grant			20,000,000			-20,000,000
	Social Security Administration						
102-381	Limitation on administrative expenses: Trust funds	(758,500)					
	Assistant Secretary for Health						
	Public health emergency fund		85,000,000	63,600,000	105,600,000	+20,600,000	+42,000,000

FY 1992 Dire Emergency Supplemental Appropriations Bill (H.R. 5620), continued

Doc No.		Supplemental Request	House [2]	Senate	Conference	Conference compared with House	Conference compared with Senate
	Administration for Children and Families						
102-381	Community services block grant	10,000,000					
	Payments to States for Child Care Assistance			20,000,000			-20,000,000
102-381	Children and families services programs	24,000,000					
102-381	Human development services			2,000,000			-2,000,000
	Total, Administration for Children and Families	34,000,000		22,000,000			-22,000,000
	Total, Health and Human Services	83,600,000	85,000,000	105,600,000	105,600,000	+20,600,000	
	DEPARTMENT OF EDUCATION						
102-381	Impact aid	22,500,000	22,500,000	42,500,000	42,500,000	+20,000,000	
102-381	Educational excellence	40,000,000	40,000,000	40,000,000	40,000,000		
102-381	Student financial assistance	40,000,000	40,000,000	40,000,000	40,000,000		
102-381	Departmental Management: Program administration	750,000	750,000			-750,000	
	Total, Department of Education	103,250,000	103,250,000	122,500,000	122,500,000	+19,250,000	
	Total, Chapter VI: New budget (obligational) authority	186,850,000	188,250,000	258,100,000	258,100,000	+69,850,000	
	CHAPTER VII						
	DEPARTMENT OF DEFENSE - MILITARY CONSTRUCTION						
102-381	Military construction, Air Force	338,700,000	338,700,000	83,600,000	83,600,000	-255,100,000	
	Military construction, Navy			81,530,000	81,530,000	+81,530,000	
102-381	Family housing, Air Force	141,900,000	141,900,000	37,200,000	37,200,000	-104,700,000	
	Family housing, Navy and Marine Corps			87,200,000	87,200,000	+87,200,000	
	Total, Chapter VII: New budget (obligational) authority	480,600,000	480,600,000	289,530,000	289,530,000	-191,070,000	
	CHAPTER VIII						
	DEPARTMENT OF TRANSPORTATION						
	Coast Guard						
102-381	Operating expenses	13,806,000	16,000,000	13,806,000	20,000,000	+4,000,000	+6,194,000
102-381	Acquisition, construction, and improvements	11,500,000	11,500,000	11,500,000	21,500,000	+10,000,000	+10,000,000
	Total, Coast Guard	25,306,000	27,500,000	25,306,000	41,500,000	+14,000,000	+16,194,000
	Federal Aviation Administration						
102-381	Facilities and equipment (Airport and Airway Trust Fund)	15,000,000	26,000,000	15,000,000	40,000,000	+14,000,000	+25,000,000
	Grants-in-aid for airports (Airport and Airway Trust Fund)				20,000,000	+20,000,000	+20,000,000
	Total, Federal Aviation Administration	15,000,000	26,000,000	15,000,000	60,000,000	+34,000,000	+45,000,000
	Federal Highway Administration						
	Emergency relief (Highway Trust Fund)				30,000,000	+30,000,000	+30,000,000
	Metropolitan planning (Highway Trust Fund)				3,000,000	+3,000,000	+3,000,000
	Highway studies			300,000	750,000	+750,000	+450,000
	Total, Federal Highway Administration			300,000	33,750,000	+33,750,000	+33,450,000
	Federal Transit Administration						
	Discretionary grants (Highway Trust Fund)		8,000,000		10,000,000	+2,000,000	+10,000,000
	Research and Special Programs Administration						
	Emergency transportation		100,000			-100,000	
102-381	(By transfer)	(44,000)		(44,000)	(44,000)	(+44,000)	
	Total, Chapter VIII: New budget (obligational) authority	40,306,000	61,600,000	40,606,000	145,250,000	+83,650,000	+104,644,000
	(By transfer)	(44,000)		(44,000)	(44,000)	(+44,000)	
	CHAPTER IX						
	DEPARTMENT OF THE TREASURY						
	Bureau of Alcohol, Tobacco and Firearms						
	Salaries and expenses			590,000	590,000	+590,000	
	United States Customs Service						
102-381	Salaries and expenses	4,670,000	12,294,000	4,670,000	4,670,000	-7,624,000	
102-381	Operation and maintenance, air and marine interdiction programs	10,500,000	18,455,000	10,500,000	10,500,000	-7,955,000	
102-381	Customs air interdiction facilities, construction, improvements, and related expenses	19,250,000	19,250,000	19,250,000	19,250,000		
	Total, United States Customs Service	34,420,000	49,999,000	34,420,000	34,420,000	-15,579,000	
	Internal Revenue Service						
102-381	Tax law enforcement	1,173,000	1,173,000	1,173,000	1,173,000		
102-381	Processing tax returns and assistance	178,000	178,000			-178,000	
102-381	Information systems	139,000	139,000			-139,000	
	Total, Internal Revenue Service	1,490,000	1,490,000	1,173,000	1,173,000	-317,000	
	Total, Department of the Treasury	35,910,000	51,489,000	36,183,000	36,183,000	-15,306,000	

FY 1992 Dire Emergency Supplemental Appropriations Bill (H.R. 5620), continued

Doc No.		Supplemental Request	House [2]	Senate	Conference	Conference compared with House	Conference compared with Senate
	INDEPENDENT AGENCIES						
	General Services Administration						
	Federal Buildings Fund:						
102-381	Appropriation	2,500,000	3,300,000	2,500,000	2,500,000	-800,000	
	Limitation on availability of revenue:						
	Repairs and alterations		(500,000)			(-500,000)	
	Rental of space		(300,000)			(-300,000)	
102-381	Real property operations	(2,500,000)	(2,500,000)	(2,500,000)	(2,500,000)		
	Total, Federal Buildings Fund	2,500,000	3,300,000	2,500,000	2,500,000	-800,000	
	(Limitations)	(2,500,000)	(3,300,000)	(2,500,000)	(2,500,000)	(-800,000)	
102-381	Federal Supply Service	700,000	700,000	700,000	700,000		
	Total, General Services Administration	3,200,000	4,000,000	3,200,000	3,200,000	-800,000	
	Total, Chapter IX:						
	New budget (obligational) authority	39,110,000	55,489,000	39,383,000	39,383,000	-16,106,000	
	(Limitations)	(2,500,000)	(3,300,000)	(2,500,000)	(2,500,000)	(-800,000)	
	CHAPTER X						
	DEPARTMENT OF VETERAN AFFAIRS						
	Veterans Health Administration						
102-381	Medical care	15,793,000	15,793,000	15,793,000	16,793,000	+1,000,000	+1,000,000
	Departmental Administration						
102-381	General operating expenses	156,000	156,000	156,000	156,000		
	Total, Department of Veterans Affairs	15,949,000	15,949,000	15,949,000	16,949,000	+1,000,000	+1,000,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
	Annual contributions for assisted housing		81,200,000		100,000,000	+18,800,000	+100,000,000
102-381	(By transfer)	(183,000,000)	(183,000,000)	(183,000,000)	(183,000,000)		
102-381	Housing counseling assistance	500,000	500,000	500,000	500,000		
	Federal Housing Administration:						
	FHA - General and special risk program account:						
102-381	(Limitation on guaranteed loans)	(1,628,000,000)	(1,628,000,000)	(2,428,000,000)	(2,428,000,000)	(+800,000,000)	
102-381	Program costs	20,397,000	20,397,000	30,397,000	30,397,000	+10,000,000	
	HOME investment partnerships programs			60,000,000	60,000,000	+60,000,000	
	Total, Housing Programs	20,897,000	102,097,000	90,897,000	190,897,000	+88,800,000	+100,000,000
	Management and Administration						
102-381	Salaries and expenses	3,800,000	3,800,000	4,000,000	4,000,000	+200,000	
	Total, Department of Housing and Urban Development	24,697,000	105,897,000	94,897,000	194,897,000	+89,000,000	+100,000,000
	INDEPENDENT AGENCIES						
	Federal Emergency Management Agency						
102-381	Disaster relief	1,904,000,000	2,500,000,000	2,843,000,000	2,893,000,000	+393,000,000	+50,000,000
102-381	(By transfer)	(300,000,000)		(300,000,000)			(-300,000,000)
102-381	Community disaster loan program account	15,000,000	15,000,000	50,000,000		-15,000,000	-50,000,000
	(By transfer)				(50,000,000)	(+50,000,000)	(+50,000,000)
102-381	(Limitation on direct loans)	(60,000,000)	(60,000,000)	(200,000,000)	(200,000,000)	(+140,000,000)	
	Disaster assistance direct loan program account						
	(limitation on direct loans)		(50,000,000)		(30,000,000)	(-20,000,000)	(+30,000,000)
102-381	Salaries and expenses	5,000,000	5,000,000	15,000,000	15,000,000	+10,000,000	
	Total, Federal Emergency Management Agency	1,924,000,000	2,520,000,000	2,908,000,000	2,908,000,000	+388,000,000	
	FUNDS APPROPRIATED TO THE PRESIDENT						
102-381	Unanticipated needs for natural disasters	350,000,000		350,000,000			-350,000,000
	Total, Chapter X:						
	New budget (obligational) authority	2,314,646,000	2,641,846,000	3,368,846,000	3,119,846,000	+478,000,000	-249,000,000
	(By transfer)	(483,000,000)	(183,000,000)	(483,000,000)	(233,000,000)	(+50,000,000)	(-250,000,000)
	(Limitation on direct loans)	(60,000,000)	(110,000,000)	(200,000,000)	(230,000,000)	(+120,000,000)	(+30,000,000)
	(Limitation on guaranteed loans)	(1,628,000,000)	(1,628,000,000)	(2,428,000,000)	(2,428,000,000)	(+800,000,000)	
	Total, Title XI:						
	New budget (obligational) authority	4,599,215,000	5,707,516,000	5,846,668,000	6,297,199,000	+589,683,000	+450,531,000
	(By transfer)	(483,044,000)	(183,000,000)	(483,044,000)	(233,044,000)	(+50,044,000)	(-250,000,000)
	(Limitation on direct loans)	(1,813,500,000)	(1,863,500,000)	(1,953,500,000)	(2,032,800,000)	(+169,300,000)	(+79,300,000)
	(Limitation on guaranteed loans)	(1,678,000,000)	(1,678,000,000)	(2,728,000,000)	(2,733,000,000)	(+1,055,000,000)	(+5,000,000)
	TITLE XII						
	ADDITIONAL ASSISTANCE TO DISTRESSED COMMUNITIES						
	FY 1993						
	DEPARTMENT OF AGRICULTURE						
	Farmers Home and Rural Development Programs						
	Rural enterprise community block grant		96,200,000			-96,200,000	

FY 1992 Dire Emergency Supplemental Appropriations Bill (H.R. 5620), continued

Doc No.		Supplemental Request	House [2]	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
.....	Training and Employment Services	.....	.....	40,000,000	.....	.....	-40,000,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Health Resources and Services Administration						
.....	Health Resources and Services	.....	.....	20,000,000	.....	.....	-20,000,000
	Administration for Children and Families						
.....	Children and Families Services program	.....	.....	40,000,000	.....	.....	-40,000,000
.....	Substance Abuse and Mental Health Services Administration	.....	.....	10,000,000	.....	.....	-10,000,000
.....	National Community Economic Partnership	.....	.....	40,000,000	.....	.....	-40,000,000
	Total, Department of Health and Human Services	.....	.....	110,000,000	.....	.....	-110,000,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
.....	Homeownership and Opportunity for People Everywhere Grants (HOPE Grants)	.....	.....	15,000,000	.....	.....	-15,000,000
.....	Urban enterprise community block grant	.....	384,800,000	.....	.....	-384,800,000	.....
	Office of Community Banking						
.....	Enterprise Capital Access Fund Demonstration	.....	.....	25,000,000	.....	.....	-25,000,000
	Total, Department of Housing and Urban Development	.....	384,800,000	40,000,000	.....	-384,800,000	-40,000,000
	DEPARTMENT OF JUSTICE						
	Legal Activities						
.....	Salaries and expenses, United States attorneys	.....	4,000,000	.....	.....	-4,000,000	.....
	NEIGHBORHOOD REINVESTMENT CORPORATION						
.....	Payment to the Neighborhood Reinvestment Corporation	.....	5,000,000	10,000,000	.....	-5,000,000	-10,000,000
	INTERAGENCY COUNCIL						
.....	Block Grant funding for Eligible programs	.....	.....	300,000,000	.....	.....	-300,000,000
	SMALL BUSINESS ADMINISTRATION						
.....	Minority enterprise business investment companies	.....	10,000,000	.....	.....	-10,000,000	.....
	COMMUNITY INVESTMENT PROGRAM						
.....	Program costs	.....	.....	.....	500,000,000	+500,000,000	+500,000,000
	Total, Title XII:						
	New budget (obligational) authority	.....	500,000,000	500,000,000	500,000,000	.....	.....
	Fiscal year 1993, appropriations	.....	(500,000,000)	(500,000,000)	(500,000,000)	.....	.....
	Grand total:						
	New budget (obligational) authority	6,529,713,500	-4,193,542,313	-6,384,699,500	-5,752,237,500	-1,558,695,187	+632,462,000
	Appropriations	(6,529,713,500)	(8,544,663,000)	(8,580,213,500)	(9,210,125,500)	(+665,462,500)	(+629,912,000)
	Fiscal year 1992, appropriations	(6,529,713,500)	(8,044,663,000)	(8,080,213,500)	(8,710,125,500)	(+665,462,500)	(+629,912,000)
	Fiscal year 1993, appropriations	.....	(500,000,000)	(500,000,000)	(500,000,000)	.....	.....
	Rescissions	.....	(-12,738,205,313)	(-14,964,913,000)	(-14,962,363,000)	(-2,224,157,687)	(+2,550,000)
	(By transfer from the Defense Cooperation Account or the Persian Gulf Regional Defense Fund)	(5,182,878,000)	(5,182,878,000)	(2,375,974,000)	(3,471,176,560)	(-1,711,701,440)	(+1,095,202,560)
	(By transfer of existing funds) (Desert Storm)	(611,010,000)	(611,010,000)	(611,010,000)	(611,010,000)	.....	.....
	(By transfer)	(972,772,000)	(659,278,000)	(959,322,000)	(709,322,000)	(+50,044,000)	(-250,000,000)
	(Limitation on direct loans)	(1,813,530,000)	(1,863,880,000)	(1,953,880,000)	(2,033,180,000)	(+169,300,000)	(+79,300,000)
	(Limitation on guaranteed loans)	(3,178,000,000)	(1,678,000,000)	(27,813,000,000)	(27,818,000,000)	(+26,140,000,000)	(+5,000,000)
	(Liquidation of contract authorization)	.....	.....	(100,000,000)	(100,000,000)	(+100,000,000)	.....

[2] Includes H.R. 5620, H.R. 5911, and H.R. 11

FY 1992 Dire Emergency Supplemental Appropriations Bill (H.R. 5620), continued

Doc No.		Supplemental Request	House [2]	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
	Training and Employment Services			40,000,000			-40,000,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Health Resources and Services Administration						
	Health Resources and Services			20,000,000			-20,000,000
	Administration for Children and Families						
	Children and Families Services program			40,000,000			-40,000,000
	Substance Abuse and Mental Health Services Administration			10,000,000			-10,000,000
	National Community Economic Partnership			40,000,000			-40,000,000
	Total, Department of Health and Human Services			110,000,000			-110,000,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
	Homeownership and Opportunity for People Everywhere Grants (HOPE Grants)			15,000,000			-15,000,000
	Urban enterprise community block grant		384,800,000			-384,800,000	
	Office of Community Banking						
	Enterprise Capital Access Fund Demonstration			25,000,000			-25,000,000
	Total, Department of Housing and Urban Development		384,800,000	40,000,000		-384,800,000	-40,000,000
	DEPARTMENT OF JUSTICE						
	Legal Activities						
	Salaries and expenses, United States attorneys		4,000,000			-4,000,000	
	NEIGHBORHOOD REINVESTMENT CORPORATION						
	Payment to the Neighborhood Reinvestment Corporation		5,000,000	10,000,000		-5,000,000	-10,000,000
	INTERAGENCY COUNCIL						
	Block Grant funding for Eligible programs			300,000,000			-300,000,000
	SMALL BUSINESS ADMINISTRATION						
	Minority enterprise business investment companies		10,000,000			-10,000,000	
	COMMUNITY INVESTMENT PROGRAM						
	Program costs				500,000,000	+500,000,000	+500,000,000
	Total, Title XII:						
	New budget (obligational) authority		500,000,000	500,000,000	500,000,000		
	Fiscal year 1993, appropriations		(500,000,000)	(500,000,000)	(500,000,000)		
	Grand total:						
	New budget (obligational) authority	6,529,713,500	-4,193,542,313	-6,384,699,500	-5,752,237,500	-1,558,695,187	+632,462,000
	Appropriations	(6,529,713,500)	(8,544,663,000)	(8,580,213,500)	(9,210,125,500)	(+665,462,500)	(+629,912,000)
	Fiscal year 1992, appropriations	(6,529,713,500)	(8,044,663,000)	(8,080,213,500)	(8,710,125,500)	(+665,462,500)	(+629,912,000)
	Fiscal year 1993, appropriations		(500,000,000)	(500,000,000)	(500,000,000)		
	Rescissions		(-12,738,205,313)	(-14,964,913,000)	(-14,962,363,000)	(-2,224,157,687)	(+2,550,000)
	(By transfer from the Defense Cooperation Account or the Persian Gulf Regional Defense Fund)	(5,182,878,000)	(5,182,878,000)	(2,375,974,000)	(3,471,176,560)	(-1,711,701,440)	(+1,095,202,560)
	(By transfer of existing funds) (Desert Storm)	(611,010,000)	(611,010,000)	(611,010,000)	(611,010,000)		
	(By transfer)	(972,772,000)	(659,278,000)	(959,322,000)	(709,322,000)	(+50,044,000)	(-250,000,000)
	(Limitation on direct loans)	(1,813,530,000)	(1,863,880,000)	(1,953,880,000)	(2,033,180,000)	(+169,300,000)	(+79,300,000)
	(Limitation on guaranteed loans)	(3,178,000,000)	(1,678,000,000)	(27,813,000,000)	(27,818,000,000)	+26,140,000,000)	(+5,000,000)
	(Liquidation of contract authorization)			(100,000,000)	(100,000,000)	(+100,000,000)	

[2] Includes H.R. 5620, H.R. 5911, and H.R. 11

□ 1240

Mr. MCDADE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Florida [Mr. YOUNG], without whose assistance this bill would not have been crafted.

Mr. YOUNG of Florida. Mr. Speaker, as one of the original cosponsors of the disaster relief appropriations bill, I rise in support of this supplemental appropriations bill today. I want to say a special thank you to the gentleman from Pennsylvania [Mr. MCDADE], the ranking member on our side of the aisle, for his work in keeping this bill together; it was not an easy effort to accomplish, and to the gentleman from Mississippi [Mr. WHITTEN] and to the chairman, the gentleman from Kentucky [Mr. NATCHER] and to the gentleman from Pennsylvania [Mr. MURTHA], who are also major players in finalizing the language, I want to extend my thanks.

Mr. Speaker, the people of our great State responded quickly to this disaster in Florida. The people of America responded almost as quickly as those in Florida to help other Floridians, and other Americans who had serious problems cast upon them without a great deal of warning.

I am real proud of this country of mine, and I have always been for many, many reasons, but the generosity that we have seen flowing from every corner of the United States of America is just so heartwarming. It is hard to find the right words to describe it. The Florida relief effort was magnificent.

The American relief effort was great here in the Washington area. Our Florida congressional offices collected supplies and foodstuffs to send to Florida, and many, many truckloads left here to go to Florida.

We called upon the military commissaries in this area to ask if they can set aside areas in their commissaries where people could make contributions of canned goods and other nonperishable items: baby diapers, personal items that people in Florida could use. Those military commissaries in the Washington area developed over three large truckloads of these types of goods to go to Florida.

With the Congress working together with the people of our great Nation, you have responded to the people of my State, and for that I say thank you very much.

To the people of Louisiana, I say we share their concern, and we, in addition, want to be helpful to them and to the people of Hawaii and to the people of Guam. It is a tremendous effort, and it just shows what kind of a great Nation we all have the privilege of being part of.

I did not realize a lot of things about what it takes to keep our country going. When I saw the devastation in south Florida, I have seen war zones that were not nearly as devastated as south Florida. When one sees such total destruction, we begin to realize how many thousands of people and how many thousands of infrastructures it takes to keep things going.

I had a meeting yesterday with a group of doctors and they advised me that some 300 doctors' offices in south Florida were destroyed. Their patients cannot find the doctors, the doctors cannot find the patients, and thankfully they have set up headquarters where people could come in for medical care, and doctors from all over the country are volunteering their time.

This is just one example of many of the great things that we take for granted, but the things that keep our country going and keep it great. Most of all is the people and the generosity of those people that we have seen outpouring in the case of Hurricane Andrew, the case of Hurricane Iniki, and in the case of the disaster brought upon the island of Guam. For that generosity, I say, thank you very much.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, we have several major disasters involved here. We will have more disasters in the future. I am sure this demonstrates that we are going to, at a Federal level, respond to disasters.

In the part of the bill that happens to come under this subcommittee that I am privileged to chair, there are, I think, 14 different departments and agencies involved in one way or another, which shows that virtually the entire Government becomes involved one way or another in the disaster.

I just want to mention a couple of things, though, that involve the Small Business Administration and the disaster programs that are administered by the Small Business Administration. One has to do with the revolving fund that we had until the fall of 1990 and in the summit agreement was abolished.

We ought to reestablish the revolving fund so that the loan money, as it comes back in, is available. If these disasters had occurred a week after we adjourned, there would have been a major problem before we are established again next January. A disaster program cannot really work properly unless there is a revolving fund.

That does not cost any more money, if as much, because if we wait until we appropriate money, there will be other riders on the bill, but that would not cost any more money. We are going to respond to disasters in the same way, and it ought to be done in a sensible way through a revolving fund.

The other thing I want to mention is a provision in here that prohibits taking the direct loan money from SBA and going to another community voluntarily to spend the money. That is absolutely wrong. It is contrary to what we ever contemplated under this bill or under this program, starting in 1977.

I will tell the Members how this provision originated, or this provision in a law. There was a community in West Virginia that had a flood. They had one grocery store. The grocery wanted to take the direct loan money and go somewhere 50 miles from there to set up another store, and there would not be a store in that community.

The purpose of this law and these direct loans, these subsidized loans, is not for the individual that had the loss. They might have insurance. The purpose is to help reestablish the community. The community is involved. They should not, whether it is in Florida or Los Angeles, if they have a business of some kind, take direct loan money at a low interest rate and go to somewhere else to establish a business. That does not help the community.

The purpose of the loan program was not just to help the individual involved but also to help reestablish the community. That provision is in this bill, and we did not know until a couple of months ago that anybody interpreted it any different, but now we find out that somebody down at SBA wants to interpret that a person can take the money and go anywhere they want to spend the money; if it is a home, voluntarily, they have to go voluntarily.

They have got to be able to reestablish. That is an important provision that is in this bill. I sure intend to insist on it.

Mr. MCDADE. Mr. Speaker, I am delighted to yield 3 minutes to my distinguished colleague, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Speaker, I also want to tell the gentleman that I am deeply grateful for all of his inputs into the bill. Without his help we would not be here with this bill in an expeditious form that is going to get relief to his people hopefully by the weekend with a Presidential signature. I congratulate the gentleman for his efforts.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, I also want to thank the gentleman for his very nice comments, and to particularly congratulate him for all of his great effort on this bill. Certainly without the efforts of the gentleman from Pennsylvania [Mr. MCDADE] we could not be here today.

I also thank the chairmen, the gentleman from Mississippi [Mr. WHITTEN], the gentleman from Kentucky [Mr. NATCHER], and the gentleman from Pennsylvania [Mr. MURTHA], and all of the ranking members and chairmen of the various subcommittees who have worked so hard on this bill.

I particularly credit the professional staff, who have worked around the clock to help us bring this bill to the floor. We are under the gun. It is the

end of the session, and frankly, it is an incredibly tough time legislatively. We certainly recognize for all of the grief that has been suffered by thousands and thousands of people as a result of these storms, that this effort was necessary. But, without the help of the great staff, we would not have gotten where we are.

My district was fortunate, Mr. Speaker. There was low damage in my district from Hurricane Andrew, but Louisiana was indeed hard-hit; not nearly as badly hit as southern Florida, but there was great damage, particularly in the district of the gentleman from Louisiana [Mr. TAUZIN], who will address this body later on.

Mr. Speaker, I am proud that we have been able to bring forth this bill. The bill provides the traditional FEMA and SBA relief, especially for individuals, but also for political entities and businesses in the form of loans and grants. It also provides money for economic development grants to the States and local communities in order to rebuild the infrastructure that has been lost because of these hurricanes and storms.

It provides to farmers, to oystermen, and agriculture farmers money to redress the losses they suffered, and to the State of Louisiana, it provides money for restoration of wetlands, freshwater fish and wildlife habitats, and saltwater fish and shellfish habitats.

There is money for the little town of Mandeville in my district, which lost their seawall, and there is money for evacuation improvements. All in all, there is a lot of money in here to help put people back on their feet, people who desperately need to be assisted after suffering an incredible degree of loss.

My heart goes out to all the people of Louisiana, Florida, Hawaii, and Guam who suffered devastating distress in the wake of these storms.

More importantly, I think it is important to point out that the bill gives more than sympathy; it provides relief. It will not solve all of the problems, but certainly it will go a long way to help. I am proud to be associated as a cosponsor, and I urge its passage.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. LEHMAN].

□ 1250

Mr. LEHMAN of Florida. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in support of the motion offered by the distinguished vice chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. NATCHER].

Mr. Speaker, I would first like to ask the gentleman from Kentucky a question concerning the eligibility of private nonprofit educational institutions under the FEMA public assistance program. Is it the understanding of the gentleman from Kentucky that such disaster assistance relief is intended to include coverage of eligible costs and activities of nonprofit educational and medical entities engaged in public service roles.

Mr. NATCHER. If the gentleman will yield, the gentleman is correct. Such entities are intended to be covered by this program. The Stafford Disaster Relief Act, Public Law 93-288 as amended by Public Law 100-707, and the rules and regulations in effect, specifically clarify this eligibility and uphold this interpretation.

Mr. LEHMAN of Florida. Would this specifically include a private, nonprofit educational institution such as a university?

Mr. NATCHER. Yes, a private, nonprofit university would be eligible to receive reimbursement by FEMA for appropriate and eligible costs and activities.

Mr. LEHMAN of Florida. I thank the gentleman for his assurance.

Mr. Speaker, I would also like to add a few words to the remarks of our distinguished Appropriations Committee chairman, the gentleman from Mississippi [Mr. WHITTEN], on items in the bill that are within the jurisdiction of the Subcommittee on Transportation and related agencies, which I chair.

First, the bill includes a provision, which passed when H.R. 5620 was first before the House, that makes a technical correction to the distribution of fiscal year 1992 funds under the university research institutes established by the ISTEA, the Intermodal Surface Transportation Efficiency Act enacted last year. The bill also includes a Senate provision that provides additional liquidating cash for the Federal Aviation Administration's grants-in-aid for airports program.

In response to the disasters caused by Hurricanes Andrew and Iniki and Typhoon Omar, we have provided emergency funds both to restore federally owned transportation facilities and to assist affected communities in their recovery.

Under the Coast Guard's operating expenses appropriation, $20,000,000 is provided. According to a September 4, 1992, letter from Secretary of Transportation Andrew H. Card, Jr., to Chairman WHITTEN, the Coast Guard lost or spent $15,906,000 in extraordinary operating and repair costs and in the involuntary callup of reservists due to Hurricane Andrew. The bill covers those costs as well as such additional costs as may be identified in the areas affected by Hurricane Andrew or Hurricane Iniki.

Under the Coast Guard's acquisition, construction, and improvements appropriation, $21,500,000 is provided. According to Secretary Card's letter, $11,500,000 will be required to repair structural damage and replace electronics equipment at the Coast Guard's Communication Station, Miami. The bill covers those costs as well as such additional costs as may be identified in the areas affected by Hurricane Andrew or Hurricane Iniki.

Under the Federal Aviation Administration's facilities and equipment appropriation, $40,000,000 is provided. According to Secretary Card's letter, to repair and replace electronic equipment, plants, and structures damaged by Hurricane Andrew, $17,935,000 is required for locations in Florida and $3 million is required for sites in Louisiana. An additional $2 million is required to repair and replace FAA housing and other facilities on Guam that were damaged by Typhoon Omar. In addition, $3,400,000 is needed to cover personnel costs related to these disaster-related and replacement activities. The bill covers all of those costs as well as such additional costs as may be identified in the areas affected by Hurricane Andrew, Typhoon Omar, or Hurricane Iniki.

Under the FAA's grants-in-aid for airports program, $20 million is provided for airport planning and development to cover the incremental costs raising from the consequences of Hurricanes Andrew and Iniki.

Under the Federal Highway Administration, $30 million is provided to ensure that sufficient emergency relief funds are available to meet the needs of the States affected by hurricanes Andrew and Iniki and Typhoon Omar. An additional $3 million is provided for FHWA's metropolitan planning program, to permit the metropolitan planning organizations of communities affected by Hurricanes Andrew and Iniki to carry out comprehensive reviews of their post disaster transportation infrastructure needs. In addition, $750,000 is provided for feasibility, design, environmental, and engineering studies of highway improvements that would expedite evacuations in future disasters.

Under the Federal Transit Administration's discretionary grants appropriation, $10 million is provided to assist communities affected by Hurricanes Andrew and Iniki with unanticipated transit losses. Of this amount, $8 million is intended for south Florida and $2 million is intended for Hawaii.

In closing, I want to commend and thank our chairman, Mr. WHITTEN, the chairmen of the other Appropriations subcommittees, and the committee staff. Not only have they shown great sympathy for people whose lives have been shattered by these recent natural disasters, but they have put their best efforts and a great deal of time during these very busy last weeks before the new fiscal year, into getting desperately needed assistance to affected communities on an expedited basis. All of our people are very, very grateful.

I would remiss if I did not also mention the Members and staff of the Flor-

ida delegation, who have worked long and hard together to meet the needs of our friends and families, our neighbors and constituents.

Mr. Speaker, I urge that the House agree to this motion and proceed swiftly to enactment of the bill.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Mr. Speaker, I thank our distinguished ranking minority member for yielding time to me. As the ranking minority member of the VA, HUD, Independent Agencies Subcommittee, I had occasion to visit South Carolina, Puerto Rico, and the Virgin Islands after Hurricane Hugo. And while I have not had that opportunity to visit the devastated areas this time around, I have some very serious questions as to whether the present statutory scheme under which FEMA operates with its reliance on gubernatorial requests for aid really works in the case of megadisasters such as Andrew or Hugo. But that debate is for another day, and I hope we will address it in the next Congress.

In the meantime, this bill before us will bring vital relief to parts of the country which badly need it, and I urge my colleagues to adopt this legislation.

Mr. NATCHER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding the time and want to commend him and the Appropriations Committee, the full staff, and of course the staff and chairmen of the subcommittees who have had such a strong capability to pull this together quickly.

I would like to refer back to what the chairman of the Commerce, State, Justice Subcommittee talked about a few minutes ago, the gentleman from Iowa [Mr. SMITH], who said that the money in this bill is to be used to help the people in the local community. And while I am very, very grateful for the help that has been given by the Appropriation Committee staff and members, and the Members of this body when they vote for this bill, I want to tell Members once again, as I said a few minutes ago, there have been times during this process when the administration and agencies have stood in our way, OMB, SBA, and others who apparently forget what they should be remembering, that this money is to help people who are devastated by these disasters. And for them to say that people should be turned down because their gross income is a little bit higher, when they have lost everything and have an employment record of 400 or 500 people that they had on the payroll every week, is wrong. Or when SBA says no, we do not want to create a loan pool for somebody, without an explanation.

This money is supposed to help the people in that area get back on their feet, back where they were before. And I would hope, desperately hope that when the applications to the various agencies come in that they will be treated with the understanding that the gentleman from Iowa [Mr. SMITH] just gave us of the reason for doing disaster aid, and that is to help the local community get back on its feet. And if we can help employers get back on their feet to reemploy people that live in the community, that is the right thing to do. And if we can put contracts in the hands of local contractors who can do the work instead of giving contracts on a no-bid basis, like FEMA did early on to contractors outside the State, from all over the country, when local people could do the work and put local people back to work, that is what we ought to do.

All of this is important. And I have said before in the debate on the rule how grateful the people of south Florida are and how much we admire what the people of the United States have done, and how much I feel the United States and the people of the United States and Americans have shown themselves to be so kind and gracious, courteous and charitable, and worm and loving to the rest of the people in areas when they have disasters. Let us hope our administrative agencies can show the same kind of warmth and compassion as the people of the United States have shown.

Let me refer to something the gentleman from New York [Mr. GREEN] just said. That is we ought to reconsider how FEMA operates, because the gentleman from Iowa [Mr. SMITH] said something else. If we were out of session, this would be a real, major disaster. We need to get FEMA to be in the position of being immediately responsive with various levels of aid, not waiting for requests, but doing an immediate damage assessment, and immediately coming out knowing what they can ask for and what they can get. And if it is a level-4 disaster, getting a level-4 response. That did not happen here. We need to be prepared for disasters in the future instead of only the vague chance that we are not in session and watching a disaster get worse, not better.

But overall, this is a good bill. It has plenty of good things in it for portions of America that have been damaged significantly. And while we would vote for Americans in other places to get relief from disasters, we are hoping you will vote for Americans in our area to get relief from disaster too. As I said before, they are very grateful, the people of south Dade and south Florida, for the relief that this Congress and the American people have given them and the kindness that they have shown.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN], who has done yeoman work for her people and for this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding the time. Our colleague from Pennsylvania has been very kind and very cooperative, very helpful in this process, because certainly Dade County is suffering. Hurricane Andrew has devastated complete areas in south Dade, Homestead, Florida City, Naranja, Goulds, many areas practically got blown away. Yet no area in Dade County was truly spared. In my current district, for example, Key Biscayne suffered tremendous losses. Our beautiful park at the tip of the island had incredible damage. All of the trees are on the ground, and only the lighthouse, a beautiful historic structure, was left standing.

The Cape Florida Park is closed, and may remain closed for months. Homes were destroyed on Key Biscayne and elsewhere in our county.

□ 1300

Little Havana, also in my district, where many elderly live, suffered the hurricane, but many homes in public housing units suffered serious damage also.

Allapattah, a proud working-class neighborhood, was also hit by Andrew. So there is more here than meets the eye. But of course the total devastation of south Dade takes prominence because that area was virtually all destroyed.

We must work hard to reinvigorate the agricultural areas of south Dade communities. Packing houses are closed, growers have dismissed their workers, south Dade agriculture has been wiped out by Andrew.

Unfortunately, we were not able to put in this bill all of our amendments which would have provided more relief for the once-thriving agricultural industry. We were also not successful in changing the bill language dealing with other areas. But those battles will continue, and they must continue.

For the buildup of our communities will take a long time; the Federal commitment must remain strong. Some scars will take a long time to heal. This Federal relief bill will at least allow the healing process to begin.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. I thank the chairman for yielding.

Let me express my appreciation to the full committee and the subcommittees, both on the minority and majority sides, for their prompt attention not only to this disaster but the others that have occurred. I particularly appreciate the hard work of the staff on the Committee on Appropriations, both sides, for their early attention to this matter in working with the departments and administration to get the necessary information in order to put the supplemental together.

You have had an adequate description of what has happened. All I can tell you is, flying over it is one thing but until you walk through it on the ground and put a human face on it, it is very, very difficult to understand the measurement of this disaster and the adversity.

So I express my appreciation to all Members, all my colleagues who have responded so promptly and so generously in order to help us rebuild in Florida.

Let me only add this, Mr. Speaker, that it is not just because of the willingness of the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from Kentucky [Mr. NATCHER] and the gentleman from Pennsylvania [Mr. MCDADE] and other places that this rebuilding effort will be undertaken. Goodness knows, without it it would have been impossible; it would have burdened them far beyond any city, any county, even the State of Florida.

So what was done in this bill will give us the kind of start and momentum that the people need. But I wanted you all to know—and the reason I took this time, for which I thank you—is that the people themselves are the ones who have the spirit, the determination, and the confidence to rebuild. The entire leadership of the communities, economically, socially, religious, and others, as well as those at the very bottom of the economic ladder of the communities, have come together in a way that is very, very hard to understand or imagine, but there is a unity and a purpose there under the slogan "We will rebuild." I wanted to thank all of you for making it possible for our communities to rebuild.

Mr. MCDADE. Mr. Speaker, I yield 3 minutes to my able friend, the gentleman from Florida [Mr. LEWIS], who was a strong voice, may I say, all the way through this effort for agricultural interests in south Florida. I know of his many meetings with the Secretary of Agriculture. He has made a major impact on the bill, and I want to congratulate him for his time and effort.

Mr. LEWIS of Florida. Mr. Speaker, the Government has no higher responsibility than to care for the victims of devastation such as Andrew. The first step started as soon as the storm passed and relief began to flow. The second starts now.

Andrew destroyed the majority of south Florida's nursery and tropical fruit industries. In a few short hours, over 20,000 jobs and $200 million were lost in the nursery and tropical fruit industries. Unfortunately, the unique characteristics of Florida agriculture worked against the industry when they needed it most.

Though this bill does help and work in a lot of ways, it does not help to return those 20,000 jobs immediately that are absolutely necessary.

In certain areas, these large nurseries must need exemptions in order to employ and rebuild.

We had an agreement yesterday, and when we left the departments, we had the agreement that that exemption would be there. Somewhere during the middle of the night it disappeared from this particular bill. But that does not mean we should not pass this bill, my colleagues; we do have to pass it. The Tree Assistance Program allows our nurseries and tropical fruit industries to rebuild. It was upped from $30 to $48 million. We were able to do that.

But the nurseries, the smaller ones, are eligible through another assistance program called ASCS disaster payment programs. The Emergency Conservation Program is similarly available for cleanup efforts.

My colleagues, I do not particularly like these type of resolutions, but certainly when the health of south Florida is at stake, then I certainly will put aside my personal opinion and do what I think is right.

I would like to thank this House and the American people for their outpouring of support and congratulate the hardworking people of Palm Beach County who have served as a conduit for most of this aid to south Dade. Their efforts have been heroic.

I want to thank the other side for their work and complete and absolute commitment to getting this bill, the chairman, the gentleman from Kentucky [Mr. NATCHER] and also our great leader, the gentleman from Pennsylvania [Mr. MCDADE].

I want all of you to support this bill because you never know when disaster is going to strike and it could strike in your district.

So, my colleagues, I ask you, I beseech you to vote for this bill. You may not like some of it, but it is good for the people and a lot of people who are hungry and unemployed are looking to you for the leadership and for the ability to do what they have to do, and that is to have a livelihood for themselves and their families. You can do it. I ask for your support.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, today we are considering the disaster relief supplemental appropriations bill. However, since we passed this measure in the House, several natural disasters have occurred that necessitate additional funds to deal with these dire emergencies. Hurricane Andrew ravaged Florida and Louisiana, Typhoon Omar hit Guam, and Hurricane Iniki devastated the island of Kauai in the State of Hawaii. This bill contains desperately needed funds for the Federal Government to respond and provide emergency relief to the States and local counties.

By now I am sure that everyone has seen the pictures and read the news articles about the destruction caused by Hurricane Iniki. But only when you have had a chance to personally view the aftermath can you truly understand the total devastation to the island community. Over last weekend, the Hawaii delegation personally inspected the damage caused by Hurricane Iniki and its sustained winds of up to 160 miles per hour and waves as high as 30 feet. We saw images that I will never forget. Under current estimates approximately half of the 21,000 homes were badly damaged, once lush agriculture fields are now wastelands and utility poles lay strewn on the ground like toothpicks.

Mr. Speaker, I cannot emphasize enough the importance of the funds included in this bill for the Federal Emergency Management Agency [FEMA]. Thus far FEMA has been working with the State and county governments to ensure that the basic needs of the individuals affected by Hurricane Iniki are being met. I hope that the cooperation demonstrated by all parties thus far will continue. However, without this infusion of funds FEMA has told the Hawaii delegation that relief efforts cannot continue. We will not be able to begin the rebuilding process without your support. I assure you that the will and spirit of the people of Hawaii remain strong but we need to show them that the rest of the Nation is behind them.

I am deeply thankful to the chairman and my colleagues on the House Appropriations Committee for their diligence and quick response to the needs of the people of Hawaii. For that I am eternally grateful. Furthermore, I want to acknowledge the senior Senator of Hawaii for the leadership he has demonstrated throughout this ordeal. His knowledge and experience were an invaluable resource that the Hawaii delegation was able to draw upon in order to meet the needs of the State of Hawaii.

I strongly urge my colleagues to support passage of this disaster relief package.

Mr. MCDADE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. SHAW], who has worked extremely hard to make sure that the medical facilities in the Dade County area would be adequately staffed and supported at a very trying time.

□ 1310

Mr. SHAW. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, having been born in Dade County, FL, and having seen every hurricane in the last 53 years that has devastated the coast of Florida, I can tell all my colleagues that I have never seen such destruction as

this hurricane inflicted upon south Dade County. There is absolutely no match for it in the history of this country; but I think also there has been no match for the generosity and the outpouring of help, concern and warmth that we have seen from all over the country, for which I as a Member of the Florida delegation say to you, my colleagues, and to your constituents, "Thank you, thank you, thank you."

But now the whole thing of rebuilding is upon us, and we have got to work together to see that we can rebuild south Florida.

For one moment, think of your own community. Think all of a sudden that half the schools are gone. Think for a moment that your city hall, your fire stations, your police stations are devastated.

Think for a moment that 90 percent of your homes are gone and that your entire tax structure has been completely eliminated by hurricane winds, and then think for a moment that most of the jobs in that community are gone. This is what the people of south Dade County, the city of Homestead, and surrounding cities, this is what they are facing. They are facing a rebuilding process.

As one of the Members spoke awhile ago, this is for the rebuilding of a community. It is not a windfall for anybody. It is for people to stay in the community, to create jobs, to rebuild the infrastructure, to do what is necessary to bring back an economy that actually works.

Right now we are in a holding pattern. We are taking care of the humanitarian needs of the people in that area, and we are getting into the rebuilding phase. For this, the Congress is going to grant the necessary relief.

So on behalf of the people of south Florida, and certainly our best wishes go to the people of Louisiana and Hawaii, we in south Florida say thank you to the U.S. Congress, thank you to the American people, thank you, thank you, thank you.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, let me first of all thank my friend for yielding me this time and commend him and the distinguished vice chairman of the Appropriations Committee, the gentleman from Kentucky [Mr. NATCHER], our dean, the gentleman from Mississippi [Mr. WHITTEN], and the gentleman from Pennsylvania [Mr. MCDADE] for their excellent work here.

Let me first say that while thankfully Kentucky and Louisville in my district were spared the effects of Hurricane Andrew, Iniki, and Typhoon Omar, we in 1974 did sustain serious damage from a tornado which our Congress then provided money to redress the injuries, the grievances, and the problems. So I certainly salute what this panel has done for the States that have been affected.

I would like to direct a certain amount of attention to the $500 million which is provided in the bill for the Weed and Seed Program, which deals with re-creating the inner cities of our Nation, re-creating the urban areas of our Nation, one of which is the city of Louisville. That $500 million will be spent on job training, education, law enforcement, the things to first of all weed out from designated areas the characters who perpetrate the crime which is plaguing those areas and, in turn, seed those areas with the various programs that can help them become livable.

We have an excellent enterprise zone in our community of Louisville, created under State law. Certainly this money when later the authorization for the spending of it comes from the conference on H.R. 11, could make possible some of the Weed and Seed programs.

So I want to thank the chairman both for helping in the case of the disasters and also for heping what I call a disaster in the urban areas of America. In both ways, this panel has rallied to our support, and we thank the panel and certainly rise in support of the bill.

Mr. MCDADE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, for yielding me this time.

Mr. Speaker, we have to help our disaster victims. I do not wish to throw a discordant note into this debate, but no one has addressed the real issue.

Where is the money coming from? Congress will borrow another $10 billion, dole it out and the American taxpayer will be the real victim. This bill adds another $10 billion to the deficit, and then we all go home and decry the deficit and say we have to do something about the deficit. Another $10 billion is added on to the deficit.

When the American family has a mishap, they tighten their belts; not so in Congress. Congress just borrows and spends more and sends the bill to America's children. Already one dollar out of five goes just to pay the interest on our national debt.

Where can we find the money for our disaster victims? Well, why not start with foreign aid? We have another $13 billion being sent overseas in just a few days on October 1. That is on top of the $9 billion in the pipeline.

Our own investigative arm, the GAO, said we should deauthorize these funds and pass them back to the taxpayers, but the majority in this Congress will not do it.

It is about time we start putting our own people and our own problems first for a change.

I have a bill to do just that. I would like to add that bill as an amendment to this bill, but we were blocked from doing that because no amendments are allowed to this bill, no amendments are allowed.

I favor helping our disaster victims, the American taxpayer and America's children.

I hope my colleagues were able to watch a program, "Prime Time Live," last night. They pointed out that this country spends $152 billion on welfare. Our welfare system is filled with waste, fraud, and abuse. Prime Time pointed out as much as $30 to $70 billion is siphoned off in waste, fraud, and abuse. This program showed abusers flying to California to collect welfare, recipients going from Chicago and Milwaukee to collect welfare, and recipients never being checked, some having as many as eight different aliases and collecting on all of them.

This bill is for disaster victims. Well, we have other victims, the victims of congressional neglect, called the American taxpayers.

This bill allows no amendments. Why not open up the $8.8 billion in the foreign aid pipeline that has been there as much as 10 years and return it to the American taxpayer? How can you in good conscience go back home and say you are concerned with the deficit, when we will not address those key issues? Why not address the issue of the $30 to $70 billion in fraud and abuse in the welfare system?

No, Congress simply declares that this is an emergency and piles on the deficit.

Well, the American taxpayer and the American economy have an emergency, too. It is a dereliction of our duty if we do not address these issues. The taxpayers are concerned and we should express our concern to them.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise, first of all, to thank Vice Chairman NATCHER and Chairman WHITTEN and all of you who worked so hard to produce this disaster relief bill and to tell you that we have learned a lot from Hurricane Andrew. We learned in Louisiana in the Third Congressional District how much we need one another. We learned how good neighbors can be to one another and we have learned how we can come together in Washington in times of great distress for families and offer them some assistance to recover.

I want to thank you all for the work you have done in putting this package together.

I want to also describe to you a dimension of this disaster of which you perhaps are not aware. When Hurricane Andrew struck the Louisiana coast, it bounced off several of our Barrier Islands. It destroyed 40 percent of those

Barrier Islands. It also wiped out 30 percent of the coastal marshes and destroyed all the fishing grounds for the fishing families who depend upon those waters for a livelihood.

It also then went into the Atchafalaya after destroying homes and families along Highway 90 and along the coast of Terrebonne Parish.

It then went into the greater Atchafalaya basin and it dumped so much organic material and stirred the bottom so much that 300 million fish were killed, 10 million salt water, 300 million fresh water, in fact, it was a 100-percent fish kill in the whole of the Atchafalaya basin. You can imagine what that has done to the fishing families who depended upon that resource for their livelihoods. This bill will begin to restock the Atchafalaya basin, will begin to restore some of that damage to the natural resource base that fishing families depend upon.

It is not perfect. It does not do everything for the commercial fisherman, but it begins to give him hope again. It begins to give those fishing families, some of the poorest in our State, by the way, the hardest working, the most American I have ever met, it gives them some hope, a chance to rebuild and restore, and for all that we thank you for this help, neighbor to neighbor.

□ 1320

Mr. McDADE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Speaker, as my colleagues know, I was an Air Force commander at Homestead Air Force Base for 2½ years, and I know how important it is to our Nation and the community, and I think relief is imperative. What I cannot believe is that some Members of this Congress would take advantage of these misfortunes to play on the sympathies of the American taxpayers by adding billions of dollars of pork barrel spending and adding to our debt, millions of dollars for Oregon, Nevada, for Kansas, and, believe it or not, $1.4 million for a White House armored window, and $3½ million to continue investigating Tailhook.

Get off my back. This bill is riddled with pork barrel, and it really is kind of disconcerting that our associates, some of them, would take advantage of that.

Mr. Speaker, the bill ought to be about disaster relief, helping families and not more pork. Let us fix the bill and put an end to election year pork.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES of Louisiana. Mr. Speaker, I thank the gentleman from Kentucky [Mr. NATCHER] for yielding this time to me and would also ask his indulgence while I participate in a colloquy with the gentleman from Florida [Mr. LEHMAN].

Mr. Speaker, I enter this short colloquy in order to clarify the committee's intent on the funds designated for transportation improvements. In specific, I am curious if it is intended that the total allotted is adequate to cover the cost for the design and engineering associated with extending U.S. 167 from Abbeville, LA, to Esther, LA.

As a principal evacuation route from the coastal communities of Vermilion and Cameron Parishes, home to the third and eighth largest commercial seafood landing ports in the Nation, the current road is clearly inadequate for safety reasons. Hurricane Andrew almost drove home that message all to clearly.

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. HAYES of Louisiana. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. In response to the gentleman from Louisiana's question, the funds are intended to cover the associated costs with planning the extension of U.S. 167 to Esther, LA.

Mr. HAYES of Louisiana. I thank the gentleman for that clarification. Mr. Speaker, with that I would like to have a statement submitted in the record explaining in greater detail the nature of this project and need for this improvement.

Mr. McDADE. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I, first of all, commend my colleague for yielding this time to me. He is my good friend. And I want to commend the committee for bringing forth the supplemental.

I take great pride in my fiscal conservative voting record and the recognition that I have received from national taxpayer watchdog groups: the Citizens Against Government Waste and Watchdogs of the Treasury. But I also want to say it is absolutely imperative we pass this legislation. This, in fact, is the largest natural disaster in American history, Andrew.

As I have done on every other major disaster since I have been in Congress for 6 years, I personally visited southern Dade County. I spent Labor Day weekend living in the Harris Field tent city in the southern part of Dade County and served breakfast for the days that I was there to hundreds and thousands of people coming through the lines to tell me of their plight and loss that they had experienced in what was an absolutely horrendous storm. Even though they lost everything, the spirit and determination of these people was unbelievable.

Now, for my fiscal conservative friends who say we should not do anything to assist, I would say, first of all, the American people have been unbelievable in their help and support. I alone from my area took down 250 tons of materials: generating units up to a hundred kilowatts, four-wheel-drive vehicles, a mobile communications center, mobile homes for remote fire stations, working with the Metro Dade Fire Department to get their fire, rescue and emergency health services back into operation very quickly. I saw them in church with 4,000 people in southern metro Dade taking care of rebuilding homes. There was a tremendous volunteer output of help from all across this country.

But, Mr. Speaker, I want to say that there is a role for the Federal Government. We have to come in, and we have to provide assistance for these businesses that were devastated, for these home owners that had their homes damaged beyond repair. We have to help them out. That is what this legislation does.

I agree with my colleagues who say that there are lessons to be learned from this experience, as we did from *Loma Prieta*, and we did from the *Exxon Valdez*, from the wild lands fires in Yellowstone and from Hurricane Hugo, and we will from Omar and Iniki. There are lessons to be learned.

One of those, Mr. Speaker, is perhaps the creation of a select committee on disaster preparedness and response to look at the oversight of 24 separate committees that have jurisdiction over FEMA. I will be introducing that legislation next week with a 2-year sunset provision so we can accurately look at the way we respond to disasters.

But that is not the issue today. The issue today is to respond to the needs of the people of Dade County, to make sure that we support them, the people in Louisiana, the people in Hawaii and Guam who have had their lives disrupted. I was, unfortunately, not able to visit those areas, but I know from conversations with my colleagues and emergency response leaders from those areas that they are hurting equally. We have to help them.

Mr. Speaker, I urge all of my colleagues to support this vital legislation.

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

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, I rise in support of the House amendment.

Mr. Speaker, the emergency supplemental includes funds for several highway studies. The committee included as a part of these funds, $150,000, which will be used for the study and planning of a bridge from mainland North Carolina to the Outer banks in Currituck County. I wish to thank the members who had the foresight to include this funding.

The Outer Banks of North Carolina were not damaged by Hurricane An-

drew. However, it is just a matter of time before another hurricane, with a different name, comes up the east coast and an emergency evacuation is ordered on the Outer Banks. It has happened in the past, and it will happen again. Unfortunately, there is only one bridge, at Kitty Hawk, which allows residents and vacationers to leave the island. A second bridge is desperately needed.

Because delays of many hours are common in emergency situations, it is only a matter of time before human life will be lost as a result of this need for another bridge.

Again, I wish to thank the Members for their assistance in first addressing the urgent needs of those in south Florida and other areas, and also for their foresight in providing a few dollars to help avoid a catastrophe in the future on North Carolina's beloved Outer Banks.

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

Mr. Speaker, at this time I want to thank my chairman, the gentleman from Mississippi [Mr. WHITTEN], all the subcommittee chairmen and all our committee members for the hard work they have put in bringing this bill to the House at this time. This is a good bill, Mr. Speaker, We recommend it to the House.

Mr. CAMPBELL of California. Mr. Speaker I just learned that last night, September 17, 1992, the disaster assistance relief bill was amended at the Rules Committee to include funds specifically for the Monterey Institute, located in Monterey, CA. My wife, Susanne, was recently appointed to the board of directors of the institute. At the least, I believe it would constitute the appearance of impropriety for me to vote on this issue. Accordingly, I intend to vote neither yes nor no but simply present.

On the merits of the bill, I do support assistance to the devastated people of Florida, Louisiana, Guam, Hawaii, and other areas. One of the great benefits of our Nation is that citizens in one part can help citizens in other parts in the wake of a natural disaster. The citizens of my own district of California were grateful for the relief offered by fellow Americans after the Loma Prieta earthquake.

However, candidly, this bill includes provisions completely unrelated to the relief of people hurt in the natural disasters recently encountered. I regret that this bill has been used as a vehicle for such unrelated expenditures, and I would oppose those provisions of the bill.

Mr. ROWLAND. Mr. Speaker, Hurricane Andrew was a tragedy for many and the effects will be felt for years. While I am sensitive to the needs of those devastated by the hurricane, I believe that it is important to clarify the intent of the funding included in H.R. 5620 for Homestead Air Force Base. It is my understanding that this funding is not available for construction of facilities at Homestead AFB.

Recently, President Bush announced his support to rebuild the base. I do not support this decision during this time of base closures and expected drawdown of Air Force units around the country. Our defense budget is in a state of decline as a result of a reduced Soviet threat and budgetary constraints, and we need to get the most from our defense dollars. Rebuilding a base at an estimated cost of half a billion dollars when we are in the process of closing bases is not logical. The decision to close a base needs to be determined during the base closure and realignment process that will take place next year. At that time, the commission can determine the needs of the Air Force as well as the Department of Defense as a whole.

As I understand this legislation, the funding provided could be used for demolition of buildings and general cleanup. Furthermore, H.R. 5620 allows for the restoration of the aircraft control tower, navigational aids, fuel facilities, and runways, and associated environmental restoration in order to put the airfield into operational condition. The measure does not authorize the Air Force to operate the facility as an active military base.

Mr. Chairman, I am pleased that this bill allows those at the Base Closure and Realignment Commission, who are the experts, to decide the future of Homestead Air Force Base. I understand the desire to restore the base to its full mission capability; however, this decision needs to be made within the overall context of Defense Department needs.

Ms. SNOWE. Mr. Speaker, I rise in support of the final version of H.R. 5620 for a number of important reasons.

First, and foremost, the people of southern Florida, Louisiana, Hawaii, and Guam need this assistance desperately to help them rebuild their storm-devastated communities. It is our duty as Members of Congress to do everything we can to help our fellow citizens in their time of need.

Second, this measure provides vitally needed funds for environmental cleanup at Loring Air Force Base in Maine, as well as the other closing military bases facing similar concerns nationwide. Environmental cleanup must be the highest priority in preparing military bases for future civilian uses.

We have known for some time that hazardous waste contamination at Loring could pose difficulties for redevelopment and reuse in an isolated, rural area racked by economic difficulties. Unfortunately, these problems have not been recognized by the Air Force and the Department of Defense, and the cleanup has been delayed for many inexcusable months due to their quibbling.

Time after time, in letters and in personal meetings, the Maine delegation has tried to get the Air Force to keep the Loring cleanup on schedule. It has taken this belated supplemental appropriations bill—the last resort—to finally demonstrate to the people near Loring and other closing bases that the Federal Government has not abandoned them. I can only hope that the Defense Department will offer more cooperation and support to communities affected by future base closings than it has in the past.

This Congress also has the duty to provide the people of this country with a strong and affordable military for national defense. With the end of the cold war, we are downsizing our forces and will be cutting the defense budget by at least one-quarter over a 5-year period.

This measure also takes the appropriate step of not providing funding for the full, military rebuilding of Homestead Air Force Base pending a review of this base by the Base Closure and Realignment Commission in 1993. It simply is not practical to spend hundreds of millions of taxpayers' dollars to rebuild an air base that has consistently ranked low in military evaluations, at a time when the defense budget is being reduced by one-quarter over the next 5 years.

This is buttressed by the fact that the Defense Department is in the process of trying to close Loring Air Force Base, which has great capacity for mission flexibility and expansion, modern facilities and a strategic location. I continue to believe that Loring should be considered as a cost-efficient alternative option to completely rebuilding Homestead Air Force Base.

I urge all of my colleagues in the House to join me in supporting this bill. Hopefully, H.R. 5620 will be enacted into law as soon as possible.

Mr. RHODES. Mr. Speaker, I rise today to discuss the compromise regarding Homestead Air Force Base in this supplemental appropriation. I applaud the decision to limit the appropriations for military construction at Homestead Air Force Base to a minimal $66 million, rather than the appropriations totaling $480.6 million as requested by the President.

This $66 million is for the limited purpose of restoring airfield operations such as the runway, air traffic control complex, utilities, and aviation support infrastructure to an operational status. This will allow Homestead's nonmilitary operations to continue, including the important drug interdiction efforts of the U.S. Customs Service located there. It has been expressly stated that none of the funds are available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions. With this provision, the future of those activities may be determined without prejudice by the Base Closure Commission of 1993.

I appreciate the important economic role which Homestead Air Force Base plays in the economy of the region, and I can certainly sympathize with those who would like to see the base restored to its prehurricane activities, if for no other reason than the power of its economic influence. However, doing so would be hypocritical to communities that have experienced the loss of a base in the wake of the military drawdown. There will be many more base closures as well, and each community will be told that the economic impact of the base simply cannot be used as a reason to keep a base open.

When my community lost Williams Air Force Base in the last round of base closures, it too was devastated by the estimated economic consequences. The community rallied to seize the opportunity to take a lemon and make lemonade. With a dedicated reuse effort underway, we are looking forward to the success of the new and diverse operations our former base will host. This legislation will restore an operational aviation asset to the Homestead community, that may one day be used for all of its previous military activities, or to plan redevelopment for use as a civil airport or industrial facility.

The utility of Homestead Air Force Base will soon be evaluated on its own merits by the Base Closure Commission. There is no need to prejudge their decision.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 5620, a bill providing disaster assistance to the devastated areas of Florida, Louisiana, Hawaii, and Guam. The bill also provides supplemental appropriations for fiscal year 1992 in several key areas that are important to California.

Of paramount concern to the country has been the devastation caused by Hurricane Andrew in southern Florida and Louisiana, Hurricane Iniki in Hawaii, and Typhoon Omar in Guam. The whole country has come together in the face of these awesome natural disasters. The country has responded to the call for assistance and, today, Congress lends its voice to help those communities in need.

Mr. Speaker, I wholeheartedly support the efforts in this bill to aid those communities in need. Certainly, California has had its share of the disasters, and I am proud that Congress has responded time and time again to help those California communities who were in need, and that we have responded in kind to the needs of other communities throughout the country in their time of need.

I want to point out, however, that in the case of providing aid to Florida, Louisiana, Hawaii, and Guam, the President has waived the local matching requirement for assistance. The President used a decidedly different approach in providing aid to communities in California that suffered severe damage from the Loma Prieta earthquake in 1989. California still has a request for a waiver pending with the administration. I would urge the administration to grant California the same considerations it has given to the other States with respect to the waiver.

Mr. Speaker, in addition to the disaster assistance in this measure, $30 million in emergency drought relief aid is included for drought stricken States in the West. As many know, California is experiencing a sixth year of drought. Farm income is down, rural unemployment is up and our fisheries and wildlife resources are continuing to decline.

But, drought conditions are even more far reaching than California. Several western States have already been declared eligible by the Secretary of the Interior for drought assistance under the Emergency Drought Relief Act, including—California, Oregon, Nevada, Idaho, Utah, Montana, Washington, and Nebraska.

The $30 million in the conference will provide supplemental water supplies for our drought-stricken farm communities, our wildlife refuges and our endangered fisheries. Without these resources, the drought-impacted areas of the West will suffer significant job losses from reduced farm activity and our already stressed fish and wildlife resources will continue to suffer. This funding can make a difference. It will provide essential, emergency drought relief to this region of the country.

For example, in northern California, it could be used by the Bureau to expand its fish screen activities along the Sacramento River to protect threatened salmon species. It could be used to help diverters gain access to lower river water levels. And, it could support efforts to increase water supplies through the reuse of subsurface agricultural drainage water.

The funding can also be tapped to relocate pumping plants in our depleted reservoirs so that water deliveries can continue to be made to municipal and industrial consumers. For example, funding in the bill would be available to help relocate the pumping plant at Folsom Reservoir so that water deliveries can continue to be made to the city of Roseville, San Juan Suburban Water District, the city of Folsom, and Folsom Prison.

I strongly encourage the President to act on the authority we have provided him to aid the many drought-stricken areas of the country. The drought is as much an emergency and, in particular, has placed many farmers on the brink of disaster, as have the hurricanes.

As you know, Mr. Speaker, the 1990 freeze and the continuing drought in California have caused significant hardship for California growers and the migrant and seasonal farmworkers they depend on to harvest their crops. We have already been able to provide some disaster assistance to farmers and ranchers, but the needs of farmworkers continue to go unmet. Some estimates suggest that over 65,000 farmworkers in California lost their jobs because of disasters in 1990 and 1991. Most counties in my district lost up to 10 percent of farm jobs because of disasters. Nearly 1,000 migrant and seasonal farmworkers were displaced.

The conference report on H.R. 5620 makes it clear that the disaster assistance money provided under the dire emergency supplemental appropriations bill—Public Law 102–299—can be used to provide emergency services to low-income migrant and seasonal farmworkers. I fully expect and anticipate, and indeed it is now the clear congressional intent under this provision, that since the administration has released the second installment of disaster assistance money, a portion of that money will be used to provide emergency services to low-income migrant and seasonal farmworkers.

It should also be noted that my colleague from California, Mr. DOOLEY, deserves the bulk for making this provision a reality. Through his persistence, as a Member who represents many of those who will benefit from this provision, Mr. DOOLEY deserves the bulk of the credit for making it happen.

Another key provision of this measure is the additional funding provided in the bill for veterans compensation payments. The bill includes $500 million to fulfill our obligation to provide a full fiscal year 1992 COLA to all of our veterans. The bill also increases direct loans for the vocational rehabilitation program and provides startup funds for a new program that provides loans to nonprofit organizations leasing transitional housing units exclusively to veterans who are in, or have completed substance abuse treatment programs.

An important provision to many communities throughout the country is the transfer of $69 million in existing funds from the Defense environmental restoration account and earmarks $162.7 million in new funding for base closure cleanup sites. Without this funding, cleanup of military bases that are closing would fall behind an already drawn-out schedule. We have a moral obligation to provide communities with the opportunity to recover the economic losses caused by base closures. So, it is vital not only to protect public health and the environment, but also to enable new businesses to take over base facilities and create jobs. For Sacramento, the bill has important implications in this regard for both Mather Air Force Base and the Sacramento Army Depot.

In conclusion, Mr. Speaker, this conference report responds to several pressing and urgent needs that our country is facing. This is a good bill, and I urge my colleagues to support it.

Ms. WATERS. Mr. Speaker, I rise in support of this legislation. I do so because victims of disasters deserve the unwavering commitment of the Federal Government to help them through their trying times.

Last night, I went before the Rules Committee and attempted to amend this legislation to include a $10 billion loan guarantee program for cities and towns. I was unsuccessful.

To me, the disaster relief program before us is exactly where this Congress should discuss ways to empower communities to plan long-term rebuilding strategies. That is what my loan guarantee program would do.

This program, supported and endorsed by the Congressional Black Caucus, is a modest program to give devastated cities and towns access to quick capital. The section 108 program, which is expanded in this plan, gives large-scale loans to communities for economic development, housing, and other public service needs—loans which can be paid back over 20 years.

Moreover, the Congressional Budget Office has determined that a 5-year, $10 billion section 108 program would cost the Treasury nothing.

When we talk about disaster relief, we are talking about rebuilding communities. It is one thing to give immediate assistance for food, water, and shelter—but it is also critical to talk about long-term development. That is what I have attempted to do. We have the opportunity to free up $10 billion in low-interest loans over the next 5 years.

While we will not adopt this program today, I believe it is critical for this Congress to act before we adjourn in the next few weeks.

I hope my colleagues in disaster-ravaged communities will join with me, and the Congressional Black Caucus, in fighting for a long-term program for community empowerment, jobs, and revitalization. The stakes are high, but the payoffs are enormous.

Mr. BROWN. Mr. Speaker, Hurricane Andrew was a tragedy for thousands of homeowners living in south Florida and on the Louisiana coast. Iniki visited the same kind of devastation in Hawaii. While it is difficult to downplay these losses, there is at least one saving grace for these homeowners: Nearly all of them had private insurance. Most of these families will receive a check from their insurance companies, which will allow them to repair or rebuild their homes. The almost universal availability of private insurance for windstorm damage also greatly diminishes the amount of Government disaster assistance that could have been included in this supplemental appropriations bill.

Unfortunately, Mr. Speaker, the same cannot be said for damages inflicted by moderate

to severe earthquakes. The difference lies almost totally in the lack of insurance for earthquake damage. This is precisely the scenario we face in California. Only about 25 percent of California homeowners have earthquake shake insurance because of high premiums and deductibles. Unlike the case of Hurricane Andrew, when the big one occurs in California, most homeowners will not receive an insurance check to pay for repairs and rebuilding. These homeowners will have little recourse but to seek Federal disaster aid, which seldom affords quick and complete compensation. This reliance on disaster assistance also represents an additional drain on the Federal Treasury.

There is a better way to deal with the earthquake risk. It is legislation, H.R. 2806, I have sponsored with 66 of my colleagues—including 14 Californians—which creates a Federal Earthquake Insurance Program. The legislation makes earthquake coverage available and affordable in earthquake-prone States. In addition to providing insurance protection for homeowners, the bill prefunds disaster assistance. This legislation, in effect, would reduce the amount of any disaster aid supplementals that would need to be enacted following a major earthquake. Also, the bill provides requirements and strong incentives for loss prevention programs, which will save lives and reduce disaster assistance when implemented.

The 1989 World Series earthquake in the bay area provides an illustration. The Congress quickly passed a supplemental appropriations bill to provide disaster assistance to these earthquake victims, most of whom did not have insurance. One estimate is that every taxpayer paid $17 for this supplemental appropriations. This need for disaster aid, Mr. Speaker, would clearly have been lower if earthquake insurance were universally available, as it is for the windstorm peril and would be if H.R. 2806 were enacted by Congress.

We are today appropriating $6.3 billion for the people of Florida, Louisiana, and Hawaii. This amounts to approximately $50 for every taxpayer in the United States. I support this appropriation—but I also urge my colleagues to realize that a major earthquake in a heavily populated area anywhere in the United States will dwarf this appropriation. I urge the House to act on H.R. 2806 or similar legislation in the next Congress so that we may reduce human loss and reliance on Federal disaster assistance.

Mr. NATCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 575, the previous question is ordered on the motion.

The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

A motion to reconsider was laid on the table.

□ 1330

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I ask to proceed for a moment that I might inquire of the distinguished majority whip the program for next week, if not the balance of today.

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

Mr. MICHEL. I am happy to yield to the gentleman from Michigan.

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

Mr. Speaker, we are finished with official business today. We will meet on next Monday, September 21, at noon. We will consider three suspension bills. No votes will be recorded on those bills until Tuesday.

On Tuesday, September 22, we will meet at noon. There will be one suspension. We expect votes by 1 o'clock on Tuesday. Members should be aware of that.

We will have recorded votes on the Monday suspensions immediately on Tuesday, and then we will move on to H.R. 5318, the extension of most-favored-nation treatment with China, and then also do H.R. 5006, a motion to go to conference on the Department of Defense Authorization Act for Fiscal Year 1993.

We will take up two bills on suspensions. Recorded votes on the suspensions will be postponed until later in the legislative day. Those are House Joint Resolution 512, the extension of nondiscriminatory treatment with respect to the products of Romania, and H.R. 5258, the withdrawal of most-favored-nation status from the Federal Republic of Yugoslavia.

Then we will move to the National Competitiveness Act of 1992 and complete its consideration.

We will then do 24 suspensions on the Suspension Calendar. Recorded votes will be postponed until the following day, Wednesday, September 23. The 24 suspensions are as follows:

H.R. 2890, Department of Veterans Affairs-Medicaid Drug Procurement Amendments of 1992;

H.R. 5001, amend Outdoor Recreation Act of 1963;

Senate Joint Resolution 23, amend the Hawaiian Homes Commission Act;

S. 1607, Northern Cheyenne Tribe Water Rights Claim;

H.R. 2967, Older Americans Act amendments;

H.R. 4014, Educational Research, Development, and Dissemination Excellence Act;

H.R. 5257, U.S.-Flag Passenger Vessel Act of 1992;

H.R. 5557, New England Groundfish Restoration Act;

H.R. 5419, International Dolphin Conservation Act;

H.R. 3627, Air Force Memorial;

H.R. 5058, Folk Life Center reauthorization;

H.R. 5323, to promote transition to democracy in Cuba;

H.R. ——, Nuclear Proliferation Prevention Act;

H.R. 3204, Audio Home Recording Act of 1991;

H.R. 5452, granting consent to compact concerning the Delaware River Port Authority;

H.R. 4841, granting consent to the New Hampshire-Maine Interstate School Compact;

H.R. 5716, 2-year extension of authorization for certain programs under title I of the Omnibus Crime Control and Safe Streets Act of 1968;

H.R. 5952, Prescription Drug User Fee Act of 1992;

H.R. 5938, Mammography Quality Standards Act of 1992;

H.R. 4252, Medicaid/HMO waiver;

H.R. 5673, Health Care Policy and Research Amendments;

H.R. 5726, investment adviser regulatory enhancement;

H.R. 3047, transactions by exchange members for discretionary accounts; and

H.R. 4313, Financial Fraud Detection and Disclosure Act.

I should say on Tuesday we will adjourn probably around 6 o'clock, I would tell the distinguished leader, because of the annual congressional ballgame.

On Wednesday, September 23, and the balance of the week, the House will meet at 10 a.m. to consider the following business:

H.R. 5754, Water Resources Development Act of 1992;

H.R. 3596, Consumer Reporting Reform Act of 1992;

H.R. 3298, Farm Credit Banks and Associations Safety and Soundness Act;

H.R. 3161, Federal Property and Administrative Services Authorization Act;

H.R. 5192, Veterans Health-Care Amendments of 1992; and

H.R. 918, mining exploration and development.

All of those bills that I have just read for Wednesday through the balance of the week are subject to a rule. Of course, conference reports may be brought up at any time.

On Friday there is no guarantee on time since we are moving into the last several days of the legislative session. Of course, we will do the appropriations bills as they are ready for completion.

ADJOURNMENT TO MONDAY, SEPTEMBER 21, 1992

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. (Mr. BENNETT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WHITH CALENDAR BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business

in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

GOVERNOR CLINTON'S WEAK ATTEMPTS TO EXPLAIN DRAFT HISTORY

Mr. DORNAN of California. Mr. Speaker, as a member of the Permanent Select Committee on Intelligence, I want to associate myself with the remarks of the last two speakers.

Mr. Speaker, yesterday was the 205th anniversary of the Constitution of the United States. When a new Congress is sworn in here, as is the history with every Congress, we all raise our right hands, every man and woman in this Chamber, and in the other body, and swear to uphold the Constitution of the United States, defend it against all enemies, domestic and foreign.

To a constitutional democracy, that means the Nation, that we will defend the Nation.

I am more troubled with each passing day about Governor Clinton's weak attempts to explain, and obfuscate, and lie about his draft history. His roommate at Oxford committed suicide 2 years after he also dodged the draft. That burns into your brain cells every day, every hour, everything that happened to you during that period.

Here is a mystery to me. I never heard of an ROTC program in a law school. You get your ROTC commission, whether it is a Navy ensign, Marine lieutenant, Air Force of Army lieutenant, the day you get your degree. They are in synchronization. You get your college degree; you get your commission. I never heard of anybody in graduate school or law school going into the undergraduate ROTC program. That may be with a heavy heart why this Bataan Death March survivor, Col. Eugene Holmes, did not say anything for the past two decades and why he now makes that statement on the seventh of this month that I put in the RECORD yesterday.

I am going to put it in the RECORD again today, right now:

BILL CLINTON AND THE UNIVERSITY OF ARKANSAS ROTC PROGRAM

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3½ years internment in Japanese POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming the Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there were many others who avoided serving their country in the Vietnam war, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of the draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening (September 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make". Since I may be the only person living who can give a first hand account of what actually transpired, I am obligated by my love for my country and my sense of duty to devulge what actually happened and make it a matter of record.

Bill Clinton came to see me at my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire to join the program did he inform me of his involvement, participation and actually organizing protests against the United States involvement in South East Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fulbright's office that Bill Clinton, a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fulbright's office was putting pressure on them and that they needed my help. I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated December 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at the University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program at the University. He never enrolled at the University of Arkansas, but instead enrolled at Yale after attending Oxford. I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The December 3rd letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States Military. Even more significant was his lack of veracity in purposefully defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the calibre, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, and others whose funerals I have attended * * *. When I reflect on not only the willingness but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me that a man who was not merely unwilling to serve his country, but actually, protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention my brother Bob, who was killed during World War II and is buried in Cambridge, England (at the age of 23, about the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst of conditions followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more than I do my own personal security and well-being. I will go to my grave loving these United States of America and the liberty for which so many men have fought and died.

Because of my poor physical condition this will be my final statement. I will make no further comments to any of the media regarding this issue.

[From the Washington Times, Sept. 17, 1992]

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

The text of the letter Bill Clinton wrote to Col. Eugene Holmes, director of the ROTC program at the University of Arkansas, on Dec. 3, 1969:

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there

was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under the indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1-D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

GALLEGLY BILL TO PROTECT PUBLIC HOUSING TENANTS FROM ILLEGAL ALIENS AND CRIMINAL ACTIVITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 5 minutes.

Mr. GALLEGLY. Mr. Speaker, today I am pleased to introduce the Prevention of Illegal Residency and Activity in Public Housing Act of 1992, a bill designed to require public housing agencies to ensure that dwelling units are not occupied by undocumented aliens and are not being used for illegal activities as a condition of receiving Federal assistance.

This is the 10th legislative proposal I have introduced to stop illegal immigration into the United States. I need not recite all the statistics which have been published already showing that our country is facing a major crisis caused by illegal immigration. The Immigration and Naturalization Service has estimated that there are already at least 6 million undocumented aliens currently in the United States, roughly half of whom—some 3 million—can be found in southern California alone. Moreover, according to INS estimates, the apprehensions of illegal aliens at the border in 1992 will exceed the 1986 record of 1.7 million, while at least 3.4 million illegals will get through to lose themselves in U.S. urban population centers.

The costs of this invasion to the taxpayers are enormous. One organization studying the problem conservatively places the nationwide direct costs at $5.4 billion. The California auditor general indicates that the annual net cost to the State is $3 billion. A recent official Los Angeles County study found that over 11 percent of its jail population consisted of illegals, many of them repeat offenders who had been deported only to return to resume their criminal activities. The annual costs to local taxpayers of processing, trying, and incarcerating these deportable aliens is over $75 million. A similar study for San Diego, which also took into account police enforcement and related costs, revealed costs of almost $106 million a year.

Suffice it to say that State and local governments in border areas are being overwhelmed by the burden of providing additional benefits and services to persons who should not legally even be there. And, judging by the mail and reaction I have received from around the country, coupled with TV news documentaries and published press reports, this problem is spreading rapidly, because there are simply not enough jobs, housing, services, and public assistance programs to meet the escalating demands of these new residents in California, Texas, Arizona, Florida, and other border States.

All of the nine bills I have previously introduced—H.R. 3438 through H.R. 3442, House Joint Resolution 357 and H.R. 3605, H.R. 4754 and H.R. 5625—deal with the major causes of this illegal immigration crisis—inadequate Federal resources devoted to border control, widespread document fraud, generous Federal and State welfare and other benefit programs available to illegal aliens, the hiring by employers of undocumented aliens for cheap labor, automatic birthright citizenship for babies born to illegal alien parents, the lack of programs in neighboring countries to stop smuggling of undocumented persons across the border, and the possibility of illegals voting for higher benefits and special treatment in local elections. This bill is aimed at eliminating another major incentive for illegal immigration—the availability of free or cheap public housing for undocumented aliens and their families.

Of course, I recognize that the No. 1 reason why immigrants enter this country illegally is economic—the poor economy and living conditions in their native lands and the desire for a job and a better life. Much as I sympathize with those who take this calculated risk, we cannot permit them to break our laws. No na-

tion has immigration policies as liberal as our own. Every country has a right to control its own borders, and for us to condone widespread lawbreaking or to permit illegal aliens to profit from breaking the law would be to make a mockery of citizenship, our immigration policy, and our legal system.

In principle, I have supported the concept of a North American Free-Trade Agreement because I believe its enactment could lead to more jobs and greater economic growth in both Mexico and the United States, thereby removing a powerful incentive for the trek of illegal immigrants across our border. However, I also recognize that the promise of economic benefits from such a treaty may be in the distant future. We cannot afford to do nothing but wait while millions of illegals continue to pour into this country each year, adding to the economic and social problems already facing border area communities and many State and local governments. Action must be taken at all levels if we are to regain control over our borders and respect for our immigration laws.

Although illegal aliens are, due to their unlawful status, ineligible for all Federal benefits, except for emergency and pregnancy assistance, some Federal agencies have ignored or refused to enforce the letter of the law. Section 214 of the Housing and Community Development Act of 1980 clearly prohibits the Secretary of Housing and Urban Development from providing financial assistance to undocumented aliens. Yet, there is substantial evidence that undocumented persons frequently and unlawfully occupy public housing dwellings in many metropolitan areas throughout the United States.

Undocumented aliens cross our borders illegally in search of jobs and a place to live. Often they use forged documents to obtain both. Sometimes they move in with relatives or friends who have entered this country legally and are public housing tenants. Whatever the cause, the presence of these illegal aliens in public housing is unlawful and contrary to the protection of public health, safety and welfare. It also denies residence in taxpayer-supported dwelling units to low-income families of American citizens and legal immigrants in need of such accommodations. And the unlawful occupation of public housing by undocumented aliens frequently leads to overcrowding and unsanitary conditions, often accompanied by drug dealing and other illegal activities, which, in turn, destroy the quality of life for legal public housing tenants.

As much as I admire Secretary Kemp and strongly support and approve of his stewardship at HUD, in my opinion, the Department of Housing and Urban Development lacks a clear and coherent policy toward this widespread illegal occupation of federally funded housing by undocumented aliens. The truth is that many public housing units have become havens for criminals and drug traffickers, as well as overcrowded, often unhealthy and unsafe residences for illegal alien families. HUD has been lax in its enforcement policies. Although local public housing agencies have the authority to conduct annual inspections of these dwellings, with reasonable notice, and can enter the premises of tenants in public housing units without notice in the event of an emergency, there is no indication that such infrequent visits have had much of an impact on the presence of illegal activities and unlawful occupancies. In fact, the evidence is that the situation in many public housing units is getting worse, contributing to the acute housing shortage prevalent in this country, especially among the working poor.

Mr. Speaker, what is needed is a policy requiring periodic inspections by public housing officials, with the understanding that undocumented aliens are to be removed from public housing units where found, and the assurance that the presence of illegal aliens, like other unlawful findings, will be immediately reported to law enforcement and immigration authorities. We must be sure that those poor and needy American families seeking accommodations have ready access to public housing which is safe, sanitary and drug free, and that all taxpayer-funded residences are available only to qualified legal residents and are clear of illegal activities and unlawful occupants. Federal housing policy must ensure that undocumented aliens and other unwanted and undesirable persons do not escape detection and do not continue to occupy scarce public dwellings or utilize them for criminal activities and unlawful accommodations. There is no excuse for allowing undocumented aliens to occupy public housing units when poor working American citizens and their families must wait in long lines just to find a place to live!

My bill would require that each public housing agency conduct an annual inspection of all dwelling units to determine whether undocumented aliens or illegal activity are present. If a public housing agency during its inspection finds an undocumented alien occupying a dwelling in public housing or if the agency has reason or probable cause to believe that a public housing unit or units are being unlawfully occupied by illegal immigrants, it must immediately notify the INS and request appropriate action.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prevention of Illegal Residency and Activity in Public Housing Act of 1992".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) section 214 of the Housing and Community Development Act of 1980 prohibits the Secretary of Housing and Urban Development from providing financial assistance to undocumented aliens;

(2) there is substantial evidence that undocumented aliens unlawfully occupy public housing dwelling units in metropolitan areas throughout the United States;

(3) the presence of undocumented aliens in public housing is unlawful and contrary to protection of public health, safety, and welfare, and denies residence in public housing dwelling units to low-income families of citizens and legal aliens in need of such accommodations;

(4) the Department of Housing and Urban Development does not have a policy requiring periodic inspections of public housing to ensure that illegal aliens are not occupying or residing in public housing; and

(5) the illegal occupation of public housing can create overcrowding and unsanitary conditions, which often are accompanied by drug trafficking and other illegal activities that destroy the quality of life for legal tenants of public housing.

SEC. 3. CONDITION OF RECEIPT OF PUBLIC HOUSING ASSISTANCE.

With respect to any fiscal year, the Secretary of Housing and Urban Development may not provide to a public housing agency amounts made available for the fiscal year for grants under section 5(a)(2) of the United States Housing Act of 1937 or annual contributions under section 9 of such Act, unless such public housing agency has submitted to the Secretary, and the Secretary has approved, a certification under section 7 of this Act for the fiscal year.

SEC. 4. ANNUAL INSPECTIONS TO DETERMINE OCCUPANTS AND IDENTIFY ILLEGAL USE OF PUBLIC HOUSING DWELLING UNITS.

(A) REQUIREMENTS.—For each fiscal year, each public housing agency shall conduct an inspection under this section of each public housing dwelling unit administered by the agency to ensure that aliens who are not of satisfactory immigration status are not occupying or residing in any such dwelling unit and that criminal activity is not taking place in any such dwelling unit.

(b) MANNER.—Each inspection under this section shall—

(1) be designed to determine the number of individuals occupying or residing in each unit administered by the agency, and the identity and immigration status of each such individual;

(2) be designed to take notice of evidence or signs of criminal activity;

(3) consist only of an inspection of each room of the dwelling unit and articles in the unit in the plain view of the inspector;

(4) be conducted only after providing written notice of the inspection, which shall be delivered to the dwelling unit not less than 2 days before the inspection;

(5) be conducted by the public housing agency or an agent of the agency; and

(6) be conducted on weekdays during reasonable hours.

(c) LEASE PROVISIONS.—Section 6(1) of the United States Housing Act of 1937 (42 U.S.C. 1437d(1)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by adding after paragraph (5) the following new paragraphs:

"(6) obligate the public housing agency to terminate the tenancy of any tenant who—

"(A) is an alien not of satisfactory immigration status (as defined in section 8 of the Prevention of Illegal Residency and Activity in Public Housing Act of 1992);

"(B) aids or abets the occupancy or residency in any public housing dwelling unit by any alien not of satisfactory immigration status; or

"(C) is occupying a dwelling unit in which criminal activity is taking place or has taken place during such tenancy;

"(7) contain terms expressly authorizing the public housing agency (or agents of the agency) to enter the dwelling unit of the tenant not less than once each year on weekdays during reasonable hours, upon written notice delivered to the dwelling unit not less than 2 days in advance, for the purpose of conducting an inspection under section 4 of the Prevention of Illegal Residency and Activity in Public Housing Act of 1992; and".

SEC. 5. NOTIFICATION OF LAW ENFORCEMENT AUTHORITIES.

(a) INS.—Any public housing agency that has identified any individual as an alien not

of satisfactory immigration status, or has probable cause or reason to believe that such an alien is occupying or residing in a dwelling unit in public housing administered by the agency, shall notify the Immigration and Naturalization Service of the Department of Justice of the individual and the dwelling unit concerned and shall request appropriate action by the Immigration and Naturalization Service.

(b) OTHER LAW ENFORCEMENT AUTHORITIES.—Any public housing agency that has determined, or has probable cause or reason to believe, that criminal activity is taking place in any dwelling unit in public housing administered by the agency shall notify the appropriate law enforcement authority of such activity and the dwelling unit concerned and shall request appropriate action by the law enforcement authority.

SEC. 6. REQUIREMENT TO REMOVE OR EVICT UNDOCUMENTED ALIENS AND TENANTS OF DWELLING UNITS USED FOR CRIMINAL ACTIVITY.

(a) REMOVAL AND EVICTION OF UNDOCUMENTED ALIENS.—

(1) IN GENERAL.—Each public housing agency that determines that an alien not of satisfactory immigration status is occupying or residing in a dwelling unit in public housing administered by the agency shall provide for—

(A) the removal of the individual, if the individual is not a tenant of the dwelling unit;

(B) the termination of the tenancy and eviction of the individual, if the individual is a tenant of the dwelling unit, subject to the provisions of sections 6(k) and (l) of the United States Housing Act of 1937, which, upon a timely request by the individual, shall provide a hearing before an impartial party at which the individual may produce evidence of a satisfactory immigration status; and

(C) the termination of the tenancy and eviction of any tenant of any dwelling unit administered by the public housing agency who the agency determines aided or abetted the occupancy or residency in any public housing dwelling unit by the alien not of satisfactory immigration status, subject to the provisions of sections 6(k) and (l) of the United States Housing Act of 1937, which, upon a timely request by the tenant, shall provide a hearing before an impartial party at which the tenant may produce evidence on the tenant's behalf.

(2) DETERMINATION OF SATISFACTORY IMMIGRATION STATUS.—In determining and verifying the immigration status of individuals for purposes of this subsection, each public housing agency shall utilize the procedures under section 214(d) of the Housing and Community Development Act of 1980.

(b) REMOVAL AND EVICTION OF TENANTS OF DWELLING UNITS USED FOR ILLEGAL ACTIVITY.—Each public housing agency that determines that criminal activity is taking place or has taken place in a dwelling unit in public housing administered by the agency shall provide for the termination of the tenancy and eviction of the tenant of the dwelling unit, subject to the provisions of sections 6(k) and (l) of the United States Housing Act of 1937, which, upon a timely request by the tenant, shall provide a hearing before an impartial party at which the tenant may produce evidence in the tenant's behalf.

SEC. 7. CERTIFICATION.

(a) CONTENTS.—The certification by a public housing agency required under section 3 for each fiscal year shall certify that—

(1) the agency has conducted the inspections required under section 4 for the fiscal year;

(2) the agency has notified the Immigration and Naturalization Service and the appropriate law enforcement authority in each instance in which such notification is required under section 5;

(3) the agency has removed or evicted each individual required to be removed or evicted under section 6, or has initiated and is pursuing appropriate termination and eviction proceedings for such individuals; and

(4) to the best knowledge of the agency, there are no aliens not of satisfactory immigration status occupying or residing in any dwelling unit administered by the agency (other than individuals for whom proceedings referred to in paragraph (3) have been initiated) and there is no criminal activity taking place in any such dwelling unit.

(b) SUBMISSION.—The Secretary shall provide for each public housing agency to submit the certifications required under ths Act in a manner and at a time determined by the Secretary that is sufficient for the Secretary to complete review and provide notice to public housing agencies in accordance with subsection (c) before amounts referred to in section 3 are to be made available to the agencies for the fiscal year.

(c) APPROVAL AND DISAPPROVAL.—The Secretary shall review each certification promptly upon submission and notify each public housing agency in writing of the approval or disapproval of the certification of the agency. If the Secretary disapproves any certification, the Secretary shall provide to the public housing agency, together with the notice of disapproval, notice that the public housing assistance referred to in section 3 will be unavailable to the agency for the fiscal year unless appropriate actions are taken and the certification is resubmitted and approved. The Secretary shall provide for resubmission of certifications disapproved under this subsection.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) The terms "agency" and "public housing agency" have the meaning given the term "public housing agency" in section 3(b) of the United States Housing Act of 1937.

(2) The term "alien" means any person not a citizen or national of the United States.

(3) The terms "occupying" and "residing in", with respect to a dwelling unit in public housing, do not include visitation as a guest of a tenant of the dwelling unit.

(4) The term "satisfactory immigration status" means an immigration status that does not make the individual ineligible under section 214 of the Housing and Community Development Act of 1980 for financial assistance.

(5) The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 9. REGULATIONS.

The Secretary shall issue any regulations necessary to carry out this Act.

□ 1340

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, certainly I do not intend to utilize anywhere near 1 hour. I rise, first, as a prefatory expression, I want to express my profound thanks to the Democratic leadership and my colleagues on the majority for their support and their expression of faith and confidence in my integrity.

Now, it is surprising that a frightened and a cowering administration and a corrupt Justice Department, particularly, would put such great pressures on the Members of the minority side that they would try to raise the bogus issue of national security and my breach thereof. So I want to thank my colleagues on the majority side for knowing full well that one thing I have prided myself all along is in full knowledge and respect for and cognizance of the rules and the precedents and the traditions of the House, which I honor highly and without any deviation.

The purpose for my addressing my colleagues this afternoon is the same as it has been innumerable times since I was sworn in as a Member almost 31 years ago. For those who say that my use of this great privilege, known as special orders, is something of late, they just simply do not know the history. I had not been sworn in 10 days before I made use of special orders in January 1962. And it just seems to me that this is the reason for and the history and the origin of what we call special orders, but actually, technically are requests based on a unanimous-consent request to have leave to address the House after all legislative business has been terminated or completed.

And the reason for that, because I have studied the history of special orders, is that Members of a numerous body such as the U.S. House of Representatives, by the very nature of its size, must limit debate in the usual legislative transactions of the day. So that this proviso, which we now call special orders but actually are consent and leave to address the House, gives a Member an opportunity to enlarge on an issue, a legislative issue.

Let me say, by way of parenthesis and explanation, that at no time since I have exercised this privilege have I ever done anything but address legislative issues or matters having to do with the congressional and the House's responsibility and its privileges and immunities under the Constitution. Never, and I hope and pray I never would be guilty of trying to convert this great, solemn and hallowed forum into a political stump.

Now, my colleagues can judge when that happens and has happened. I think it is an abuse of the privilege, so I have stuck to the matter of enlarging on issues that agitate and compel expressing, over and above the limited debate time available, concern about some pending or possible legislative action or proposal.

Soon after I was sworn in, and I was one of only three of us that were sworn in that day into the second half of the 87th Congress that was assigned to a

major committee. And that was the Committee on Banking, Finance and Urban Affairs. I have opted to stay on it since then, though I have had opportunities to belong to every other committee of substance such as the Committee on Ways and Means, the Committee on Appropriations, the Committee on Rules. I have not.

But ever since then, I have been so challenged and so engrossed in financial matters, a I have since I started my legislative career on the local legislative body, the city council of the city of San Antonio, and then for 5 years in that great, great, great body known as the Texas State Senate. So that I took the business seriously, and it was not long before I realized that there were very serious problems that were not perceived as such, but which, to any knowledgeable and sensitive member of the Committee on Banking, Finance and Urban Affairs, would be and should have been addressed or at least discussed.

One, the statistics that showed that by the time I came aboard the United States had decreased as far as its production into the world's needs from a high of almost unbelievable, almost 80 percent after the war in the 1940's and up to about the early 1950's, but by the 1960's had gone down considerably in point of volume percentage. And today it is not even 18 percent.

It was obvious that the United States would have to then somehow acquire the capability for long-range planning in this production and financing, because it was then that we began to have the foundation and the beginning glimmers of what turned out to be these tremendous transnational, multinational American-based corporations, including banks, into this external market.

By the time we had reached 1965, and faithfully reading the Federal Reserve annual reports, which I have done from the beginning, and that kind of made people think maybe something was wrong with me, I noticed in 1965, that for the first time, almost every section of that Federal Reserve report referred to the ongoing happenings in Vietnam or Southeast Asia.

Most disturbingly, back home, a school board had issued a bond issue for the construction of schools, and by the time they got, in 1965, the building, they found that constructions costs of such things as copper, steel, lumber, and labor had increased to a point where they would have to have another bond issue. And the reason for that was our buildup and investment in Vietnam.

When I looked over to the other section and saw that the Federal procurement level, budgetary, financial, had gone to a point of 35 percent, it was obvious that we were going to have to do something to avoid one and above all a destructive inflationary thrust that was already being felt in what I called the soft underbelly of our economy.

□ 1350

Labor, we could pick up a paper and read where they had ads for carpenters and construction people, the so-called CB's, in the California west coast papers. There was advertising at extremely high salaries. That was because we were beginning to build the Cam Ranh base incidentally, and other things.

Then I wrote a letter to the President, and the President was not a Republican. I might say that those who keep saying that the reason I am speaking out now is because we have a Republican administration President, it was a great friend and a neighbor from Texas. I said:

> Mr. President, the signs indicate that now all the forces are present that are going to lead to an undesirable inflationary pressure, plus the need to find resources to defray the cost of the war going on in Vietnam.

I was not one of those shouting and doubling my fist and saying, "Hey, hey, LBJ, how many babies have you killed today," but I was making speeches, challenging the President's authority to conscript an unwilling American and send him outside of the continental United States in an undeclared war. I still say that, and I said it before I came to the Congress.

Of course, that did not please. If the President felt it, he never told me, but some of his special assistants did let me know that they thought that maybe I was being somewhat disloyal, but that was my position.

I said:

> Mr. President, I would suggest that you get your Chairman of Economic Advisors and your Secretary of the Treasury and whoever is in charge of your domestic monetary policy and see to it that you have some kind of restoration of the Harry Truman credit controls and other economic handles on the economy to prevent the destructive budgetary impact, as well as inflationary.

I was referring to what was, I thought then, the extremely high cost of money to the Government in managing its borrowings and interest rate. I even pointed out that all during World War II, when over 60 percent or almost 60 percent of our gross national product was being employed on the Federal level for the prosecution and eventual winning of the war, that Franklin Roosevelt and his administration never had to pay over 2 percent for Treasury borrowings and bonds and what not. Can you imagine that?

Of course, Harry Truman, and extending beyond Harry Truman, managed to keep the lid on. But in the middle 1960's those old bankers were beginning to utilize a sleeper clause that had been slipped in after President Eisenhower became President which changed the manner of debt management between Treasury and Fed. As a matter of fact, any of my colleagues who has a $1 bill or a $5 note or a $10 note or a $20 note will notice that it says, "a Federal Reserve note." It used to say, "U.S. Treasury note." Therein is a very, very profound matter, but for the purpose of today's briefer discussion, I will just make allusion to it.

These were the things that were agitating me. In good faith, I wrote a letter to the President. I did not get an answer, but the next thing I knew I had a call from a minor official in the Treasury who said, "The President sent this letter over, and I just wanted to tell you that there is no reason why you should be concerned. Everything is all right, hunky-dory." That is all I could get.

I came on the floor, took a special order. There was no TV, no nothing. I made the speech, even though I did not have to in that day and time.

It used to be we could just write out our special order, hand it to the Journal Clerk or Record Clerk, and it would be printed as if we had said it on the House floor. Since then, I am glad there have been some changes that indicate that if you did not make it verbally and during the course of meeting, it will be in a different print. That is the way it ought to be.

I always felt that that privilege was meant to be utilized by the person, because he was entitled to have somebody who might not agree with him come to the floor and debate with him. That is the way I feel today.

Nonetheless, by 1968 it was obvious that not only the United States but the other industrial nations were in trouble. All of a sudden we began to read in the newspapers, mostly the financial pages, about the Roosa dollar. Roosa was named from Robert Roosa, who was a Treasury official who concocted this two-tier gold IMF, International Monetary Fund, currency gimmick. It was a gimmick, and it lasted until 1971, August 15, when President Richard Nixon, the Congress being out of session, took the United States off the gold exchange standard and devalued the dollar by 10 percent.

Then, like today, there was not any newspaper in America saying. "That was a devaluation," and what the implications of getting off the gold exchange standard were. I could not believe it.

I was down on the totem pole in the committee, so again, as even now when I am chairman of the committee, some looked at me as if I had lost my mind. I came to the House floor, I put it all in the RECORD, so it is all in the RECORD. It is not what I am saying now in hindsight. I got extremely concerned.

Right on the heels of the Congress coming back after Labor Day, the Nixon administration having appointed my fellow Texan and former Governor of Texas, John Connolly, Secretary of the Treasury, came forth with an eco-

nomic stabilization act; in other words, in common parlance, wage and price controls.

Now, wait a while. That was supposed to be the liberals doing that, but this is a conservative Nixon administration. We have a hearing in the Committee on Banking, Finance and Urban Affairs, because that is where we have jurisdiction on economic stabilization. Here is this awesome array, the Secretary of the Treasury, John Connolly; the head of the AFL-CIO, George Meany; the head of the Automobile Workers Union, later Ambassador to China or someplace there; the head of the board of GM and General Foods.

They all said the same thing, "You have to pass this without changing a comma." I looked at the bill. I analyzed it. I could not believe it. It was Congress delegating to the President such constitutional grants of power that for the first time gave a President total, complete control of our economy. Even Franklin Roosevelt at the height of World War II was never given that total power. Here we were, ostensibly in peacetime.

What do the Members imagine the reason was they gave? They said, "We are at about 5 percent inflation rate. It is intolerable. We have to pass this." I had 5 minutes to ask questions, and all I said was, "Gentlemen, there is no use in my asking a question. I am absolutely horrified."

□ 1400

Nothing like this has ever happened in America to resemble the Weimar Republic of Germany and the beginning of what turned out to be the Hitlerian regime. Even then, that total, complete power was not given to Hitler.

I said you mean you want us to pass this without having testimony as to how you are going to bring the wage and price controls in so-called peacetime? It was difficult enough during wartime. I remember, you had black marketing, you had circumvention even then when you had the unity. But now here you are, 1971, and I want to know how you intend to implant this mechanism. And above all, I want to know what plans you have to remove them, because it is just as important, and all attempts of this kind throughout known history say that it is just as important to know how you are going to remove them as it is how you are going to place them.

To make a long story short, the best we could do was I joined with a couple of my conservative friends on the minority side and we filibustered—delayed the matter in October, to where it angered my chairman, a great, good Chairman Patman. He called me and said, "Well, Henry, I'm not going to recognize you anymore because you're just using dilatory tactics."

So they got it out. I wrote a dissenting view. I predicted in that dissenting view, and I wish I had been wrong, and it is there, it is in print, it was an integral part of the report accompanying the Economic and Stabilization Act of 1971. What happened? It was a total disaster.

Why? Because they had exemptions. Only part would be under controls. Other parts would not.

So then, in less than 2 years they said oh, we have to phase it out. So they had phase 1, and that broke down. So they had phase 2. Then they had phase 2½. And for the first time they coined that word "stagflation." And if any of my colleagues care to read that dissenting view, I will be glad to provide it for them, because that is exactly what I had predicted.

Then the question was now that you have done away with the gold exchange system, what are you going to do to stabilize the international currency? "Oh, why, you don't have to do anything. As a matter of fact, this fetish of gold is absolutely outdated. It's not what gold holdings or reserves a country has, it is what its productive capacity is and how its currency is viewed."

Well, of course, the dollar has been until 1985, 1986, Mr. Reagan, sure, you could say it is as good as gold. Right now it has lost, still going, over 70 percent of its value since 1985.

Now, going back to the other, they brought in the economists, and the experts. And they said oh, no problem. We will go into a floating rate. I said but gentlemen, we know all through history that money, wealth, finance, the big enemy of it is instability. What do you mean you are not going to know what is going to be the basis in the end?

So then, to my horror, right after that comes the Secretary of the Treasury, Bill Simon, and he requests that we repeal the 1932 Gold Act, or Gold Prohibition Act of Franklin Roosevelt.

In the meanwhile I had been made chairman of the Subcommittee on International Finance, of which I was chair for 10 years. So I spoke out and said I do not think you ought to have an out-and-out repeal. I think you ought to provide for protection here against speculative ventures in the most controlled market of the world, which is silver and gold. And, you know, how in the world is an American like Nelson Bunker Hunt from Texas going to compete in trying to corner the silver market? For instance, how is he going to compete with these old gold and silversmiths of London, been in it for 500 years, those in Zurich and Switzerland and even in France? No way. That is why they lost their pants. But they also took almost $30 billion worth of bank credit allocation down the drain.

So anyway, what has happened? We have learned nothing. In fact, the United States had never been in greater peril.

My colleagues will say well, what has that got to do with us here domestically. Let me tell you what it has to do. It has everything to do with your constituents' jobs, with your standard of living, and above all, the freedom and liberty of financial and economic freedom, because never have we been as perilously close to having that irreparably damaged as we are now, where it is clear, and abundantly so, that the dollar is in peril, and imminently so of being replaced as the international reserve unit. That sounds like a lot of words, but what does it mean? It means exactly what I said: Jobs, standard of living, economic and financial freedom.

Why? Because we have allowed ourselves since 1985, which was the first time our country became a debtor Nation since 1914, two world wars were won, more so by American credit than actually armaments and the like. But we are no longer creditors. We are now the biggest debtors in the world. We are the only country, to the chagrin of such men as de Gaulle who referred to this as the great American arrogant privilege, meaning that we have been the only country that has paid our debts in our currency.

I say, my colleagues, we are in imminent, if not already beyond any going back, danger of the dollar being replaced as the international reserve unit of currency.

What does that mean? It means that all of this huge debt that has been built in the private sector, in the corporate sector, in the governmental sector, would have to be paid in somebody else's currency for the first time in our history.

Now we go back to Bill Simon. And he said, "Just to prove to you," because he called me in, "that gold is passe, we are going to have gold auctions of our reserves." Then I said, "But Mr. Secretary, how are we going to do that? Under what conditions?"

"We will have bidding." I said, "Well, what if the central bank——"

"No, no, we are going to prohibit central banks from bidding."

I said, "But Mr. Secretary, what is to prevent an agent from bidding, who then will act in behalf of say the central bank of France?" France never did demonetize. de Gaulle and his financial adviser of that day were not following that example.

Well, they had one auction in January of 1976, that was 1975-76. They had another auction, and then they had to stop because they found out that they had done nothing but just deplete the gold reserves.

So then the Europeans in the meanwhile were having vision and planning ahead, since 1948 at their own treaty meeting at which they had looked forward to not only Common Market, as it was known then, but the European Community, and eventually unification, removal of trade and tariff bar-

riers, and in effect fulfilling the dream of a great French leader of a united states of Europe, and with a common monetary market.

□ 1410

And they planned that step by step. In 1948, to start, then have some implementation within the space of time in the 1950's, then in the 1960's and then finally in 1980, on May 1, at the summit economic meeting and again—the President was Jimmy Carter; it was not a Republican—then they had a brief communique at that meeting, and the last sentence said, "We accept in principle the European monetary system and the European currency unit." But 1 month before that, the European finance ministers had met in Palermo, Sicily, and had fleshed out the whole thing. So what they had in this communique in this economic summit meeting was just that, the announcement that it would be formally recognized in principle.

Today the European currency unit [ECU] is worth about $1, $1.31. But if you look at the gold reserves of either the smaller number—not the bigger European Community—you will see that their reserves are vastly more and they are there as reserves, and they have some sense of stability. So then in the late 1970's, early 1980's, they developed what they called a snake; that is, they would have a system of currency valuations with each one of the respective national currency units. They would have what they call a snake; that is, they would have an upper limit, they would have a floor beyond which they would not fluctuate. They had stability.

I became exceedingly concerned. I said it was 1980; actually it was May 1, 1979.

I became so concerned that in the first week in August, we were in session here, I came to the floor and I reported my concern, and together with that I also announced in that special order that our main banks in the United States, the leading eight at that time, had gone in less than 1½ years from $3 billion to over $47 billion in their exposure to the lesser developed nations, mostly Latin America, in their loan overhang.

It was agreed they were going to get 30 percent from those countries. Now, I was chairman of the Subcommittee on International Finance, and I knew they did not have the capacity to pay even the interest rate, which is what has happened all these years. They have not even paid a penny on the principal.

That is Mexico, Brazil, Venezuela, Argentina. They rolled over interest payments. But in the meanwhile I brought out in that same special order that that overhang in total exceeded the capitalization structure of these banks. Now, who would think that the biggest bankers of the world then in our country would be so casually entering into that kind of deal?

So the chairman of the Citibank at that time, Fred Wriston, comes out and says, "Oh, well, these are sovereign debts. That is, they are loans to sovereign nations, and everybody knows that a nation doesn't go broke."

So I came back and said, "No, maybe not, but banks do go broke." And if you want to know about sovereign debt, go back to the 17th and 18th centuries, with the old Spanish kings and French kings who wanted to fight wars, like we do today in democracies, and have to borrow. The money has to come from somewhere to fight a war. You always have to borrow. That is where we are now. Even Desert Shield, as my colleague from Ohio brought out earlier this afternoon, has a price tag to the American taxpayer of over $60 billion. That is just the American taxpayer, and it is still going.

In this dire emergency supplemental, they have over $4 billion which they say is the last on Desert Shield, or whatever you want to call it. Well, the same thing with those old French and Spanish kings. They wanted to conduct war, they had to borrow. At that time it was the Pfuger family in Holland. They were the big banking family.

So they said, "Sure, we are going to loan to the King of Spain." So the King went out and he won a few battles, lost the war; he could not pay. So the banking family, the great Dutch family, the Pfuger household—like the Rothschilds—say, "Hey, Mr. King, you have to pay." He says, "I will give you a note, and maybe in 50 years I will give you something." Well, that broke the Pfuger family. That was it.

So, you know, the history is there. It is just us who think we can ignore it.

Today I rise because the headlines finally are on this great currency agitation. Where? In the European market: "Oh, it is the Europeans."

All our experts, writing in the papers, say, "Great crisis, European." Well, let me say, don't ask for whom the bell tolls in Europe, it tolls for thee, for us. It is our dollar that is being debauched.

What does that mean? It means, my colleagues, we are through as a leading nation. What is more, we will have the bankers and the userers in our country as much as if we had a standing invading army occupying our country.

I wrote a letter to the President when the dollar was taking a free fall just about 3 weeks ago or better. We were on a break. The Republican Convention was in its glory.

I knew that that was bad business. In good faith, I sat down and I wrote a letter to President Bush, and I said, "Mr. President, please do not give this heedless disregard. This transcends whether we are in public office, whether we lose our seat, whether we lost it, please exert this leadership." And I suggested, on the basis of that, I prepared a release and I issued it on a Friday.

□ 1420

Nobody picked it up, except one of the services that goes international. By Monday I had a request from a Japanese banker who wanted to know if he could get a copy of the speech I had made Friday. I said, "It was not a speech, it was a release."

I said, "But how did you know about it? Nobody printed it."

He said, "Oh, yes. It was in one of our dispatches that came from the United States. We need that. We want to evaluate it."

So then we reissued a release on Monday again. Nobody would pick up on it. That is where it is.

So today, in pursuance of my request earlier, I ask to place in the RECORD at this point my letter to the President and the release accompanying that letter.

STATEMENT OF THE HONORABLE HENRY B. GONZALEZ, CHAIRMAN, COMMITTEE ON BANKING, TUESDAY, AUGUST 25, 1992

Re the value of the U.S. dollar falling to historically low levels.

Yesterday's decline in the dollar underscores the need for a long term U.S. policy to defend the value of our currency and to maintain it as the pre-eminent currency in the world.

Fundamentally the problem is that our economy has grown slowly relative to Japan and Germany; our economic house is in disarray; and, as a predictable consequence, the international value of the dollar is falling. The markets are telling us that unless we clean up our act, the dollar will continue to fall in value. And that in turn means a higher cost of living here at home, and less ability to control our own destiny.

We can't wish the dollar into a stronger value. We have to have a real economic program and make the world see that we mean to maintain our country's economic position. The markets are saying that the President doesn't have a credible economic plan. I've asked that he consider this problem and develop a realistic program. Unless that happens, the dollar, and our standard of living—will only continue to slide. Last week, I warned about the free fall that we saw yesterday. Nothing has changed since then. I will gladly work with the President to resolve our fundamental problems. All of us would.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,

Washington, DC, August 14, 1992.

Hon. GEORGE BUSH,

President of the United States, Washington, DC.

DEAR MR. PRESIDENT: Since World War II, the U.S. dollar has reigned as the preeminent currency in the world. In fact, for decades the dollar has been the currency of choice in the vast majority of the world's trade and investment transactions. While the dollar is still the currency of choice in the majority of trade and investment transactions, its share has significantly declined. I am concerned that if the dollar were to lose its luster, a trend that began to accelerate in 1985 when the U.S. earned the dubious distinction of being the world's largest debtor nation, the U.S. could be facing a crisis for which there may be no return.

Recent events in the financial markets have heightened my concern over the long-term prospects for the dollar. Over the past month, the Treasury Department and the Federal Reserve, along with European central banks, have actively intervened to prop up the value of the dollar. Financial market participants are now predicting that the dollar will fall to an all-time low against the deutsche mark without continued intervention on behalf of the Federal Reserve and other central banks. The short-term tendency for the dollar to decline in value must be seen in the context of an already apparent long-term trend whereby the deutsche mark and the Japanese yen have replaced the dollar in a significant portion of the world's trade and financial transactions.

The dollar's decline, accelerated by recent events, increases the risk that it will be replaced as the world's preeminent currency. Recent attempts by the Treasury Department and the Federal Reserve to prop up the dollar are tantamount to "pressing the panic button" regarding the long-term prospects for the dollar.

For decades the U.S. has been in the enviable position of paying off its international debts with its own currency. I think you will agree that the U.S. can ill afford to be put in the position of having to pay off its debts in deutsche marks, European Currency Units (ECU's) or even the Japanese yen. I respectfully request that you work with the Federal Reserve to begin development of a long-term plan to ensure the dollar retains its place as the world's preeminent currency. The public interest would be best served by a comprehensive plan to protect the dollar.

Mr. President, it is my sincere belief that ignoring the importance of this issue will undermine our future economic vitality. Given the importance of this issue, I respectfully request that you personally answer this letter.

Thank you for your time and consideration.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

PRESS RELEASE BY THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

WASHINGTON, DC, August 14, 1992.—House Banking Committee Chairman Henry B. Gonzalez today warned President Bush and Treasury Secretary Nicholas Brady that recent attempts by the Federal Reserve and central banks in Europe and Canada to prop up the dollar were tantamount to "pressing the panic button" regarding the long-term prospects for the value of the dollar.

The Chairman noted that within the last 24 hours financial market participants have stated that the value of the dollar against the mark will fall to an all-time low without active intervention on behalf of the Federal Reserve and other central banks.

"The dollar's continued decline increases the risk that it will be replaced as the world's preeminent currency. That would be disastrous for our economy," Gonzalez stated.

Since the U.S. became the world's largest debtor nation in 1985, Chairman Gonzalez has urged the Administration and the Federal Reserve to take steps to preserve the dollar's standing as the world's favorite currency. Chairman Gonzalez stated:

"The U.S. is now in the enviable position of paying off its international debts with its own currency. If the dollar were to lose its luster, a trend that has accelerated over the past decade, the U.S. is facing a crisis for which there may be no return."

He went on to say:

"The U.S. can ill-afford to be put in a position where it has to pay off its debts in deutsche marks, European Currency Units (ECU's) or even the Japanese yen."

Mr. Gonzalez urged President Bush, and particularly Treausry Secretary Brady, to stop politicking and immediately begin development of a long-term plan to ensure the dollar retains its place as the world's preeminent currency. "The public interest would be best served by a comprehensive plan to protect the dollar," Mr. Gonzalez stated.

On a related topic, Chairman Gonzalez stated:

"The crash of the Japanese stock market has been totally underestimated. The world's financial markets will continue to remain highly speculative until the true scope and depth of the stock market crash is understood and winds its way through the world's financial markets."

Chairman Gonzalez continued:

"The crash in the Japanese stock market has had a profound negative effect on the world's financial markets. I fully expect that trend to continue as Japanese institutional investors continue to repatriate overseas holdings to compensate for massive losses in the Tokyo stock market."

COMMON SENSE IN STOPPING LEAKS

The SPEAKER pro tempore (Mr. HUBBARD). Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I did have a chance to hear some of the remarks of the previous speaker, our colleague, the gentleman from Texas [Mr. GONZALEZ]. I wanted to comment directly on two points that were made in his remarks. One is the question about the use of special orders. I think special orders are a great extravagance. They are a privilege, to be sure.

Unfortunately, when special orders occur, the Chambers are usually deserted. There are very few people here. In fact, there are seldom people in the Galleries, because special orders are usually in the evening, so there is not what I would call a lot of opportunity for colleague enhancement or exchange of views, as there is in a debate where we are in full session on the floor.

The reason I bring this up is because it appears to me that our colleagues could have all profited from the remarks of the gentleman from Texas and heard his views on some of the things he said. I think it is a great shame that the Democratic leadership forestalled that opportunity for the Members of this body to hear those words in person on the floor earlier today when the gentleman from Texas could explain a little bit about what he was about.

I feel that the decision was the wrong decision to forestall that debate, of course, and we are all the poorer for it.

The second point I would like to bring out, which I think is extremely important, is that the gentleman from Texas made an allegation that some type of pressure has been brought on Members of the Republican Party—presumably by other Republicans, or people in the executive branch, or somewhere—to make some kind of a political statement about the fact that unauthorized information is being released by the gentleman from Texas, or so it is alleged.

I will assure the gentleman from Texas and my colleagues and the Speaker that I am under no pressure whatsoever. The comments I have made are entirely my own. Nobody has encouraged me to come forward and make my statements in any way in opposition to the gentleman from Texas, what he is trying to accomplish or anything else.

The reason that I am so concerned is a question of common sense, because we cannot have Members releasing classified information on an unauthorized basis on their own whim. That simply is not the way to go about our business, and also it is against our rules and I believe it is against the law.

My second point is a genuine concern about bonafide issues of national security. This is not political. This is not partisan. This is my concern about the United States of America.

There is certainly a proper way to conduct an investigation if something is amiss. If there is something wrong in some branch of the executive activities, by all means let us have an investigation. It is nothing new. It is done all the time. If there is something wrong, let us go ahead and use the proper channels.

But nowhere, never will it be, never has it been, and never will it be a proper channel to come to this floor and release classified information just because you are trying to make a political point.

I would have been much more pleased and somewhat relieved in my concerns if the gentleman from Texas had made some statement about how he will not any more leak classified information. Clearly, when that happens, it reflects negatively upon this House. We do not need any more of that. The disapproval rating of the House of Representatives of the U.S. Congress is under 20 percent in this country right now, and perhaps today's vote on the Combest resolution is partially the reason.

I can remember very well when it was a matter of embarrassment to Members, indeed we all ran to jump on the question of leaks. We cannot have Members embarrassed. People will recall the bank scandal. They will recall indeed that was unfairly and unwisely leaked. The abusers were put out on the front pages of the press before those people were notified what was going to happen. That was unfair to them. But how quickly we responded to those leaks. Those leaks were not about national security. Those leaks

were about embarrassment to Members of this institution, and boy, we responded well there.

I am not talking about those types of leaks or embarrassment. I am talking about damage to our national security. I am talking specifically about intelligence-gathering capability and damage to that.

I speak for most patriotic Americans when I say Congress must not permit unauthorized disclosure of sensitive matters. It is our rule and it is the law of the land.

Why then when we have a properly reported serious infraction, it may or may not be true, but it is properly reported, why is the majority leadership saying that we will not debate this? We will not investigate it. We will not enforce our rules. How does that help our credibility?

In a democracy, I think most people would agree loyal opposition means just that. But I would ask, can legitimate opposition to the Nation's Commander in Chief and of course we have controversy about issues, but can legitimate opposition be considered truly loyal if that opposition is in violation of the House rules and the law of the land? Loyal means playing by the rules. That is what separates us as a democracy.

I believe we in the House have a very, very clear responsibility to investigate all properly reported leaks, and I certainly believe the American people expect us to do that and to play by the rules and obey the laws of our country. It is not too early to start.

COMMUNICATION FROM HON. DAN ROSTENKOWSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN ROSTENKOWSKI, Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 18, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously informed you that certain employees in my office received subpoenas issued by the United States District Court for the District of Columbia, and that compliance would be consistent with the precedents of the House. This is to further notify you that one of these subpoenas has been reissued to reflect a change of dates.

Sincerely,

DAN ROSTENKOWSKI.

DESIGNATION OF HON. STENY HOYER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 21, 1992

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

HOUSE OF REPRESENTATIVES,
THE SPEAKER'S ROOMS,
Washington, DC, September 18, 1992.

I hereby designate the Honorable STENY HOYER to sign enrolled bills and joint resolutions through September 21, 1992.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GORDON (at the request of Mr. GEPHARDT), for today, on account of death in family.

Mr. PICKLE (at the request of Mr. GEPHARDT), for today, on account of death of a friend.

Mr. COX of Illinois (at the request of Mr. GEPHARDT), for today after 2:30 p.m., on account of necessity.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. DREIER of California) to revise and extend his remarks and include extraneous material:)

Mr. GALLEGLY, for 5 minutes, today.

(The following Members (at the request of Mr. NAGLE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes each day, on September 23, 24, and 25.

(The following Member (at his own request) to revise and extend his remarks and to include extraneous material:)

Mr. GOSS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. DELAY.

Mr. ROTH in two instances.

Mrs. MORELLA.

Mr. GREEN of New York.

(The following Members (at the request of Mr. NAGLE) and to include extraneous matter:)

Mr. ANDREWS of New Jersey.

Mr. SWIFT.

Mr. EDWARDS of California.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1181. An act for the relief of Christy Carl Hallien of Arlington, TX; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4551. An act to amend the Civil Liberties Act of 1988 to increase the authorization for the trust fund under that act, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 680. An act to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism in the United States, and for other purposes.

S.J. Res. 337. Joint resolution designating September 18, 1992, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 31 minutes p.m.), under its previous order the House adjourned until Monday, September 21, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4281. A letter from the Secretary of Housing and Urban Development, transmitting the status of multifamily housing subject to subsection (a) of section 203(k) of the Housing and Community Development Amendments of 1978, as amended; to the Committee on Banking, Finance and Urban Affairs.

4282. A letter from the Advisory Committee for Trade Policy and Negotiations, transmitting the committee's report of the North American Free Trade Agreement, pursuant to 19 U.S.C. 2155; to the Committee on Ways and Means.

4283. A letter from the Secretary-Treasurer, AFL-CIO; Chairman, LAC, American Federation of Labor and Congress of Industrial Organizations, transmitting the preliminary report of the Labor Advisory Committee for Trade Negotiations and Trade Policy on the proposed North American Free Trade Agreement; to the Committee on Ways and Means.

4284. A communication from the President of the United States, transmitting notification of his intent to enter into a North American Free Trade Agreement [NAFTA] with the Governments of Mexico and Canada, pursuant to section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988 (H. Doc. No. 102-392); to the Committee on Ways and Means and ordered to be printed.

4285. A letter from the Director, Office of Management and Budget, transmitting 19th

report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 5001. A bill to amend the Outdoor Recreation Act of 1963 to authorize the National Park Service and the U.S. Geological Survey to conduct a national river systems recreation assessment; with an amendment (Rept. 102-879). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5258. A bill to provide for the withdrawal of most-favored-nation status from the Federal Republic of Yugoslavia and to provide for the restoration of such status if certain conditions are fulfilled. (Rept. 102-880). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 3927. Referral to the Committee on Ways and Means extended for a period ending not later than October 2, 1992.

H.R. 4542. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 22, 1992.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLEMENT (for himself and Mr. SUNDQUIST):

H.R. 5974. A bill to amend the Agricultural Adjustment Act of 1938 to permit the acre-for-acre transfer of an acreage allotment or quota for certain commodities; to the Committee on Agriculture.

By Mr. CUNNINGHAM:

H.R. 5975. A bill to provide that certain new programs shall terminate no later than 5 years after the date of enactment of the law that establishes the programs; to the Committee on Government Operations.

By Mr. DARDEN:

H.R. 5976. A bill to prohibit the expenditure of Federal funds on metric system highway signing; to the Committee on Public Works and Transportation.

By Mr. EWING (for himself, Mr. IRELAND, Mr. LAFALCE, Mr. SKELTON, Mr. RAMSTAD, Mr. SKEEN, Mr. HASTERT, Mr. WEBER, Mr. ZELIFF, Mr. STEARNS, Mr. PORTER, Mr. DELAY, Mr. HOLLOWAY, Mr. HANCOCK, Mr. BEREUTER, Mr. STUMP, Mr. HUNTER, Mr. HEFLEY, Mr. FAWELL, Mr. SPENCE, Mr. RITTER, and Mr. DOOLITTLE):

H.R. 5977. A bill to amend title 5, United States Code, to clarify procedures for judicial review of Federal agency compliance with regulatory flexibility analysis requirements, and for other purposes; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 5978. A bill to require each public housing agency, as a condition of receiving Federal assistance for the development and operation of public housing, to ensure that dwelling units in projects administered by the agency are not occupied by illegal aliens and are not being used for illegal activity, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JEFFERSON:

H.R. 5979. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the rate of duty for certain jewelry boxes, and for other purposes; to the Committee on Ways and Means.

By Mr. PERKINS (by request):

H.R. 5980. A bill to amend the Job Training Partnership Act to establish a veterans' job training program to assist veterans in obtaining employment through an employer job training program; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 481: Mr. JAMES.

H.R. 608: Mr. SIKORSKI.

H.R. 609: Mr. NAGLE.

H.R. 1637: Mr. DURBIN.

H.R. 1987: Mr. BUSTAMANTE.

H.R. 2164: Mr. GIBBONS, Mr. MARTINEZ, Mr. TORRICELLI, Mr. LEHMAN of California, Mr. RHODES, Mr. HERGER, Mr. ANTHONY, Mr. ECKART, Mr. BROWN, Mr. GORDON, Mr. HYDE, Mr. LIVINGSTON, Mr. BALLENGER, Mr. THOMAS of Wyoming, Mr. BILIRAKIS, Mr. DELAY, Mr. GEKAS, Mr. DUNCAN, Mr. SOLOMON, Mr. JAMES, Mr. GILCHREST, Mr. PORTER, Mr. SMITH of New Jersey, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. VOLKMER, Mr. COBLE, Mr. LAUGHLIN, Mr. MILLER of Ohio, Mr. RAVENEL, Mr. PACKARD, Mr. KOLBE, Mr. EWING, Mr. BACCHUS, Mr. POSHARD, Mr. THOMAS of Georgia, Mr. WYDEN, Mr. FEIGHAN, Mr. FIELDS, Mr. SAXTON, Mr. HUNTER, Mr. MCCOLLUM, Mr. WYLIE, Mr. PAXON, Mr. LIGHTFOOT, Mr. COX of California, Mr. LAGOMARSINO, Mr. MCGRATH, Mr. GRANDY, Mr. JOHNSON of Texas, Mr. WALKER, Mr. BARTON of Texas, Mr. HENRY, Mr. NUSSLE, Mr. BAKER, Mr. INHOFE, Mr. MARLENEE, Mr. BEREUTER, Mr. MORRISON, Mr. BUNNING, Mr. MURPHY, Mr. KOLTER, Mr. BLILEY, Mr. CUNNINGHAM, Mr. ALLARD, Mr. QUILLEN, Mr. HOUGHTON, and Mr. HEFLEY.

H.R. 2806: Mr. DURBIN.

H.R. 3164: Mr. TORRICELLI and Mr. LAFALCE.

H.R. 3454: Mr. KILDEE.

H.R. 3475: Mr. KOPETSKI, Mr. KENNEDY, Mr. BOUCHER, and Mrs. COLLINS of Illinois.

H.R. 3476: Mr. KOPETSKI, Mr. KENNEDY, Mr. BOUCHER, Mrs. COLLINS of Illinois, and Mr. PRICE.

H.R. 4207: Mr. MARLENEE.

H.R. 4407: Mr. MFUME, Mr. HAYES of Illinois, Mr. TOWNS, Mr. BLACKWELL, and Mr. BUSTAMANTE.

H.R. 4528: Mr. FISH.

H.R. 4725: Mr. TORRICELLI and Mr. MOORHEAD.

H.R. 4754: Mr. SOLOMON.

H.R. 5112: Mr. ROBERTS.

H.R. 5216: Mr. PETRI and Mr. GOSS.

H.R. 5250: Mr. EMERSON, Mr. GOSS, Mr. GALLEGLY, Mr. HERGER, Mr. HATCHER, Mr. DARDEN, Mr. LOWERY of California, Mr. PAYNE of Virginia, Mr. RAY, Mr. THOMAS of Georgia, Mr. ALLARD, Mr. HOUGHTON, Mr. HUNTER, Mr. DELAY, Mr. GINGRICH, Mr. JOHNSON of Texas, Mr. LIGHTFOOT, Mr. PETRI, Mr. ESPY, Mrs. BENTLEY, Mr. SOLOMON, Mr. HOBSON, Mr. PORTER, Mr. MYERS of Indiana, and Mr. NICHOLS.

H.R. 5297: Mr. VALENTINE, Mrs. PATTERSON, Mr. HAMILTON, Mr. KASICH, Mr. COBLE, Mr. PERKINS, Mr. LAUGHLIN, Mr. OBERSTAR, Mr. GIBBONS, Mrs. MEYERS of Kansas, Mr. BUNNING, Mr. SHAYS, Mr. HEFNER, Mr. HUTTO, Mr. MCCOLLUM, Mr. COLEMAN of Texas, Mr. LAGOMARSINO, Mr. FRANK of Massachusetts, Mr. SOLOMON, Mr. HANCOCK, Mr. RAY, Mr. SKEEN, Mr. YOUNG of Alaska, Mr. HYDE, Mr. BARRETT, and Mr. DAVIS.

H.R. 5389: Mr. BOUCHER.

H.R. 5478: Mr. EDWARDS of California, Mr. GIBBONS, Mr. PICKETT, Mr. LEHMAN of Florida, and Mr. BENNETT.

H.R. 5539: Mr. THOMAS of Wyoming and Mr. SHUSTER.

H.R. 5542: Mr. SPENCE and Mr. KLUG.

H.R. 5783: Mr. MAZZOLI, Mr. COLEMAN of Texas, Mr. WALSH, and Mr. SABO.

H.R. 5815: Mrs. JOHNSON of Connecticut, Mr. YATES, Mr. MCDERMOTT, Ms. PELOSI, Mr. GUARINI, Mrs. SCHROEDER, Mr. STARK, Mr. LEVINE of California, Ms. HORN, and Mr. MCNULTY.

H.R. 5832: Mr. MCCLOSKEY, Mr. TORRICELLI, and Mr. WAXMAN.

H.R. 5934: Mr. PETERSON of Minnesota and Mr. LIGHTFOOT.

H.R. 5948: Mr. HOPKINS, Mr. CALLAHAN, and Mr. ALLEN.

H.R. 5957: Mr. DOWNEY and Mr. KOSTMAYER.

H.J. Res. 458: Mr. ABERCROMBIE, Mr. ASPIN, Mr. CONYERS, Mr. DOWNEY, Mr. DYMALLY, Mr. GALLO, Mr. HAMMERSCHMIDT, Mr. MARKEY, Mr. MINETA, Mr. OLVER, Mr. PANETTA, Mr. PASTOR, Mr. PAYNE of Virginia, Mr. RAMSTAD, Mr. REED, Mr. SIKORSKI, Mr. SMITH of Texas, Mr. SMITH of Iowa, Mr. SOLARZ, Mr. SPRATT, Mr. SYNAR, Mr. WASHINGTON, and Mr. STAGGERS.

H.J. Res. 463: Mr. AUCOIN, Mr. COLORADO, Mr. COX of Illinois, Ms. DELAURO, Mr. FOGLIETTA, Mr. GONZALEZ, Mr. GRANDY, Mr. HOCHBRUECKNER, Mr. KASICH, Mr. KLECZKA, Mr. LENT, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. LUKEN, Mr. LEWIS of Florida, Mr. MFUME, Mr. MCNULTY, Mrs. MORELLA, Mr. NEAL of North Carolina, Mr. NUSSLE, Mr. OLVER, Mr. OXLEY, Mr. PETERSON of Florida, Ms. PELOSI, Mr. SAXTON, Mr. SKEEN, Mr. TRAXLER, Mr. WALSH, and Mr. WILSON.

H.J. Res. 495: Mr. APPLEGATE, Mr. BUNNING, Mr. SKEEN, Mr. SCHIFF, Mr. BURTON of Indiana, and Mr. GILLMOR.

H.J. Res. 503: Mr. BONIOR.

H.J. Res. 546: Mr. LEWIS of Georgia, Mr. JONTZ, Mr. GRANDY, Mr. WASHINGTON, Mrs. COLLINS of Michigan, Mr. HOUGHTON, Mr. LIVINGSTON, Mr. SLATTERY, Mr. VALENTINE, Mr. HUNTER, Mr. RHODES, Ms. SLAUGHTER, Mr. DIXON, Mr. RINALDO, Mr. DE LUGO, Mr. PRICE, Mrs. PATTERSON, Mr. EMERSON, Mr. WELDON, Mr. MCCOLLUM, Mr. COLEMAN of Missouri, and Mr. WAXMAN.

H. Con. Res. 92: Mr. PETRI, Mr. LEWIS of California, Mr. ESPY, Mr. HANCOCK, Mr. SANGMEISTER, Mr. TOWNS, Mr. JEFFERSON, Mr. WHEAT, Mr. SCHIFF, Mr. LAROCCO, Mr. MFUME, Mr. APPLEGATE, Mr. SKELTON,

Mr. GILCHREST, Mr. MCDADE, Mr. FOGLIETTA, Mr. HOAGLAND, Mr. GALLO, Mr. ASPIN, Mr. LEWIS of Florida, Mr. MILLER of California, Mr. TRAFICANT, Mr. ROWLAND, Mr. HOBSON, Mr. FALEOMAVAEGA, Mr. ROSE, Mr. HOCHBREUCKNER, Mr. JOHNSON of South Dakota, Mr. MCNULTY, Mr. THOMAS of California, Mr. FLAKE, Mr. ATKINS, Mr. SLATTERY, Mr. DONNELLY, Mrs. SCHROEDER, Mr. MARTINEZ, Mr. ROYBAL, Mr. SPRATT, Mr. THOMAS of Wyoming, Mr. MILLER of Ohio, Mr. PAYNE of Virginia, Mr. MATSUI, Mr. LANCASTER, Mr. PARKER, Mr. HUTTO, and Mr. LAGOMARSINO.

H. Con. Res. 324: Mr. SKEEN, Mr. KOSTMAYER, and Mr. MICHEL.

H. Res. 538: Mr. WALSH and Mrs. BOXER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1106: Mr. INHOFE.

H.R. 1692: Mr. DOOLITTLE.

SENATE—*Friday, September 18, 1992*

(Legislative day of Tuesday, September 8, 1992)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For my people have committed two evils; they have forsaken me the fountain of living waters, and hewed them out cisterns, broken cisterns, that can hold no water.—Jeremiah 2:13.

Eternal God, full of love and grace and mercy, the prophet Jeremiah identifies the heart of social crisis. Rejecting the fountain of living water, the alternative is to pump sand from broken cisterns, leaving a dry and arid society. We do not shake our fist in Your face and blaspheme You with foul language; we ignore, we reject You by indifference. Everything becomes more important than God about whom we couldn't care less.

Patient Father in Heaven, forgive this perfidious self-delusion and restore the living faith which animated our Founding Fathers who boldly testified, in trial and in triumph, their dependence upon the living God. Help us consider the insight of G.K. Chesterton: "When people stop believing in God, the danger is not that they will believe in nothing but that they will believe in anything." Save us, Lord, from Godless indifference which leads to the worship of hollow idols and produces hollow souls.

In His name who is the Fountain of Living Water. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 18, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Chair, using his prerogative as a Senator from Kentucky, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 3114, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3114) to authorize appropriations for fiscal year 1993 for military activities for the Department of Defense, for military construction and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be debate on the Leahy-Levin B-2 bomber amendment with a vote to occur not later than 10 a.m.

The Senator from Vermont.

AMENDMENT NO. 3041

(Purpose: To eliminate the authorization of appropriations for fiscal year 1993 for the B-2 bomber aircraft program)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. LEVIN, Mr. COHEN, and Mr. GRASSLEY, proposes an amendment numbered 3041.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 8, strike out "$9,274,999,000" and insert in lieu thereof "$6,588,427,000".

On page 38, strike out line 1 and all that follows through page 41, line 8, and insert in lieu thereof the following:

SEC. 153. B-2 BOMBER AIRCRAFT PROGRAM.

(a) LIMITATION ON PURPOSES FOR USE OF FUNDS.—Subject to subsection (b), funds available to the Department of Defense for the B-2 bomber aircraft program that are unobligated as of the date of the enactment of this Act may be obligated on and after that day only for completing the procurement of aircraft under such program and paying all curtailment costs under the program.

(b) LIMITATION ON OBLIGATION OF FUNDS.—None of the funds available to the Department of Defense for the B-2 bomber aircraft program that are unobligated as of the date of the enactment of this Act may be obligated unless and until—

(1) the Secretary of Defense submits to the congressional defense committees—

(A) the reports and certifications referred to in section 131(b)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1306); and

(B) the report under subsection (c); and

(2) 30 days have elapsed since the date of the submission of the report under subsection (c).

(c) REPORT ON LOW OBSERVABILITY AND SURVIVABILITY.—The report referred to in subsection (b)(1)(B) is a report submitted by the Secretary of Defense to the congressional defense committees that contains the following matters:

(1) The Secretary's assessment of the extent to which the B-2 aircraft will meet the original operational performance objectives that were established for the B-2 aircraft in order to ensure the high survivability of the aircraft, including an accounting of the specific low observability objectives that were not fulfilled in a B-2 flight test conducted during July 1991 and the effect on survivability (if any) of the currently projected low observable characteristics of the B-2 aircraft.

(2) A full description of the information upon which the assessment required by paragraph (1) is based, including all relevant flight test data.

(3) A full description of any actions planned to be taken to improve the B-2 aircraft's low observability capabilities beyond the capabilities that have been demonstrated in flight testing before the date of the submission of the report under this subsection, and the associated costs and benefits.

(4) A quantitative assessment by the Secretary of Defense of the likelihood that a B-2 aircraft having the low observable characteristics projected for the aircraft can survive in the execution in the future of its primary mission as a penetrating nonnuclear bomber as compared to the likelihood that a B-2 aircraft meeting all of the specifications contained in the current development contract can survive in the execution of such a mission.

(d) GAO REVIEW.—(1) The Comptroller General of the United States shall—

(A) review each report submitted pursuant to subsection (c); and

(B) provide the congressional defense committees with his comments on such report.

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

(2) The Secretary of Defense shall transmit a copy of the report to the Comptroller General at the same time that he transmits the report to the congressional defense committees.

Mr. LEAHY. Mr. President, I yield 5 minutes to the distinguished Senator from Iowa [Mr. GRASSLEY].

The ACTING PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY] is recognized for 5 minutes.

Mr. GRASSLEY. Mr. President, I am a cosponsor of the Leahy amendment, and I thank the Senator from Vermont for giving me time now so that I can make my points at the beginning of this debate.

Much as we considered last year's defense authorization and appropriations bills with a heightened awareness brought about by Operation Desert Storm, so this year we address these issues in what is yet a still more changed environment. We consider the legislation before us with the knowledge that the Soviet Union, not long ago referred to as the "evil empire" as we remember, has disintegrated and no longer poses the threat it has for better than a generation.

Tumultuous events and sweeping changes have occurred throughout the Eastern bloc resulting in a new assessment of the threat these nations pose to U.S. security interests.

So while the issues may be largely the same, the context in which they are being considered is most certainly unique. It is in this light that I contend, as I am sure the Senator from Vermont does, the funding for the four additional B-2 bombers simply is not justified.

Designed to be a nuclear bomber capable of evading Soviet radar, the B-2 certainly represents state of the art technology. With the breakup of the Soviet Union, however, it is now an aircraft without a mission capable of justifying its higher pricetag.

Some B-2 proponents contend that while the potential need for an aircraft capable of carrying out the B-2's initial strategic mission may have been diminished, it could still serve effectively in conventional operations. But do we really believe that an additional aircraft of such value, both in terms of its cost and its sensitive technology, will be put in harm's way for conventional operations in regional conflicts unless absolutely essential?

If the answer is "no," that argument has been defeated. And if the answer is "yes," we must ask ourselves why we are investing over $2 billion a copy for conventional aircraft. Either way, the argument just does not wash.

Other advocates of the B-2 will contend that lead money has already been spent on some components of the additional B-2 aircraft and that this money will be wasted if we do not authorize additional funds to complete those planes.

Mr. President, it is exactly that sort of logic which leads us to run up bigger and bigger deficits every year, not only because of defense but in other programs as well.

It reminds me of the person who tries to lose weight but feels compelled to eat everything off his plate for fear of wasting. In an effort to avoid being wasteful, the weight loss objective is thwarted.

Now, any reasonable person would suggest that the commonsense solution to this problem is to serve up smaller portions, permitting the individual to eat everything off his plate while progressing toward a weight loss goal.

Likewise, we need to realize that overindulging in defense spending will not enhance our economy or further our national security objectives if such spending is wasteful and inconsistent with those defense objectives.

If we intend to trim some fat from the defense budget, we need to start serving up smaller portions in this as well.

The need for additional B-2 bombers is no longer essential to national security.

The arguments for the B-2 simply are not compelling.

And reports that the B-2 may not meet specified radar cross-section standards must certainly concern us.

In this era of incomprehensible budget deficits, those considerations must be brought to the forefront.

So while the B-2 represents strides toward some of the most advanced technology developed by our Nation, the question before us today is not nearly as complex as that technology.

For a program this costly, with a mixed track record and a greatly diminished mission, can we honestly justify the expense?

I believe that by any objective measure, the answer must be a resounding "no."

Mr. President, I encourage the adoption of this amendment.

Mr. WARNER. Mr. President, I yield myself such time as I may use.

Mr. President, I would say to my distinguished friend and colleague before he departs that we will eventually address those arguments but I simply say to him that this is not a friendly world. There are many areas of our globe which are growing unfriendlier day by day.

The bottom line is this aircraft will take U.S. airmen and airwomen perhaps in and out of a hostile area with less personal risk than any other platform we have today. All too often in these hot spots if we were to go in, be it conventional or other types of weapons, and lose an airplane, then that complicates the situation a great deal.

So I say to my friend, the mission of this aircraft while it may have been originally designed as a deterrent against certain Soviet threats which no longer exist with the demise of communism, it still remains an essential platform for this Nation and our allies to carry out certain tasks and that it will take airmen in and out of a hostile area with far less personal risk than any other platform we have.

I will address this issue in greater length at another time. Now I yield the floor.

Mr. NUNN. Mr. President, before the Senator from Iowa leaves, if I could make one brief statement. Mr. President, I yield myself such time as I may need.

The Senator from Iowa has already left. But I will make the point. The Senator from Iowa said we would not use the Stealth bomber in the role of a conventional bomber unless absolutely necessary.

In the first place, you do not go to war unless it is absolutely necessary. In the second place you do not use any military assets unless it is necessary. So I do not know what that statement means.

But I think people ought to understand the ratio of what you have to use if you do not use B-2's. If you need to use two B-2's, but you decide you do not want to use those, you want to use other weapons, this chart shows what you have to use in lieu of those two B-2's. This is the standard package without stealth.

When you talk about what is at risk, here you have a very expensive aircraft at risk. But you have very limited exposure to the number of military personnel. In America thank God we still value people more than we do equipment and machinery even if it is expensive.

In the standard package to take the place of two Stealth bombers, this is what you have to use and each of these is one aircraft. Each one has a crew. These are the additional aircraft that you have to use for escort. And these aircraft are for the suppression of enemy air defenses, and these are tankers.

So what you have here is a huge leverage in saving human lives, in reducing the tremendous risk to American military men and women who would be flying a standard package.

So certainly any war contains risk. We do not go to war, in my view, unless it is a last resort. You do not go to war unless it is absolutely necessary. You do not use B-2's unless it is absolutely necessary. You certainly do not expose this many American men and women to the risk of losing their lives unless it is absolutely necessary.

But which do you want to do? Do you want to use high-leverage, high-technology aircraft which can produce huge payoffs or do you want to use the standard package which risk many, many times more men and women in uniform? That is an essential point. That is what we have tried to drive

home over and over again for the last 5 years.

This is probably the last debate we are going to have on this matter. But I think it is very important for the American people to understand this.

Regrettably the news media never report this kind of tradeoff statistics. I have never seen this reported in any kind of publication. Maybe it has been. We never see anything but how much it costs. We never see anything about how many lives we are going to lose if we do not go with high-technology.

This country made a decision a number of years ago to go the high-technology route. We went with the F-117 Stealth fighter. The F-117 during the Persian Gulf war never lost one aircraft or one life of a crewmember. They never lost a one. Not one. Why? Because it is high technology. Did it cost money? Yes. It cost money. Did it do the job? Yes, it did the job. Did it save American lives? Yes. It saved American lives.

With the B-12, we have a much higher ratio of leverage and a much greater reduction of risk.

So the Senator from Iowa is saying we do not want to risk these two B-2 aircraft. We do not want to risk machinery and equipment. But the main thing we do not want to do is risk the human lives represented by the number of people who have to be in tankers, because they cannot carry the fuel in conventional fighter-bombers that this aircraft can. You have to have suppression of enemy air defense. You have many missions with other aircraft, such as to suppress enemy air defenses against heavily defended targets.

This B-2 aircraft does not have to have that suppression. Otherwise, you have to have suppression, tankers, and you have to have bombdroppers because you do not have the capability for precision weapons delivery.

Mr. President, the B-2 is the low-risk route. The other is the standard package, the high-risk route.

I hope that point, at some point, will be understood because it is apparent that it has never been thoroughly reported. Our committee has had hearing after hearing on it. We have made many speeches.

I hope at some point someone will write about this. They may quarrel with the exact numbers here. But the principle is sound—that we get a whole lot of leverage and we reduce the risk by manyfold to American men and women who are in uniform protecting us with this kind of leverage.

SUPPORTING COMMITTEE POSITION ON B-2 BOMBER

Mr. President, I rise in opposition to this amendment to terminate the B-2 program at 15 B-2 bombers rather than the 20 B-2's approved in the committee bill. The Senator from Vermont and others have been offering this same amendment each year for the past several years. The Senator's amendments in the past few years have raised the issue for the Senate of deciding whether to build 132 B-2's, or even 75 B-2's, or whether to stop at some small number, like 15. But that issue was settled earlier this year, when the President decided to terminate the program upon completion of the 20 B-2 bombers now flying and under construction. I want to underscore that point—we already have 20 B-2's either flying or under construction.

Thus, the issue this year can be stated very simply—should we stop the program at the 15 B-2's or should we finish the 20 B-2's now under construction?

To answer this question, Mr. President, we need only look at a few facts about the B-2 status, funding, and capabilities. We can start by asking how much more it will cost to end up with 20 fully operational B-2 bombers rather than 15 fully operational B-2's. The Air Force tells us that 20 B-2's will cost $44.4 billion overall, while 15 B-2's will cost $41.8 billion. Thus, by straight arithmetic, the cost differential for five more operational B-2 bombers is only $2.6 billion, or 6 percent of the total acquisition cost. We need to recognize that, if the Leahy amendment passes, the Air Force says we will incur some $800 million in termination costs, and we will be scrapping an investment of some $1.4 billion in long-lead structural items that have already been produced for the last five B-2's. Thus, the Leahy amendment will cost the taxpayers some $2.2 billion to gain no capability whatsoever, whereas it costs only $2.6 billion to complete the last five B-2's.

Next is capability—what capability do we gain by having 20 B-2's rather than 15? One might think the answer is one-third more, but that's not correct. For any short-warning crisis, we can expect, on average, about four B-2's to be unavailable—in depot overhaul, in routine maintenance, perhaps being modified. Thus, our warfighting CINC's could expect to have only 11 mission-capable B-2's from a total inventory of 15, but they can have 16 mission-ready B-2's from a total inventory of 20. It's the mission-ready totals that represent the available combat power. In this case 16 mission-ready B-2 bombers represents 45 percent more capability than 11 mission-ready B-2's. Thus, the last five B-2's really do matter—they provide 45 percent more punch, for only 6 percent of the total acquisition cost. Even the other body, the House of Representatives, the long-time skeptics of the B-2 program, understood the value for dollar expended in completing the 20 B-2's—45 percent more capability for $2.6 billion more dollars. The House has already authorized the completion of a 20 B-2 bomber program—and the Senate should follow their example, and reject this amendment.

Now, Mr. President, let me discuss for a moment the status of B-2 low-observability testing. Members will recall from last year the revelation by the Secretary of the Air Force that one particular low-observable measurement test at one particular frequency had not shown the predicted results. Indeed, on the reports of that news alone—many of them misleading doomsday news accounts—support for the B-2 eroded within a one month period. I would remind Members that this test glitch was hardly catastrophic—the specific low-observability level demonstrated during the flawed test was already below that of the operational F-117 Stealth fighter at that particular frequency. That is, the B-2, without any further fixes, was—and is—already more stealthy against that radar type than the F-117's that operated with impunity over Iraq. But the Air Force wants the B-2 to be even stealthier—much stealthier.

Since last September, the Air Force has been both trying to understand what caused the problem, and pursuing three separate approaches to achieving the predicted level of stealthiness. I am pleased to be able to report that one of those three approaches has now demonstrated, through flight testing on the B-2, that it not only meets, but substantially exceeds, the desired low-observability level. Indeed, much of the problem with the flawed test results last summer has now been traced to a series of human errors, rather than resulting from a serious design flaw. Secretary Rice notified the committee of this good news on July 21, and announced the results at a press conference the following week. He would be glad to brief any interested Member.

Thus, it is clear that the B-2 will, in fact, be very stealthy—significantly stealthier overall, on balance, than the renowned F-117 Stealth fighter, the best aircraft we now have for getting to the target, bombing it, and getting back home again. But, as good as the F-117 is, the B-2 will still have a number of advantages over the F-117. The F-117 is a night, clear weather platform that carries only two weapons. During the war with Iraq, some F-117 sorties had to be aborted due to fog, clouds, and blowing dust. The B-2 is an all-weather, all-altitude platform, including terrain following capability for extended low-level penetration. It can carry a much larger payload of precision weapons or iron bombs than the F-117, and to intercontinental ranges. Indeed, the last five B-2's at issue in this amendment can carry more precisionguided 2,000 pound bombs than the entire F-117 fleet we deployed to the Persian Gulf. With aerial refueling well outside a theater, it can fly from the continental United States to a troublespot anywhere on the globe, arrive with zero warning, attack with precision and return home.

Mr. President, too often we have tended to forget the real value of long range, high payload and stealth, as this comparison chart reminds us. When, as shown in the two lefthand columns, we send nonstealthy tactical aircraft to a theater, we end up having to send a huge armada of support aircraft—fighters for combat air patrol, jammers to suppress enemy radars, Wild Weasel aircraft to attack enemy defenses, AWACS aircraft to monitor the battle area, and tankers, tankers, tankers. We end up placing thousands of American service men and women in harm's way in a theater. As the two columns on the right show, a few F-117's with tanker support could do the same job, greatly reducing the number of Americans placed in harm's way. But the B-2 puts at risk only two pilots per B-2—with nothing required in the theater. To me, this is the B-2's real selling point—the protection of our service men and women on dangerous assignments for our Nation.

Mr. President, the question is whether to buy 20 operational B-2's, to get 5 more B-2's for another $2.6 billion, or to stop at only 15 B-2's, pay millions in termination costs, and lose a $1.4 billion investment in the last 5 B-2's, as the amendment before us directs. Members should understand that stopping at 15 B-2's will waste $1.4 billion of taxpayers' money—the amount of long-lead funding that has been and is being expended already on the last 5 B-2's. In this regard, the B-2 program is no different than the Trident submarine or aircraft carrier programs, or ballistic missiles, or virtually any complex weapons system. But, it the Congress does not go on to authorize the additional systems begun with long-lead funding, the long-lead moneys are largely wasted—since they, by definition, are expended to start work on the major structural items that require the longest leadtime to build.

In the case of the last five B-2's that this amendment would kill, here's the latest status list of where they stand on long-lead items:

For the intermediate section, made by LTV, more than 80 percent of the structural parts have already been produced for four of the five aircraft, and assembly work on these four is about 25 percent complete. The fifth set is less advanced.

For the aft center section, made by Boeing, four of the five major structural assemblies are largely completed, ranging from 99 percent complete to 62 percent complete. The fifth is less advanced.

For the outboard wing sections, made by Boeing, one set is over 80 percent complete, a second over 40 percent, and a third about 15 percent complete. The other sets are mostly still piece parts.

For the forward center section, built by Northrop, all structural parts for one B-2 have been completed, and one more is 20 percent complete. The other three are still mostly piece parts.

Now, these various items constitute major structural pieces—assemblies for which there are no other uses if this amendment passes. These are not spares or piece parts to go into some B-2 parts inventory at a depot. These are the skeletons, to turn a phrase, of the last five B-2's. To stop now leaves these—and many, many other smaller piece parts and components—as wasted production—in which the taxpayers have sunk $1.4 billion already. Indeed, because of this, it takes only the $2.6 billion contained in the committee bill to complete these last five B-2's.

Mr. President, for all these reasons:

The amount of $1.4 billion already invested in five major structural assemblies, plus termination costs of $800 million, all wasted if we do not go forward;

A modest additional cost of $2.6 billion to finish five B-2's;

Nearly a 50-percent increase in combat capability from those five additional B-2's;

Intercontinental range, huge payload, and all-weather, all-altitude operations by operational B-2's; and

The combat-proven value of stealthiness.

For all these reasons, we need to complete the 20 B-2's now under construction.

Mr. President, each year for the past 4 or 5 years, I have stood here on the floor of the Senate and argued against the position that the House had adopted on the B-2. I now find myself in the unusual position of declaring "The House, for once, is right on the B-2." I, therefore, urge my colleagues to defeat this amendment, to agree to conclude the B-2 program at 20 as requested, and to put this divisive issue, finally, behind us.

I thank the Senator for yielding.

Mr. WARNER. If I could just add, Mr. President, to the chairman's remarks, there would be a total of four people in those two aircraft shown by the B-2 column, whereas there would be six in each of the B-52's, and a number in each of the aircraft. So this is a multiple of people here that is quite considerable.

Mr. LEAHY. Mr. President, I yield myself such time as necessary.

I would note for anybody watching this debate that we are talking about five additional planes. We are not talking about a whole new redesigned Air Force.

I would also note that the charts that we have just seen are put together in the package by the same people who told us last year that suddenly there is going to be an almost $5.55 billion increase in the B-2 program. The same people spent $15 billion before we even saw an airplane start rolling out here. They are also the same people who change the characteristics and capabilities of the B-2 numerous times that they are flying it; changed numerous times, and are telling us how many we would need depending upon what the budget battle was.

They are the same people who have kept back until the events forced them to bring forth some of the design defects in the B-2.

So I just want to put that in context. The Pentagon can make great charts. They sometimes have a little trouble making great airplanes.

Mr. President, in September 26, 1989, I offered the first amendment in the Senate to cancel the B-2 program. I remember chuckles I heard in this Chamber when I did. I wanted to stop the billions of dollars of spending on a plane that I was convinced was not necessary. That first amendment which did not go very far was before the Berlin Wall fell, before the Warsaw Pact evaporated, and before the Soviet Union disappeared before our eyes. I think we had 29 votes on that date in September.

I have worked hard to build a coalition against this program. And with the help of people like the distinguished Senator from Maine [Mr. COHEN], the distinguished Senator from Iowa [Mr. GRASSLEY], the distinguished Senator from Michigan [Mr. LEVIN], and others, we have a coalition. Last fall we came within two votes of canceling this program.

I would like to think that it is because my colleagues were persuaded by my arguments but I think that there is something else that came in play here. The B-2—in only three short years—has become a symbol for the need to change direction in America.

The B-2 is nothing more than a white elephant. It is better suited to a time where bloated military budgets fed every fantasy and pipe dream of military planners.

I believe in a strong defense. But I do not believe in wasting taxpayers' money. If we are going to spend money in the Pentagon, spend it on things we need. Desert Storm has been discussed. A lot of American lives were lost because some of the prosaic, less glamorous things were not there—the ability to identify friend and foe on the ground, the night vision material, and things like that.

In the 1980's, the Pentagon claimed we needed the B-2 to counter the Soviet nuclear threat. Now the Soviet Union is gone, so the Pentagon is scrambling to find new missions. I think the military planners are frozen in the nuclear ice age. To begin the B-2 in the first place was a mistake. The only mistake we can make now is to continue to build it. The B-2 belongs with the Edsel in the hall of shame of 20th-century flops, and the program is a vestige of a past era. The B-2 was designed with no expense in mind to penetrate soviet air defenses and destroy downtown Moscow.

We now have the administration saying we want to send foreign aid to downtown Moscow. What are we going to do, have the foreign aid come one day and the B-2 bomber come on the other? You can imagine if they came on the same day; it is going to certainly mix the message. the administration argues we need more foreign aid for Moscow, and we need the B-2 bomber to be able to bomb Moscow. We ought to get the scripts together.

We thought much of the in secrecy building the B-2 was for national security reasons. In fact, the secrecy was to protect a raid on Fort Knox. By the time a few of the programs facts were made public, we already spent $15 billion and not a single airplane was flying. Before the Berlin Wall came down, these abuses of taxpayer dollars were all too common. Do not worry, the administration would tell Congress, this program is in the interest of national security; do not question the cost. Well, over the past 3 years, our country has undergone a profound transition, driven in part by remarkable world events, and also by an ache in every American's gut that all was not well, and it is time for a change.

We are the most powerful nation on Earth. That is one thing that would unite every Senator in here. But we are also a debtor nation. We are borrowing billions of dollars every year from other countries. We are the most powerful nation on Earth, but we have slid from annual trade surpluses to annual trade deficits. We are the most powerful nation on Earth, but we rank last among industrialized nations in education investment. It is no surprise that our children rank 12th in mathematics and 9th in science proficiency. We are the most powerful nation on Earth, but 30 million Americans are illiterate at a cost to American industry of $230 billion annually. We are the most powerful nation on Earth, but we rank 22d among industrialized nations in infant mortality rate. We are the most powerful nation on Earth, but 37 million Americans have no health care. We are the most powerful nation on Earth, but we cannot join our neighbors and sign the most significant environmental treaty because we are too poor. And we are the most powerful nation on Earth, but we have to ask for tens of billions of dollars from our allies so we can use our military might against Saddam Hussein.

It is no wonder that opposition for the B-2 has grown. What good does it do to buy $1 billion airplanes if we desperately need to invest in so many other areas in our country?

Mr. President, many supporters of the B-2 complimented me in January when the President announced he would halt the program at 20 planes. They said, "Leahy, you got yourself a victory." I do not consider this announcement a victory. That is why I am here today.

Only the Pentagon could have the audacity to ask for just $2.6 billion more to complete a program that is an anachronistic symbol of the cold war. Last year, the Air Force told Congress that it was reevaluating the mission of the B-2 to emphasize the plane's conventional capability. Secretary Rice explained 75 B-2's was the minimum number of planes needed for conventional missions. Just a few months later—I do not know what polls they looked at—but the President said we will halt the program at 20 planes. So much for that need for 75.

Now 75 planes was a minimum needed for conventional missions. What justification is there to spend another $2.6 billion and buy five additional planes, which brings the total to 20, not 75? So I have offered the amendment to cancel the $2.6 billion requested by the administration.

As the defense budget continues to shrink, our leaders should make military decisions based on merit. Incidentally, when the Secretary of Defense was asked earlier this year why five additional B-2 bombers were necessary, he explained that the administration arrived at the figure because long-lead funding had been provided for the aircraft. Well, why throw good money after bad? Senator GRASSLEY says, "you have to clean up your plate even if you do not lose weight doing it." If our country no longer has the military need for the B-2, then stop the program now.

The military threats against the United States have changed in the past year, but they have not become more sophisticated. The Air Force recently released its so-called bomber road map, which affirms that we already have a potent conventional bomber force with a B-1B as the centerpiece of that force. We are building stealthy munitions. Our bombers, new and old, are going to be equipped with modern precision-guided conventional munitions. They are going to be launched outside of the range of air defenses. So not only do additional B-2 bombers lack in merit, the problems that plague the program bring further question about why American taxpayers should spend an additional $2.6 billion on the B-2.

This program increased by $5.5 billion since last year, and we know it can go nowhere but up. Planes are being delivered late, incomplete, thereby delaying the flight testing that can determine whether the plane will even fly as advertised. The flaws have already been discovered during what little flight testing has been completed, and it added $400 million to the total program cost. Since testing has slipped more than 1 year behind the original schedule, taxpayers are unaware about what future repairs will cost if additional problems are found. But incredibly, the American taxpayer is still going to be left holding the bag for the cost of more repairs.

Despite the efforts of the distinguished Senator from Michigan [Mr. LEVIN] the Air Force continues to ignore the law that requires Northrop to pay for correcting contractor-caused deficiencies. The cap on the liability for Northrop to correct the most serious problems is less than 4 percent of what the company can profit on each plane.

Mr. President, my campaign against the B-2 is nearing a close. I hope the Senate will approve my amendment to strike the $2.6 billion for five additional planes. Our Nation has changed dramatically since I introduced the first amendment to cancel the B-2. The Senate should vote to acknowledge the changes. They should halt the program now.

Again, just think of the irony. One day the administration comes to us and asks us to get foreign aid to Moscow, and the next day they are arguing for an airplane that can bomb Moscow. What a strange "Alice in Wonderland" age we live in.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LEVIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized. Who yields time to the Senator from Michigan?

Mr. LEVIN. Will the Senator from Vermont yield 10 minutes.

Mr. LEAHY. I do.

Mr. LEVIN. Mr. President, I rise in support of the Leahy amendment relative to the B-2, and I do that as somebody who, up to this point, has supported the B-2 program. I supported the B-2 program for a number of reasons, which the Senator from Georgia mentioned during the cold war era. I also supported the program because there was a warranty provision in law which requires the contractor to fix contractor-caused defects at its own expense, not at taxpayers' expense.

I worked hard on those warranty provisions over the years so that we should avoid a repeat of the B-1 fiasco, where taxpayers picked up the tab to fix contractor-caused defects in the B-1 bomber. I decided we were not going to make that mistake again; that we were going to have a warranty which would require the contractor to fix defects which it causes, at least up to the amount of its profits. It is not only unseemly but obscene that a contractor can make huge profits on any program, and yet taxpayers have to pay for defects which the contractor causes.

I cannot accept that. We put something in law to avoid that, and that something was an amendment which allowed me to vote for this program last year.

My friends from Georgia and Virginia, I think, might remember the discussion on this floor when we worked out the warranty provision; and in

committee when we worked out the warranty provision, to make sure that this contractor would pay to fix defects which it causes, up to the amount of its profit. Not that it would pay to fix some of the defects that it would cause, but any of the defects and deficiencies that it causes up to its profit.

The Air Force has come up with a legal interpretation now which says that it has met the warranty requirement, because one of the three types of deficiencies is now uncapped and fixing that one type could cost as much as all of the contractor's profits. That is not what the amendment said. I wrote that amendment. Not only is the language clear, but the legislative history is clear.

It covered any of the deficiencies in the warranty and said that the contractor has to pay to correct those if the contractor causes them, up to the amount of its profit, unless the Secretary of the Air Force decides to waive it. We gave the Secretary of the Air Force waiver capability. He did not use it.

Instead, the Air Force has an extraordinary legal opinion which says that because one of the three types of deficiencies is uncapped, and therefore could theoretically use up the profits, that therefore they have met the requirements of the Levin amendment. They have not, and any fair reading of the Levin amendment, that is law, will lead anyone to the same conclusion.

The Air Force is violating the law which this body wrote. That law was important to at least this Senator in supporting the B-2 program. The cold war is now over. That is a changed factor of great importance, and the Senator from Vermont and others have pointed it out.

There is another change which is important, and that is that suddenly, in January, just like that, the Air Force reduced the B-2 program from 75 to 20 aircraft. A year ago June, the Air Force said they had to have 75; they had to have 75. They could not get along with fewer. Operational requirements absolutely mandated 75 planes. We have that language from Secretary Rice: It has to be 75. Anything less than that will make this operationally ineffective.

In January, with a wink of an eye, the Air Force reduced this program to 20. So now the issue is, do we stop at 16, or go to 20? And now, of course, the Air Force is making the argument that it has to have 20; it cannot stop at 16. Operational requirements just mandate that we have 20 and not 16.

Anybody who goes back to the testimony of Secretary Rice a year ago June will laugh at that argument, since a year ago June he said that anything less than 75 would make this operationally impossible; efficiency requires 75.

So there are a number of changes since a year ago which caused this Senator to now decide to vote not to go to 20, not to fund those final four planes. They are not worth the billions of dollars that are involved. And I say that as someone who up to now has supported the B-2 program.

So there are really three changes: The cold war ended; the decision of the Air Force, without any explanation, to go from 75 to 20; and the third reason, which I have spent most of my time on this morning, the violation of law by the Air Force in ignoring our warranty provision, which requires the contractor to pay to correct deficiencies which it causes. And I emphasize that. Not Government-caused deficiencies; we have to pay for those. If our design is defective, we have to pay for those.

But there are three types of deficiencies which the contractor is responsible to fix, if it causes the deficiencies, up to the amount of its profits. And this strained Air Force legal opinion, which says that they comply with that law by providing that the contractor must fix one of the three types of deficiencies—just one of the three types—up to the amount of its profit, is not only a strained legal opinion, but it violates the clear language of my amendment and the legislative history. They should not get away with it.

The facts on that warranty are as follows: The first five production planes had a profit for the contractor of $250 million for five planes if it met the cost of $2 billion. The target cost was $2.2 billion. The target profit was $250 million. But the cap on contractor liability to correct defects which it caused was $20 million. Think of it. A profit of $250 million on five planes, but a liability limit on defects that it caused of $20 million.

I looked at that, and I said: That is a repeat of the B-1 fiasco. The taxpayer is going to be left holding the bag again. We are not going to permit it; at least, I am not. I am not going to vote for that program—I said to myself last year—anymore, unless the contractor is responsible to correct deficiencies which it causes up to the amount of its target profit on the next contract.

They negotiated the next contract after my amendment became law. The next five aircraft had a target cost of $4.6 billion and a target profit of $700 million, but a warranty cap of $25 million.

The Air Force will argue that there is no warranty cap of $25 million for one of the three types of deficiencies, and that is true. They have eliminated the warranty cap for one of the three kinds of deficiencies.

But that is not what the amendment said. The amendment said you cannot cap the liability of the contractor to correct the deficiencies—not singular; the deficiencies, the defects—referred to in the warranty provision. Not singular—one type—but plural.

I wonder if the Senator will yield me 2 additional minutes.

Mr. LEAHY. Mr. President, I yield two additional minutes to the Senator.

Mr. LEVIN. And therefore, Mr. President, we have the result that this contractor could make a target profit on the second contract for five planes of $700 million, which is $140 million per plane. But the contractor could have a limit on its liability to correct defects which it causes, on two of the three types of deficiencies enumerated, of $25 million, or $5 million a plane.

I consider that a clear violation of what Congress wrote. The Air Force is violating an important law which we wrote to avoid a repeat of the B-1 situation, where we ended us spending over a billion dollars in taxpayers' money to correct defects which were caused by the contractor.

Mr. President, do I have any time remaining? If so, I yield it back to the Senator from Vermont.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time as I may require.

First, I say to my good friend and colleague from Michigan, we have had the privilege of serving together some 14 years on the committee, and I have the highest respect for his views, but I just want to make two points.

First, indeed, the Senator, probing into this area unrelentingly for a number of years, I think has improved, in fact, the contract.

The Senator is aware of the letters, which I ask unanimous consent to be printed in the RECORD, from the Secretary of the Air Force of July 17, 1992, which address the basic points that the Senator from Michigan has raised today and indicate that this contract, indeed, will be corrected along the lines of the points made by the Senator from Michigan.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SECRETARY OF THE AIR FORCE,
Washington, July 17, 1992.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to comments made by Senator Levin during the Senate Armed Services Committee's hearing on June 17, 1992 concerning the B-2 warranty, profit rate, cost estimate, and funding. A similar letter has also been sent to Senator Levin and Senator Warner. I continue to believe that the improved B-2 warranty is compliant with Section 117(d) of Public Law 101-189, since it potentially places all contractor target profit for the second five low rate initial production (LRIP) aircraft at risk. As I indicated during the hearing, the profit rate for the second five LRIP aircraft is reasonable, as it is in accordance with and supported by the standard DoD weighted guidelines profit computa-

tion method. Furthermore, the difference in the cost estimates of the original 15 aircraft can be explained based upon the different assumptions of program content made at the time of each estimate, and the concern over full funding of the program revolves around the proper budgeting of contingent liabilities as part of an ongoing program.

The Air Force negotiation team took aggressive action to ensure the negotiated warranty complied with the law. Several warranty options were examined with the contractor and the most cost effective, legally compliant arrangement was agreed upon. The current B-2 warranty not only contains the appropriate coverage as required by section 2403 of title 10, United States Code, it also represents a significant improvement over the previous warranty (Attachment 1). The contractor has greater financial responsibility for corrective actions than under the original warranty, in that the warranty limit for correction of essential performance and design and manufacturing defects was raised from $100 million for the first five LRIP aircraft to $250 million for all ten LRIP aircraft. In addition, the liability for correction of materials and workmanship defects was removed from under the original $100 million cap and is now unlimited for all aircraft. Because of this unlimited materials and workmanship provision and the additional $250 million cap, all the contractor's target profit for the second five aircraft is at risk as prescribed by the law. If the contractor's costs exceed the point of total assumption on the share line of the LRIP contract, all additional corrective action costs for materials and workmanship defects are the responsibility of the contractor. Another important aspect is that this coverage was made applicable to all 10 B-2 LRIP aircraft not just the second five as required by the statute.

When Public Law 101-189 was enacted, as well as when the initial warranty was negotiated, the planned B-2 production program consisted of 132 aircraft—it was subsequently reduced to 75 and now stands at 20. The 20 aircraft limit increases contractor risk in planning and projecting warranty coverage for the fleet and dramatically reduces the number of aircraft over which risks may be spread. Despite this greater risk to the contractor, the new warranty was negotiated, assuming a 75 aircraft program, at no increase in target cost, price, or ceiling. With the reduction to 20 aircraft, the contractor's risk increased even further.

When Senator Levin displayed the comparison of B-2 contracts during the hearing, his chart depicted the contractor share of the warranty cap per aircraft ($20 million and $25 million) and compared it to the total target profit on each contract. The warranty was not negotiated on a per aircraft basis. Instead the warranty cap covers all ten LRIP aircraft and only applies to essential performance and design and manufacturing defects. The unlimited materials and workmanship portion is no longer under the cap, as it was in the original warranty, and it too applies to all 10 aircraft. Should the contractor's cost performance not exceed the negotiated point of total assumption, their responsibility would be $50 million under the cap plus 20% of any materials and workmanship corrective action costs. Should the contractor exceed the point of total assumption before experiencing any warranty costs, all $250 million of the warranty cap and an unlimited amount for materials and workmanship defects would be the responsibility of the contractor. Depending on the type of defect and the status of the contractor's cost performance on the contract, the equivalent of the target profit for the second five aircraft is potentially at risk in either case.

I believe the benefits of the improved B-2 warranty must be viewed from a total program perspective. Since the program is in development/testing and low rate initial production, it is unrealistic to expect the contractor to have the capability to accurately forecast warranty failures and the associated corrective action costs in areas that have yet to be tested. Northrop could not practically provide a more substantial warranty without significant adjustments to program costs.

The profit rate, in part, for the B-2 LRIP aircraft was reached through an iterative negotiation process using the standard DoD profit computation method. Due to the cost, technical, and management uncertainties in 1987, program risk for the first five aircraft was shared between the Government and the contractor through an initial Fixed-Price Incentive (Successive Targets) contract. The 12.5% profit rate objective and contract type reflected the program risk at that time. As the program for the first five B-2 aircraft matured, contract cost risk shifted to the contractor and the contract type was changed to a Fixed-Price Incentive (Firm Target) (FPIF) contract: however, the contractor, accepting responsibility for certain schedule adjustments, accepted a lower fee rate (11.3%). In July 1991, the contractual effort for the second five aircraft was finalized into an FPIF contract, further shifting cost risk to the contractor. Northrop, for the first time, had to negotiate firm targets with no opportunity for downstream adjustment. The DoD weighted guidelines profit computation method recognized the increased contractor risk and supported a higher 15% profit rate on the second five aircraft as fair and reasonable.

The existing contractual arrangement for all 10 B-2 LRIP aircraft is a combination of the separate contract actions for the first five and second five aircraft. The combined profit rate of 13.8% is reasonable and compares favorably with other programs of this magnitude such as the C-17 (13.0%), B-1B (13.9%), and F-16 (14.6%).

Senator Levin also expressed concern over the perceived increase in the cost estimates for a fleet of 15 B-2 aircraft. In fact, the Air Force has only formulated the cost for a fully operational and supportable fleet of 15 B-2s one time and that was earlier this year. At that time, using appropriate assumptions, we estimated that a fully operational and supportable fleet of 15 B-2s would cost $41.8B; this is still our best estimate. The confusion arises as a result of the Air Force's answer to a completely different question about a 15 aircraft fleet. In 1991, we were asked how much would the program expend if we stopped at 15 aircraft, and had no additional procurement funds after 1991. The assumption that we would acquire 15 B-2s was correct; we also stated that these aircraft would not be supportable due to a lack of funding in FY92 and out. Based on the constraints built into the original question, it was impossible to field 15 fully operational and supportable aircraft at the $36.4B figure in our response. These two estimates were based on completely different assumptions.

When discussing the final issue of the full funding, it must be understood that the B-2 program was planned and budgeted as an ongoing program with the sustaining engineering costs being spread across all aircraft in work. This "allocation" methodology is widely adopted on larger and longer duration acquisition programs to more accurately portray the individual cost of an aircraft by unitizing the sustaining engineering costs to the work in process. The major reductions in aircraft that occurred to the program subsequent to the FY 87/88 contract award resulted in funded aircraft in FY 90 and prior absorbing a greater share of these fixed costs of the contractor during the years in which they are being produced. These reductions resulted in the FY 90 and prior appropriations only funding eight of the 10 previously authorized aircraft. As you will recall, the FY 91 Appropriation Conference language took this fact into account in directing the Air Force "to utilize the funds provided to most effectively control total program costs." To ensure future program cost stability, we have changed the accounting method for sustaining labor from the "allocation" per aircraft method to a "block load" approach which is also an acceptable method of paying for sustaining engineering. Under the block load approach all sustaining labor costs are funded.

Given the above, we believe the $44.4 billion number contained in the FY93 Amended President's Budget and Air Force FY94 Program Objective Memorandum (POM) fully funds all known tasks to complete construction and make fully operational the 20 B-2 production aircraft. However, Congress recently rescinded $500 million from the B-2 FY92 program which has not, as yet, been addressed in the budget process.

I know Senator Levin has spent a great deal of time looking at these issues and I wanted to ensure you and Senator Levin had available a complete explanation of the concerns he raised. While we have had at times a spirited dialogue on some aspects of these issues, I do want you to know I'm convinced Senator Levin's effort to register a requirement for a warranty on the second five LRIP aircraft led the Air Force to rethink its position on this matter and has resulted in a stronger warranty for the government at no additional cost. If you would like to discuss the details of any of these issues in more depth, I will send the appropriate personnel to brief you at your convenience.

Sincerely,

DONALD B. RICE,
Secretary of the Air Force.

B-2 PROFIT AND WARRANTY COMPARISON

	First five aircraft (November 1987)	Second five aircraft (July 1991)
Risk	Greater Government risk. Target profit resettable after gain cost experience. Guaranteed 7 percent minimum.	More contractor risk. Firm target profit—no reset. No guaranteed minimum.
Profit Determination	Initial objective (12.5 percent) reached through negotiation. Lowered at reset as consideration for slipped schedule.	Used DOD standard weighted guidelines for allowable profit.
Profit rate	12.5 percent (original objective); 11.3 percent (reset).	15 percent.
Warranty limitation	$100,000,000 for all defects and nonconformances, including defects in material and workmanship—6-month discover period.	Defects in material and workmanship unlimited—all profit at risk plus $250,000,000 for other areas—all 10 A/C—12-month discovery period.

SECRETARY OF THE AIR FORCE,
Washington, DC, December 20, 1991.

Hon. LES ASPIN,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to inform you that the Air Force has negotiated

a B-2 warranty for the second five FY89/90 Low Rate Initial Production (LRIP) aircraft that complies with Section 117(d) of Public Law 101-189 and also provides for increased coverage on the first five FY87/88 LRIP aircraft. Under the new warranty the contractor's total liability for the corrective action for material and workmanship defects is potentially equal to or greater than its target profit on production of the FY89/90 aircraft.

In my judgment, the warranty package in its aggregate produces results where the contractor may have more target profit at risk than required, depending on where the defects are found. For instance, to provide an incentive for the contractor to produce quality aircraft, the negotiated warranty provides unlimited contractor liability for corrective actions resulting from defects in materials and workmanship not only for the FY89/90 aircraft but also retroactively to the FY87/88 aircraft. It is also my judgment that the above unlimited liability provision and other negotiated benefits such as increasing the warranty cap on essential performance and design and manufacturing requirements from $100 million to $250 million, increasing the period of discovery from six months to twelve months after initial acceptance of each aircraft, and providing for essential performance coverage on all ten Low Rate Initial Production aircraft, all at no increase in target price or contract ceiling, is advantageous to the Government.

The program has achieved a significant enhancement in the negotiated warranty over the existing FY87/88 contract warranty at no increase in the negotiated contract values. Further enhancements would require target price and ceiling adjustments and therefore would not be cost effective or in the best interest of the Government. It is clear that the benefits the B-2 program will receive from this warranty are substantial and that the cost of further marginal improvements would outweigh the benefits. A more detailed description of the warranty is attached, along with copies of the warranty clauses.

Sincerely,

DONALD B. RICE.

Mr. WARNER. I would like to point out another fact, Mr. President, and that is the Senator from Michigan also has followed another major defense contract for some number of years, and that is the contract for the M1A1 tank. I have here a side-by-side comparison of the contractor's exposure on this particular contract. And it is interesting that in the M1A1 tank contract—and I think the Senator will concede the fact that the tank is a simpler challenge technologically than this particular aircraft—the total cap on the liability to the contractor is basically $7.3 million. The material and workmanship part of it is capped, the design conformance is capped, and the performance itself is capped.

In other words, there is a good deal of protection in there for this contractor, and, indeed, it is one of the foremost contractors in the United States that is performing this contract.

If you run the side-by-side comparison for the B-2, there is unlimited warranty exposure for the contractor in the B-2. There is no cap on material. There is a cap on the design, and there is a cap on performance. But basically side by side there is greater risk to the contractor that is doing the B-2 contract.

But, once again, I would like to bring up this chart that has been prepared.

Mr. COHEN. You can use this one.

Do you mind if I stand here?

Mr. WARNER. No, I would like to have you here, because I hope that either you or the other distinguished Senators in opposition to this contract or this provision can address this issue of how four individuals in a B-2 mission, compared with—and we are going to attach the numbers here, but there are 32 here—this is the actual delivery of the weapon—32 individuals in this package, 16 individuals in this package, and you have 8 in this package.

The risk to the air persons who are taking this mission has to be addressed. And, to me, if we were to not only lose one of these individuals by death or unknown causes or they be taken captive, that is the answer we have to provide, it seems, to our colleagues and the American people.

How could we, in good conscience, ask the Commander in Chief of the Armed Forces of the United States, no matter who he may be, to send these individuals out in a cause which, in his judgment and hopefully that of the Congress and others in authority, is necessary to take that risk, how can we do that in good conscience, send this number, advise this number, simply because of a dollar savings on a contract? That, to me, is the bottom line, and I hope we address that in further debate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield such time as the Senator from Maine may need.

The PRESIDING OFFICER. The Senator from Maine [Mr. COHEN].

Mr. COHEN. Mr. President, this is truly an important chart, and I want to commend the Air Force for helping to prepare necessary numbers for all to look at.

If, in fact, it is true that two B-2 aircraft will save the deployment of all of these other aircraft, I am wondering why has the Air Force not recommended that we delete all of these other aircraft from our inventory?

And if the Senator from Virginia would be willing to go forward with five more B-2's, would he be willing to have a corresponding reduction in the number of the standard package, all the bomb droppers, air escort, suppression of enemy air defense, all the tankers? I have not heard anyone in our committee make a recommendation that we delete all of these from the inventory.

So, if you really want to go with B-2's, then we ought to have a corresponding offset. So for the next 5, we ought to have—I have not totaled these numbers up, but there must be at least 50 or 60 aircraft for each B-2. We could probably eliminate, if we take 5 times those 50 or 60, we could have another 300 aircraft to eliminate.

Mr. NUNN. I say to the Senator from Maine, I have, indeed, suggested that. I think it is a very valid point. The Air Force, like every other service, would like to have it both ways. He is right. They are going to have to eliminate a lot of those aircraft. They are indeed already eliminating F-16's. We literally closed three F-16 bases in the last 2 years. That is underway now. That is not a direct tradeoff for the B-2, because the B-2's are not in inventory yet, in terms of actually operating.

But the Senator is correct. I say to the Senator, and there is no jest intended at all, and I hope no exaggeration, if we were to build about 35 or 40 B-2's, we would indeed have to insist, and should insist, that they get rid of this number of other aircraft. The Senator is correct. We are going to have to cut down force structure.

Mr. COHEN. I thank the Senator for his comments.

Let me add another word. If what the Senator from Virginia is saying is that all of our personnel are being put at risk in flying these aircraft, then, indeed, I think it is incumbent upon us to eliminate all of the nonstealthy aircraft from our inventory. To suggest that anyone flying the F-16 or the F-18 or the F-117, now is being put in harm's way unreasonably so means that the Senator is saying that anyone who is flying those aircraft is really being unduly placed at risk by the actions of this Congress.

But let me continue on my own time.

Mr. WARNER. If I may reply, and indeed I will reply on my own time, this has, throughout the history of our country, been the evolution of our weapons. As we approach weapons systems, we have built in technological advantage to protect life and limb. We cannot dispose of the entire inventory that preceded it.

Furthermore, when you talk about the numbers, I join the chairman in his reply. But, right as of today, we have not a full operational fleet of the B-2, whatever number the Congress may eventually decide. So, until such time as those fleets are in operation, we cannot attenuate the older types of aircraft.

The Senator is correct. Those flying older types of aircraft in this same environment do take a higher degree of risk. But my point is we should always, as a nation, work toward providing the young men and women who are willing to take these risk in response to orders of the Commander in Chief, the best equipment this Nation can provide.

Mr. COHEN. And can afford. And can afford, because, if we adopt that argument where we are paying $1 billion a copy, you are going to have fewer and fewer aircraft that meet the job that needs to be done.

Frankly, I do not think we have enough in our budget to accomplish that. I agree with the Senator from Virginia, we ought to provide the very best we can, the safest, most effective and most powerful weapons systems that we are ordering our young men and women to command. But we are also in an environment in which we are being stretched very, very thin. And the Senator from Virginia knows that defense budget is coming down. He and I have resisted that on a number of occasions, but it is coming down, and it is likely to come down further.

So we are going to find ourselves in a position of funding more and more expensive systems and fewer and fewer numbers to the point where we are not going to be able to carry out the missions that are going to be required to defend this country.

Let me just follow up quickly on the statements made by my colleague from Michigan. He suggested there has been some inconsistency on the part of the Air Force in terms of their dealings with him and with the Congress. I might suggest the Air Force has been very successful in evading the radar screen of the U.S. Congress.

They manage to slip under that radar screen almost on a yearly, and perhaps even more frequent, basis.

In his book, "The Commanders", Bob Woodward wrote that: "Cheney already knew enough to be wary of the Air Force. The officers were a smooth lot." He said:

> The Air Force seemed craftier than the other services, more familiar with Washington's ways, more adept at throwing up a smokescreen. * * * You had to look hard to see exactly what was up. The senior Air Force officer corps was so unified and impenetrable, it was often called the "Blue Curtain." Herbits and Cheney agreed it would be necessary not only to understand the Air Force, but how to get around it, if necessary.

That Blue Curtain has been wrapped around the B-2 ever since its inception. When the details of the B-2 program first became public, the Air Force repeatedly leaked figures to the media stating the 132 B-2 aircraft would cost $36 billion. That was the price tag put on 132 B-2's at that time. They were not quite so quick to reveal that figure was calculated in 1981 constant dollars, rather than the ten-year dollars we would have to appropriate. The use of constant dollars is not unique and is quite legitimate, but I think clearly there was an effort underway to prevent an informed debate on the B-2 because the Blue Curtain had descended.

This Modus operandi of the Air Force continued unabated as full-fledged debate erupted on the B-2, and perhaps the best example of this came last year during the consideration of the Defense authorization bill. In the middle of the Senate debate on the B-2, suddenly, behold, an Air Force letter arrives, delivered to the chairman and the ranking member of the Armed Services Committee, alerting us to cracks in the airframe of the B-1B.

While the Air Force indicated it did not know how serious the problem was, the intended message clearly was that the B-1B was in deep trouble. We do not know if we will be able to fly it safely. So if you vote against the B-2 you are going to be held responsible.

Some proponents of the B-2 asserted that it might cost billions to fix these cracks in the B-1, if they could be fixed at all, suggesting that it might be cheaper just to go ahead and buy the B-2. As it turned out, though, fixing these cracks cost something like $5,000,000 for the entire B-1B fleet.

It also turned out that the cracks had actually been discovered seven months earlier. The Air Force just did not get around to telling us about it until shortly before the vote on the B-2. This is a curious contrast with the way the Air Force dealt with cracks found in the F-16 last year, news of which was almost immediately released to the media.

To quote the Commanders again, "the Air Force was craftier than the other services * * * more adept at throwing up a smokescreen."

Smokescreens. The Blue Curtain. That is still the manner with which the Air Force treats the B-2. Or more accurately, that is the manner in which the Air Force treats the Congress on issues such as the B-2.

Last year, when the House voted to halt B-2 production, leaving the Air Force with 15 B-2 bombers, Air Force officials, as Senator LEVIN pointed out, argued that this would not be a militarily capable force and they would rather have nothing if they could not get something approaching the 75 B-2's requested. Just a few months later, once again they slipped under the radar screen. Secretary Cheney cut the program to 20 aircraft, and Air Force officials began extolling what a powerful warfighting force 20 B-2 aircraft would constitute—no longer necessarily having a strategic nuclear mission to attack what used to be the Soviet Union, but now it would fly this conventional operation and save all of these aircraft with just two of these B-2 right here.

Which should we believe, Mr. President, the Air Force argument from the fall of 1991 or the Air Force argument from the spring of 1992?

This is not an isolated case, Mr. President. In June of last year, Air Force officials testified to the Armed Services Committee that "B-2 testing demonstrates that the B-2 works." The very next month, the B-2 failed a critical test of its stealthiness. But, needless to say, the Air Force did not bother to divulge this failed test until September, after the Senate had already voted on the B-2.

And as the B-2's observability goes up, so does its cost. This year's cost estimate is $5.4 billion higher than last year's, and there is nowhere for it to go but up from that point.

I think Senators ought to keep in mind this history of Air Force management of public and congressional perceptions when they read Air Force statements that the problem with the B-2's stealthiness has been fixed.

Mr. President, as we have stated many times on this floor, the Soviet Union no longer exists as a political entity. Its threat has been diminished, although certainly not eliminated. There is no need to penetrate Soviet—or Russian airspace.

But, let us assume it comes back. Let us assume it comes back. I think that is not likely or perhaps even feasible, but suppose they reconstitute the Soviet Union. Assume there is a resumption of the cold war.

We still would not need this bomber in order to protect the national security interests of this country. We have a B-1B, which we have paid for dearly. It can be equipped with stealthy cruise missiles. Those stealthy cruise missiles can in fact perform the necessary mission to decimate any enemy, including a resuscitated Soviet Union, should that ever become the case.

Mr. President, for all of these reasons I urge my colleagues to once and for all terminate the program. Keep the 15 we have, then move forward. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. I yield to the Senator from California, 2 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. SEYMOUR. Mr. President, I rise in strong opposition to the pending amendment to terminate the B-2 advanced technology bomber program.

We have heard and will hear, I suppose, the tired litany of arguments about the exorbitant cost and questionable capabilities of the B-2. This aircraft poses a unique challenge to the Senate because it presents us with an easy chance to make inflated or inaccurate claims about how much we spend on American military air power. Press secretaries dream about weaving headlines and soundbytes expressing opposition to the B-2.

Many politicians cannot resist this approach to making decisions on public policy. But as we all know, this approach puts the truth aside. And so today, we hear that the President's fiscal year 1993 B-2 request is too high and unaffordable. Yet in this statement as in so many others about the B-2, the truth fails to ring.

We fail to hear the truth that Congress and the American taxpayer have already invested $35 billion in the research, development, testing, and early production of this system first requested by a Democratic administration.

We fail to hear the truth that is the House and the Senate allowed the most efficient annual rate of B-2 production, the aircraft's per unit cost would at least be half of its current level.

We fail to hear the truth that 20 B-2's instead of 16 B-2's would give the Nation a 45-percent increase in combat firepower.

We fail to hear the truth that it would actually cost $2 billion more to kill the B-2 Bomber than the money we would save by passing this amendment.

And we fail to hear the truth that the completion of the President's plan for 20 B-2's would increase the existing bomber force by 33 percent with only a 6-percent increase in total program cost.

So allow me to state the most revealing truth, Mr. President: If we pass the pending amendment, Congress will have to spend significantly more money to enforce its purpose than to finish buying the remaining B-2 aircraft that it would eliminate.

This amendment, therefor, makes no sense from either a financial or military point of view, and I urge my colleagues to reject it.

Mr. WARNER. Mr. President, may I ask a question on my time of the Senator? Has the Senator had an opportunity, in view of the fact that this contract has a heavy impact on his State of California, to extrapolate the number of lost jobs should this amendment be adopted?

Mr. SEYMOUR. The best we can estimate is it is in the tens of thousands. It would decimate many defense contractors and subcontractors—small businesses—that support this project in southern California.

Mr. WARNER. I thank the Senator.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Nebraska [Mr. EXON]?

Mr. NUNN. Mr. President, I yield the Senator from Nebraska, the chairman of the Strategic Subcommittee and our leader in this area, Senator Exon, 10 minutes.

Mr. EXON. That is fine. I may not take that long, but I appreciate the courtesy of my friend, the distinguished chairman of the committee.

I have been sitting here listening to the interesting debate on the B-2. I guess I have been one of the lead forces for the B-2 program from the time that I first heard about it, many, many years ago when it was a classified program. I learned about it when Senator John Stennis, chairman of the committee, had myself and one other Member of the committee briefed about this, the first time way back in the very late 1970's sometime, shortly after I came to the Senate and became a member of the committee.

I think we do not need to take a great amount of time. I have listened to the criticism, which I think is legitimate criticism, from my distinguished friend and colleague from the State of Michigan, Senator LEVIN.

I think that he is accurate in view of the fact the Air Force has not done as good a job as it could have done or should have done with regard to making the various contractors on this and other programs meet what many of us feel are at least some of the increased legitimate costs to the contractors and not the taxpayers of the United States. I think Senator LEVIN makes some excellent points.

I have listened with interest to the Senator from Maine tearing the Air Force apart, criticizing the Air Force for false and irrelevant information that they have given us from time to time. I must say that I share at least a part of the concerns of the Senator from Maine in this regard.

I only say that we are not here to decide whether we are going to launch a brand new B-2 bomber purchase program. We are here today to recognize the fact that this program, which started out at 132 bombers at a timeframe when most reasonable people in the United States, including most of the Members on both sides of the aisle of the Armed Services Committee, and on both sides of the aisle in the U.S. Senate, were concerned, and certainly legitimately so, under that scenario of the rising continued threat of the then all-powerful Soviet Union.

So when we go through some of these criticisms today, I hope that in all fairness we will keep in mind that when the Carter administration authorized the first research and development on the B-2 program, when it was embraced by the Reagan administration, and reembraced by the Bush administration when that administration took over, we did not have the rosy scenario that we have now with regard to a much reduced military force in Russia and the former Soviet Union, certainly not the superpower that it was that caused us to build the B-2 in the first place.

Therefore, all the criticism that we try and heap on the Air Force officials at this time, some of it legitimate, I emphasize, Mr. President, I think should be cast in the light of the decisionmaking process that all of us were involved in making at that time.

The chart that the Senator from Maine has used with regard to the selling by the Air Force of 75 aircraft, if they had 75 aircraft, how much of this other type of aircraft they would not need, it is the same chart that I believe I first used on the floor of the U.S. Senate to justify the purchase of 75, the reduction from 130 down to 75 at a time when the Soviet Union was still a viable superpower.

So I have heard all these arguments before. We are hearing them again. There is some legitimate basis, in fact, with regard to some of the criticisms of the program. I am not certain that it is proper at this time to get into talking about how many jobs are going to be lost in California or elsewhere if we close down the B-2 program at 16 rather than 20.

Sad as that is, it is true. Sad as that is, it is necessary to scale back much of our military-industrial complex and there is going to be some pain and suffering and loss of jobs in that regard.

But the wholesale spending of billions and billions of dollars each year, the wholesale borrowing of more and more dollars in the trillions of dollars, it has to come to an end.

I will simply say that I do not think we need to go through a whole lot of talk today with regard to whether or not we should build four more aircraft. If we were talking about going up for 20 or 30 or 40 more aircraft, then some of the arguments that have been made on the floor would be justified.

The fact of the matter is, Mr. President, that we have $35 billion-plus for research and development and development of a whole new type of program to produce a military aircraft where the B-2 program broke leadership ground with regard to how we went about building this new aircraft.

The point that I think we should make is that we have now scaled back the original 132 purchase program down to 75, now down to 20. We have already authorized 16, and there is no argument about that.

We are doing a lot of shuffling of facts and figures in argument on the floor of the Senate today, in my view to allow those people, some who have honestly and with conviction opposed the B-2 program for a long, long time by simply saying I told you so, you are wrong. I am not here to argue that, Mr. President. I am simply saying that I hope before it is agreed we were wrong, we try and put everybody in the place that we were in when these decisions were made.

Suffice it to say, Mr. President, if we take what the opponents of the purchase of the last four aircraft propose today, we are being penny wise and pound foolish. I have said that we have $5 billion-plus invested in the program today. It would not have been such an expensive program per plane had we bought 132, but we are not going to do that. We are not going to buy 75. We are now down to 20.

It is penny wise and pound foolish, Mr. President, because of advanced parts purchases, because what it would cost us to get out of the contracts presently in existence for the purchase of the four additional aircraft. We would find if we canceled the program today and did not build the additional four aircraft, that we would be throwing away about 40 percent of the money because it is going to cost us about 40 percent of what the four new airplanes would cost just to take the unwise action that is being suggested on the

floor of the Senate today to not buy the additional four.

I wish that everyone would honestly forget all the arguments that have been made in the past, right, wrong or indifferent, and come to the realization that it has now been agreed by the administration, by the Air Force, by the House of Representatives that we should put the B-2 program to rest and give it a decent burial as far as new procurement is concerned by cutting it off at 20.

I hope that the Senate will not try and have old rivalries, old discussions, old arguments used time and time again today essentially to prove that because someone disapproved the B-2 in the past they were right after all. The facts of the matter are, if we have 20 of the B-2 aircraft, they are going to play a very key role in the national security interests of the United States in the future. By and large, we are still depending on the B-52. Most of the B-52 aircraft today are older than the pilots who are flying them. So I do not believe it is wrong, I do not believe it is wasteful to put the B-2 program to bed and give it a decent burial by buying only four more.

If we do buy the four more, given the circumstances we are in, the record will clearly show that the last four B-2's we purchased were the cheapest ones of the 20.

Let me say, Mr. President, that hindsight is always better than foresight, but those who are now storming in with arguments about how wrong this program has been from the beginning are not addressing the fact that when the aircraft was designed and originally authorized, the billions of dollars that have been poured in it since that first start were done at a time when many felt, and maybe justifiably so, had the Soviet Union not disintegrated as a major military power, the B-2 Program could have been and might have been salvation as far as our nuclear deterrent is concerned.

I simply wind up by saying I think we are spending too much time on it. I hope that we would have the vote as soon as possible. If the Senate, in its lack of what I would consider sound reason and judgment, cut off the program at 16, that might make some of those who have fought this program from the beginning feel very good. I would suggest, Mr. President, in all candor I do not believe that would be a wise thing to do. And once again let us give B-2 a final resting place at 20 and move ahead from there.

I reserve the remainder of my time, and I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Will the Senator yield for one clarification, one question I might ask of the Senator.

Mr. NUNN. Mr. President, might the Senator use his time.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 13½ minutes remaining; the Senator from Vermont 4 minutes and 15 seconds.

Mr. LEAHY. I will do it on my time.

Then on my time, Mr. President, could I ask the Senator from Nebraska, I understood him to say that there are contracts already signed for four additional B-2's. It is my understanding there are no such contracts. Did I misunderstand the Senator from Nebraska?

Mr. EXON. Let me clarify that point. The point I am making is with the contracts that we have out to purchase some of the essential parts and material that would go into the new airplane, we would be really throwing money down a rathole, throwing those parts away in a dump heap. Also, if we go to that proposition, yes, I believe that we may, indeed, have some contracts which we are in that would allow us to buy and contract these four additional aircraft and let us have some expense we otherwise would not have and also have no airplane, if we take the suggestion of the Senator from Vermont.

I must say, though, that the remarks I have been making did not necessarily include the Senator from Vermont. The Senator from Vermont has had a steady course of opposition to the B-2, and I certainly agree with some of his statements of the way things turned out. I would simply say and urge we recognize that for the limited amount of money we would spend on four additional B-2 aircraft, once again this would be the cheapest of the 20 B-2 aircraft we would have bought because the research and development and the parts we have on hand could be built at a considerable less per plane cost than would be the previous 16.

Mr. LEAHY. Mr. President, I would note, though, the bottom line is that there are no contractual obligations for four additional planes. If there are, it is different than what the Air Force has told the Appropriations Committee. I assume they have been accurate in their discussions that there are no contracts for four additional planes.

I reserve the remainder of my time.

Mr. NUNN. Mr. President, how much time do we have remaining on each side?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute 49 seconds remaining. The Senator from Georgia has 13 minutes and 29 seconds.

Mr. NUNN. Mr. President, I yield 4 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, over the past several years, the Senate has heard all the arguments both pro and con on the B-2 Program, and therefore I will limit my remarks.

Mr. President, it should be no surprise that I rise in support of the B-2 Program. I have supported the B-2 Program from its inception. However, like many of my colleagues, this support has fluctuated as the cost per aircraft has increased and questions about its stealth capability have surfaced.

Mr. President, the administration has requested $2.6 billion for the procurement of four B-2 bomber aircraft. The committee authorized this request, plus the one aircraft conditionally authorized in the fiscal years 1992 and 1993 National Defense Authorization Act. This authorization would complete the B-2 bomber program at a total of 20 operational B-2 bombers, as requested by the President. The projected cost of these additional bombers is $3 billion more than the 15 already authorized.

In a letter to Chairman NUNN, the Secretary of the Air Force stated:

> We believe the $44.4 billion number contained in the President's Amended FY 93 Budget and the Air Force FY 94 Program Objective Memorandum fully funds all known tasks to complete construction and make fully operational the 20 B-2 production aircraft.

In the same letter the Secretary indicates that the cost of the 15 B-2's already authorized would total $41.8 billion. Mr. President, the additional $3 billion for five bombers will significantly enhance the B-2 fleet's capabilities. Significant amongst these is the ability to deliver an additional 250,000 pounds of bombs on enemy targets anywhere in the world. To give you a better perspective on this ability, consider that it would take approximately 360 Tomahawk cruise missiles to deliver this same quantity of explosives at a cost of $1.3 million per missile. I have no doubt that my colleagues will agree with me that in comparison the B-2 is cost effective, especially since the B-2 can be reused.

In regard to concerns about the B-2'2 ability to meet its announced stealthiness, let me advise the Senate that this is a bogus charge. Recent tests have demonstrated that the B-2 can meet these specifications. This fact was relayed by Secretary Rice to the Armed Services Committee in a letter dated July 21, 1992. Mr. President, I ask unanimous consent that this letter be included in the RECORD.

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

SECRETARY OF THE AIR FORCE,
Washington, DC, July 21, 1992.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Last fall we reported an anomaly in the test results for one area of the spectrum in our ongoing B-2 low observable testing program. Since that time, we have been hard at work on the issue. This work has concentrated on three possible options to address this anomaly.

We have now determined that one of these approaches will enable us to meet the speci-

fications. We will continue to work the other two options and make a final configuration decision sometime later this year. We will then provide a full report.

If desired, we are prepared to present you the current test results and our conclusions to date.

Sincerely,

DONALD B. RICE.

Mr. THURMOND. Mr. President, I am confident that the B-2 will meet all of our expectations and therefore urge my colleagues to reject this amendment. The B-2 will provide this Nation unprecedented capabilities well into the next century. It is time to make a final commitment to the B-2 and cease this annual debate.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes and eighteen seconds.

Mr. NUNN. Mr. President, I would like to reserve 3 minutes and would like to be notified when 6 minutes have expired.

Mr. President, I believe the issue this year on the B-2 can be stated very simply. Should we stop the program at 15 B-2's now or should we finish the 20 B-2's flying or under construction?

To answer this question, Mr. President, we need only to look at a few facts about the B-2's status, its funding and its capabilities. We can start by asking how much more it will cost to end up with 20 fully operational B-2 bombers rather than 15 fully operational B-2's. The Air Force tells us that 20 B-2's will cost $44.4 billion overall, while 15 B-2's will cost $41.8 billion.

Thus, by straight arithmetic, the cost difference for five more operational B-2's is $2.6 billion, which represents 6 percent of the total acquisition cost. So we are talking about, this morning, whether to spend 6 percent of the total acquisition cost to buy five more operational B-2 bombers.

We need to recognize that if the Leahy amendment passes, the Air Force says we will incur some $800 million in termination costs. I know the Chair is very familiar with termination costs, having been very forceful on that issue on the *Sea Wolf* debate earlier this year.

So we are going to spend $800 million to terminate this program if the Leahy amendment passes. That is what the Air Force said.

In addition to that, Mr. President, we will be scrapping an investment of some $1.4 billion in long-lead structural items that have already been produced for the last five B-2's. Thus, the Leahy amendment, in effect, will cost the taxpayers some $2.2 billion. That is what we would have already spent on $1.4 billion worth of spares, which we will get no use out of, or very little use out of. And that is what we will spend in terms of $800 million representing termination costs.

So we spend $2.2 billion and get no more B-2's if the Leahy amendment passes. We spend $2.6 billion to complete the next five B-2's if the Leahy amendment does not pass.

The capability is very significant. What capability do we gain by having 20 B-2's rather than 15? Some people might say, by simple arithmetic, that you get five more—that is one-third more—and that we would have one-third more capability.

But in terms of war-time, war-fighting capability, that is not correct. For any short-warning crisis, we can expect, on average, about four B-2's to be unavailable—and this is true with every aircraft and almost every weapons system. About four B-2's would be unavailable because they are in overhaul, or routine maintenance, or perhaps in some form of being modified.

Thus, our war-fighting commanders in chief could expect to have 11 mission-capable B-2's if we had a total inventory of 15; if we have a total of 15-B-2's, we will have about 11 of them available for combat power on short notice. If we have more notice than that, hopefully we could muster another aircraft or two. So that is the case if the Leahy amendment passes.

It is the mission-ready totals that represent available combat power. If we have a total of 20 B-2's we would have 16 of the ready. That represents 45 percent more capability than 11 mission-ready B-2's out of 15 total. Thus, the last five B-2's really do matter. They provide about 45 percent more punch for only 6 percent of the total acquisition costs.

Even the House of Representatives, who have been most skeptical of the B-2 program, understood well the value for dollar expended in going ahead with the B-2 in their bills—both the appropriations bill and authorization bill—to buy 20 B-2's: 45 percent more capability for 6 percent more dollars in terms of the overall program costs; $2.6 billion for 45 percent more capability.

The House has authorized the completion of the 20 B-2 program, Mr. President. And the Senate—by arithmetic, by logic, by analysis, by any kind of consideration of both economics and taxpayer value, and national security—should follow their example and reject the Leahy amendment.

Mr. President, I want to make one other point. We have a chart in the back; I have a small copy of that chart in my hand. It is a duplicate.

We had, at the beginning of this debate this morning, a little discussion about risk. The major risk we try to avoid by our policy in the United States is risk to human beings. We are trying to make sure if we go to war we do not risk unnecessarily the lives of our young men and women.

Mr. President, in the recent Persian Gulf war, if Saddam Hussein's troops had not stopped at the border of Kuwait, if they had gone right ahead into Saudi Arabia before the United States had several months to get our forces in place, what would we have been able to do? Virtually the only thing we would have been able to do is fly long-range bombers and long-range aircraft off aircraft carriers. We would not have been able to put many—if any—short-range attack-type aircraft in the field. We would have been relying on long-range bombers.

The Senator from Iowa said this morning that, in the post-cold-war era, we were not going to have the same kind of bombing missions. Mr. President, we want to bring most of our troops home from around the world. We are going to need bombers that can operate from this country more than we ever have before, for conventional missions. There is no doubt about that; anybody would know that.

We are going to have more of our forces here at home. We will have to be able to project power more from our own shores. What happens if we send the combinations we have now available, that can go in after a hard target that is fully protected?

Mr. President, that chart shows how many B-2's we have to send in. That would be two; that puts four people at risk. All rest of the military personnel are back in the United States. We would perhaps, in very lone-range missions, have some tanker support required, but we would have those tankers based in the United States. So we would have to expose only four people in the theater, with two B-2's.

The same chart shows you how many, how many aircraft with precision weapons we would have to have, and how many we would have to expose in that column, exactly next to the B-2, with precision and stealth. We would have to have eight people with the F-117's and eight people with the tankers, since they all have to be in the theater because of the limited range of the F-117. We would have to have some 300 people on the ground in a logistically insecure place at the outset of any war.

So we would be talking about exposing, in the best alternative, some 316 people to the theater dangers in the early stage of any unforeseen contingency, as opposed to only four people with B-2's.

If we use a mix of F-16's, F-15's, F-111's, F-4G's, and KC-135's—which is the third column, all with precision weapons but without the F-117 Stealth, we would have to have 100 people in the air, the total of air crews, and we would have to have several thousand people on the ground in the theater.

Mr. President, we are willing to pay more for equipment to reduce the risk to our military personnel.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I have advocated the termination of the B-2

for over 2 years, and I voted for the termination of the B-2 in 1990 and 1991. While I recognized the fact that the B-2 was an outstanding technical achievement, I felt that an effort to procure 75 to 132 B-2 bombers in an era of sharply declining defense budgets would lead to massive further cuts in tactical aviation, strategic airlift, and the other high-priority power projection forces we will need in the future.

If we still had the choice we had 2 years ago, or even last fall, I would still vote against additional funds being spent on the B-2. I would still vote to use the money to support other aspects of power projection like tactical aircraft.

The issue we now face, however, is not whether to terminate the B-2, but how to terminate the B-2. We are not going to vote on buying 132 or 75 aircraft, we are going to vote on whether we should have 15 aircraft or 20 when the program terminates.

We are also going to vote after an additional year of spending on the B-2, and we must take this added spending into account. We will not be voting on future expenditures of $25 billion, $40 billion, or more. We will vote on whether to spend an additional $2,687 million for aircraft procurement to fund 4 final aircraft, and continue funding the 16 aircraft already authorized.

If we could still produce them, I would rather vote for more F-15E's. If we could produce them before the year 2000, I would rather vote to fund the purchase of the A-X. The Air Force does not, however, have that choice. Further, if we do not vote for sufficient B-2's to provide a minimal strike capability we risk wasting more than $40 billion.

Voting for an amendment to terminate the program at 15 aircraft would mean giving up the funds we have already spent on the final four aircraft, and 20 percent of the labor and material work on the last 5 operational aircraft is already completed—1 from fiscal year 1992 and 4 from fiscal year 1993. We are already committed to spending $41.8 billion on this program, and a 6-percent increase in the total cost of the program will provide a nearly 50-percent increase in long-term operational capability.

As a result, we would end up with so few B-2's that capping the program at 15 would leave us with the worst of both worlds: An extremely high investment with almost no military capability. With 15 aircraft, we will have only 11 combat ready aircraft—1 squadron—and lack the mass for effective rapid long-range strategic and antiarmor attacks.

With 20 aircraft, we will get 2 operational squadrons and 16 combat ready aircraft. This will give us the strength to launch major long range attacks against typical land force targets in nations like Iraq, North Korea, and Libya, and deploy a mix of B-2's, carrier aircraft, and cruise missiles that can devastate the air, air defense, and command and control capabilities of potential threats.

I do have some reservations about the remaining technical problems in the B-2, but the program cannot be completed unless the B-2 meets all its critical performance needs, and the manufacturer has warranteed the aircraft. Equally important, the overall strategic situation has changed sharply over the course of the last year.

We do not need a B-2 when we have other options, and we do not need more than a minimal B-2 force today. This, however, is 1992, not 1991, and our current defense plan provides far less flexibility than the one we had a year ago. We have already seen a precipitous decline in our power projection capabilities, and this capability will decline sharply in the future. The following changes are already underway.

We have terminated the F-15E, far too soon in my opinion, and ended all F-15 production for the Air Force as part of last year's Defense authorization bill.

We are terminating production of the F-16, which was once produced at 230 aircraft per year.

The demise of the A-12 program has delayed the production of a new long range strike fighter into the Air Force by more than 10 years—from 2002 to 2012, and it is unclear that the A-X will now be funded at the level and schedule we need. We will not be able to deploy the A-X into the Air Force before the year 2013, even if we do fully fund the program.

We are funding only limited and slow upgrades to the B-1B, which will have substantially less capability as a conventional bomber than we once planned.

We have seen some significant technical advances in the conventional weapons that can be used by the B-2—including the joint direct attack munition, joint standoff weapon, and sensor fused weapon.

General Powell's base force plan calls for cutting Air Force tactical fighter wing strength from 38 to 26.5 wings, and further cuts are under study within the Joint Chiefs. We have already removed our fighter wing from Clark Air Force Base, and lost a key staging point for Pacific and gulf missions. We have closed or are removing our air units from six bases in Europe, and by the end of fiscal year 1992, our European fighter/attack forces will have been cut from 8.8 tactical fighter wings to only 3.3. We will remove over 150 F-16's, over 120 A-10's, and our F-111's. One of the two key staging bases in Spain we used in Desert Storm is closed, and one is on standby status.

Once again, let me make it clear that my priorities and strategic views have not changed. If circumstances were different, I would prefer to use the B-2 money for more F-15E's and for a large force of long range strike aircraft like the A-12 or A-X. The fact is, however, that we now need the extra long range striking power that two squadrons of B-2's can give us.

I would also stress that the issue is not whether to terminate, but how to terminate. The President and the Congress have now accepted the position I advocated over 2 years ago. Further, this vote does not begin to give us the power projection capabilities we need for the future.

Finally, let me make my future priorities clear. It is even more important that we fund the C-17, F-22, and an aircraft like the A-X. The key to a smaller Air Force is one with certain technical superiority in aircraft, munitions, and electronic warfare over any potential enemy, and the technical and industrial base to expand in a crisis.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for 1 minute.

Mr. NUNN. Mr. President, I yield to the Senator from Virginia.

Mr. WARNER. How much time do we have?

The PRESIDING OFFICER. The Senator has a minute and a half.

Mr. NUNN. I yield the remainder of my time to the Senator from Virginia.

Mr. WARNER. Mr. President, I join Chairman NUNN in opposing this amendment.

Again, I think the most persuasive argument, certainly, in this Senator's judgment, is the need for this Nation to continue to move forward in terms of its technology to save American lives.

That is precisely what this particular aircraft will do. It enables our future Presidents to have extraordinary flexibility in terms of dealing with the hot spots of the world.

We looked at this chart earlier this morning in terms of the relation of the number of aircraft to carry out a mission. As we move forward in this troubled world, there are areas where a single bombing mission could make the difference to free up hostages, to save American lives, not only in terms of the airmen flying the aircraft, but the American hostages that could be entrapped in a certain situation.

So I am confident that this is the right decision.

I also would like to read into the RECORD a statement made by Governor Clinton, who said as follows, on the 12th of August:

> If you are going to phase out the B-2, I favor going to 20 planes and not stopping at 16. We have got all this money spent. The Air Force says they need 20 to have a full complement. We are going to waste a lot of money if you don't buy 20 aircraft. So I was a friend of the B-2 program. But I would go for 20 instead of 16.

It is also the way Senator GORE voted in the Senate.

To me, that is a strong bipartisan position.

I yield the floor.

Mr. LEAHY. How much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 49 seconds.

Mr. LEAHY. Mr. President, we have heard the debate. We are going to vote. There are numbers.

It is going to cost money to stop at 20; it is going to cost money to stop at 15.

We had 42 F-111's in the Persian Gulf. We used the Department of Defense's chart; 10 B-2's provides twice as much payload as 42 F-111's. With 15 B-2's, we certainly have enough. But I still ask Senators to think of the anomaly. On one day, the administration is saying we need to send foreign aid to Moscow. The next day they are saying we need to have a bomber that can get through the defenses and bomb Moscow.

I only hope that if we are going to do both, we try not to have them arrive on the same day, because the message gets kind of muddled. This is the craziness of what we face. Let us start spending some of this money on the needs we truly have.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Senator LEVIN is recognized.

Mr. LEVIN. Mr. President, the July 17, 1992, letter of Secretary Rice to Senator NUNN, regarding the management of the B-2 program is in error.

First, with regard to the B-2 warranty requirements in section 117(d) of Public Law 101-189, it makes a number of misleading and inaccurate statements. These include the following:

First, the letter states:

> The Air Force negotiation team took aggressive action to ensure the negotiated warranty complied with the law.

In fact, although the Air Force asked the contractor in November 1990 to propose a price on a warranty cap equal to target profit—in compliance with the plain terms of section 117—Air Force officials made no effort at all to negotiate this provision with the contractor or to have it included in the contract.

Air Force officials told my staff that the contractor submitted a ludicrous offer in response to the Air Force request, stating that they would charge the Government a dollar for every dollar of added warranty coverage. Air Force documents indicate that the Air Force never submitted a counterproposal and never attempted to negotiate with the contractor over the cost of this proposal. My staff was told that this was not done because, far from being aggressive negotiators, Air Force officials were happy with what we had—a limited warranty that did not comply with the terms of section 117.

Second, the July 17 letter states:

> It is unrealistic to expect the contractor to have the capability to accurately forecast warranty failures and the associated corrective action costs in areas that have yet to be tested.

However, the B-2 contract expressly provides that the contractor is only responsible to attain the same level of performance as has already been attained and accepted by the Government upon completion of the test program. It is not unrealistic to require the contractor to meet the same standard that it has already met under the test program. In any case, this is what section 117 requires.

Third, the July 17 letter states:

> The contractor has greater financial responsibility for corrective actions than under the original warranty, in that the warranty limit for the correction of essential performance and design and manufacturing defects was raised from $100 million for the first five LRIP aircraft to $250 million for all 10 LRIP aircraft.

However, the letter fails to mention that this $50 million increase in the warranty cap was proposed by the contractor to cover a specific known problem with the aft section of the aircraft—which the contractor was reluctant to price—or that the contractor was given a $10 million increase in target profit as consideration for this increase in the cap.

Fourth, the letter states that, because of the unlimited materials and workmanship coverage in the contract, all the contractor's target profit for the second five aircraft is at risk as prescribed by law. However, it is inconceivable that materials and workmanship defects on the B-2 could add up to anywhere near as much as $700 million—the contractor's target profit for the second five aircraft.

The letter does not provide, nor has the Air Force ever provided, any reason to believe that the contractor's actual liability for the narrow category of defects covered could be as much as $700 million. In the absence of any such indication, the argument is tantamount to saying that the Air Force could have complied with section 117 by leaving any category of defects unlimited, regardless how narrow. For example, if the Air Force had placed an artificially low cap on all defects except defects in one wing of the aircraft, it could have made the same argument—that because defects in one wing could theoretically exceed the contractor's target profit for the entire aircraft, the limitation would be permissible. This argument is not only inconsistent with the plain intent of section 117, it is an absurd twisting of the plain words of the statute.

Fifth, the letter states that the reduction of the program from 132 to 75 aircraft, and then to 20 aircraft "increases contractor risk in planning and projecting warranty coverage for the fleet." This statement is plainly wrong. In a 132-aircraft program, the contractor would be responsible for ensuring that all 132 planes met the contract requirements. In the case of a failure to meet essential performance characteristics, the cost of retrofitting all 132 aircraft could potentially run into the billions of dollars. In a 20-aircraft program, the number of aircraft over which risks may be spread is reduced, but so too is the risk itself.

Sixth, finally, the letter states that the chart I used at the armed services hearing inaccurately compares the "warranty cap per aircraft—$20 and $25 million"—to the total target profit on each contract.

The chart that I used at the hearing compares the contractor's full five-plane share of warranty costs—at target cost—to the contractor's projected five-plane profits, also at target cost. The warranty cap in the first 5-plane contract was $100 million. Because this cap was included within the contract's 80/20 shareline, however, the contractor's total liability—at target cost—was only $20 million. The warranty cap in the new 10-plane contract is $250 million—or $125 million for the second 5 planes. Again, this cap was included within the 80/20 shareline, so the contractor's total liability—at target cost—is still only $25 million.

The contractor's liability on a per aircraft basis is even lower—$4 million per plane on the first 5-plane contract, and $5 million per plane on the new 10-plane contract. Those numbers compare to the contractor's target profits of $50 million per plane for the first five planes and $140 million per plane for the second five planes.

Mr. President, I have decided to oppose further B-2 bomber procurement because several things have happened in the last year that have persuaded me we should stop at the current level and save the $2.6 billion this year. Let me describe the two reasons for my decision to oppose this year's funding for the B-2.

First, in January of this year President Bush revised his position and announced that the B-2 program would be reduced from 70 to 20 aircraft. When the Secretary of Defense was asked in an Armed Services Committee hearing how the administration had decided on the number 20, he responded as follows:

> Senator, the important consideration on the B-2 and the number 20 * * * is that there are, in addition to the 16 already authorized, there are four more for which we've committed long lead money. That gets us to the 20 number and that's why we've asked specifically for 20 at this point.

Mr. President, the Secretary of Defense justified the choice of the number 20 B-2's on the basis that we had "committed long lead money" for 4 additional bombers. He offered no military justification. He offered no analysis of the threats to the United States or the military need for a certain increment of additional stealthy bomber capability. Instead, he justified spending $2.6 billion more for additional B-2 bombers on the basis that we had already begun to spend money on them.

Mr. President, we cannot base our national security and defense spending decisions on the justification that we should spend more money because we are already spending money or have spent money. Indeed, as the Defense budget shrinks, it is imperative that we make fiscally prudent choices based both on what we need for our security and what we can afford. The Secretary of Defense would not have been able to terminate a number of defense programs he correctly canceled if he had used the rationale that long-lead items had already been purchased for further items.

This does not mean that one cannot find an explanation for how the four bombers in the administration's request would add some additional capability to the current fleet. Indeed, the Air Force has produced such an explanation.

There is little credibility for Air Force new justification for 20 B-2 bombers. In June 1991, the Secretary of the Air Force told the Armed Services Committee that a force of 75 planes was essential for conventional missions.

Secretary Rice said the following in June 1991:

> The best independent studies show that the kind of conventional operations which would call strongly for use of the capabilities the B-2 offers, demand forces, operational forces, in the range of 40, 50, 60 bombers, depending on what range of scenarios you are examining.
>
> Those levels of operational forces happen to fit very well with the program of a total buy of 75 aircraft that we have proposed, which we believe will sustain a force at 60 or a little larger, operational force of that size over the full lifetime of the B-2 in the force.

Now the administration tells us a year later that we can stop the B-2 program at 20 planes. That tells me, Mr. President, that the number 20 is not a necessary figure. It also tells me that the four final bombers requested this year are not worth $2.6 billion.

Mr. President, there is a second reason I'll vote "no" this year. The Air Force has decided to ignore the warranty law which is aimed at protecting the taxpayers from another B-1 fiasco.

I first became concerned about the management of this program in 1989, when I learned that the warranty provision in the B-2 contract list for the first 5 planes narrowly limited the contractor's responsibility for fixing defects caused by its own performance. Because of this limit on the contractor's liability, the taxpayers would be required to pick up the tab for fixing contractor-caused defects in the B-2. A similar limit on contractor's liability in the B-1 contract cost the taxpayers more than $1 billion in that program.

Air Force estimates of the cost of the B-2 program cannot be relied on without some kind of contractor warranty that the plane would work as advertised and as set forth in the contract. That is why I sponsored an amendment to the fiscal year 1990 DOD Authorization Act, which required the Air Force to negotiate a strengthened warranty provision, making the contractor liable for contractor-caused failures, at least up to the amount of its profits, unless the Secretary determined that the costs of negotiating such a provision would substantially outweigh the potential benefits.

After 2 years of delays in the contracting process, the Air Force finally negotiated a new B-2 contract late last year, and it contains virtually the same warranty limitations as the earlier contract. The contractor's liability for the most significant kinds of contractor-caused defects is still capped at virtually the same level as in the earlier contract, and the taxpayer is still at risk of paying billions of dollars for a plane that doesn't work the way it is supposed to because of contractor-caused defects, while the contractor could still keep almost all its profits.

To add insult to injury listen to this: under the first contract, liability for contractor-caused defects was capped at $4 million per plane and the target profit was $50 million. After the law incorporated my warranty provision, on the second five-plane contract target profit per plane skyrocketed to $140 million while liability for the two most significant of the three types of warranty deficiencies was capped at $5 million.

To add further insult to injury, the Air Force maintains that it has complied with the law by leaving contractor liability for one of the three types of defect—materials and workmanship defects—uncapped. The two more significant types of defects—manufacturing defects, and contractor failure to meet essential performance requirements—remain subject to a cap.

Under the Air Force strained interpretation, the contract could cause hundreds of millions of dollars in repairs to fix manufacturing defects it causes with a liability to fix them of $25 million and still make $675 million in profits.

When I looked into the negotiation of this provision, I learned that no serious effort had been made to comply with the law. I was told that Air Force negotiators made no effort to negotiate with the contractor over the cost of a complaint warranty that complied with the law because they were "happy" with the limited warranty which, they said, "achieved our objective."

Mr. President, we still do not know how much the B-2 will ultimately cost, because the full cost of the program has been hidden from the taxpayers from the start. The new contract, like the old one, fails to give us any kind of guarantee that the plane will work once we have bought it, and if it does not, the taxpayers will once again be left to pay the tab for fixing the most likely and significant defects caused by the contractor.

The Air Force thumbed its nose at the law aimed at protecting taxpayers from a repeat of the B-1 experience, where over 1 billion tax dollars were expended to correct contractor-caused defects.

For that reason and others, I will vote against the final four B-2 bombers.

In response to my dear friend, the Senator from Virginia, we have a specific law on the B-2 warranty, which has been ignored by the Air Force. That law is there for many good reasons, particularly the history of the B-1 bomber. Any reference to a contract where there is no specific law is irrelevant.

I do not know the warranty provisions on the M-1 tank or any other contract. I do know what the warranty requirement is on the B-2. We wrote them. If the Senator disagreed with them at that time, the Senator should have vote "no" when we wrote the warranty requirement, rather than to say right now that the Air Force can possibly justify flouting the law that was written by the Senate.

I yield back any time, Mr. President.

Mr. HEFLIN. Mr. President, I rise in opposition to this amendment which would prevent the acquisition of the last four B-2 bombers.

The B-52 was designed to fight a nuclear war, but it has proved its worth for conventional missions many times. Similarly, the B-2 was designed for a nuclear war, but is likely to become the most capable conventional bomber ever built. The B-2 was designed to penetrate airspace protected by Soviet radar and hit targets that could not be effectively targeted by standoff missiles. If it would have been available during the Persian Gulf war, we would have used it to penetrate airspace protected by Soviet radar and hit targets our standoff missiles could not. The B-2's mission has not changed, only now it will carry the smart weapons that proved so devastating during the gulf war rather than nuclear weapons.

The B-2 is a victim of politics and misleading statistics. The B-2 is expensive, on the order of $247 million flyaway cost per plane if we buy 75. Compare this to the cost of a Boeing 747. The 747 is a commercial aircraft, with a production run of 1,100 aircraft, so you would expect a low cost, perhaps $10 or $20 million per plane. Mr. President, a 747 costs $140 million dollars a copy. If Boeing had built only 20, and you included research and development costs as everyone does with the B-2, it is likely a 747 would cost over one-half billion dollars a copy. Consider also that a 747 takes 9 months to build. Due to its incredible complexity, a B-2 takes 5 years to build, over a million man-hours. I think the price difference is both explainable and acceptable.

But President Bush has decided to buy only 20 B-2's, which will serve as our frontline bomber force for the next 20 or more years. Keep in mind that at any one time, 2 or 3 planes will be in maintenance and 2 will be permanently dedicated to training, leaving only 15 combat aircraft available. Also keep in mind that our B-52 force has lost, crashed, 36 aircraft over the last 35 years. I wonder just what size B-2 force we will have left in just 10 years, much less 20. I am not happy that we have chosen to stop production at 20, but any less would be completely unacceptable.

In sum, in future wars the Congress and the American people will demand that we accomplish our military goals with maximum effectiveness and minimum loss of life. Only use of the B-2 can insure both. Expensive, yes, but this investment in technology will result in lives spared in future conflicts. I hope my colleagues will join me in defeating this amendment.

Mr. GORTON. Mr. President, the hostile challenges that communism impored upon the world after World War II spawned vivid verbal imagery, including "Iron Curtain" and "Evil Empire." But the phrase that came closest to a true description of that scourge was the one we most often heard: cold war. Its accuracy came not from the way it was most often used—as a metaphor for the interaction between the superpowers—but from its precise characterization of what happened in the Communist countries themselves: the cold war froze time.

All the regional hatreds—racial, ethnic, religious, nationalist—were frozen at the point in time when communism descended and disallowed all dissent. They were frozen, but they were not eliminated. Instead of working during the last four decades to resolve those hatreds and prejudices, the people of the Communist bloc instead packed them away, stored carefully for a future day, visited only in the safety of the mind, passed on and amplified, furtively, and with the urgency of a mission interrupted, from one generation to the next. We forgot they were there.

When 1989 brought its miracles, and the wall fell, and the curtain lifted, the world cheered. Our joy could not be contained. The world reveled in the triumph of good over evil. But as the festivities finally abated, and as the world drew its breath and envisioned a future of brotherhood and peace, the citizens of the former Communist nations regained their homes—and unpacked their Pandora's boxes of hatreds and prejudices, preserved perfectly for 40 years.

The first order of business was not to be peace or brotherhood or a new world order. The first order of business was to be a renewal of old feuds, too long allowed to fester.

Mr. President, this promising new world has become our new challenge. For 40 years we faced one large, dangerous foe: The Soviet Union. We designed our military strategy with that foe in mind, and, through strength and perserverance we triumphed. But in achieving that victory, we replaced one known, predictable adversary with a profusion of independent states, all nursing old grievances, all unpredictable—and all too many with access to nuclear capability.

We see the threat today in the atrocities taking place in what used to be Yugoslavia; we hear echoes of Hitler in the abhorrent frenzy for "ethnic cleansing."

But while that civil war holds center stage with its brutality and sheer viciousness, it is by no means the only conflict with the potential for worldwide disaster. Prof. Samuel Huntington of Harvard University correctly stated our predicament:

> All in all, the emerging world is likely to lack the clarity and stability of the cold war and to be a more jungle-like world of multiple dangers, hidden traps, unpleasant surprises and moral ambiguities.

If conflicts reborn and raging in the former Yugoslavia and the former Soviet bloc countries do not convince us of the accuracy of Professor Huntington's prophecy, then we have only to look to the Middle East for further proof, as Saddam Hussein rises again from the cesspool to puff out his chest and recklessly challenge the world to knock the chip off his shoulder. We did so once, successfully, because of the stealth high technology that allowed us to fight effectively with a minimal loss of life; we can do so again, should it become absolutely necessary.

It is likely that the gulf war will provide the blueprint for future conflicts. As we continue to decrease our NATO forces it is even more important that we have a bomber capable of being employed at any level of conflict, and that can project conventional capability worldwide in a matter of hours.

Gen. John Loh, Commander of the Air Force's Air Combat Command [ACC] recently stated:

> This capability is particularly important now. In future conflicts we expect little or no time to deploy before hostilities begin. I think our potential foes learned that lesson from the gulf war. Future Saddams won't give us the luxury of a 5-month pause. As we reduce our presence overseas, we can't guarantee immediate access to airfields, ports or supplies in every region where threats exist. All of these things dictate we have the capability to strike immediately, strike hard and, if necessary, strike alone.

We have defeated one ideology, Mr. President; we have not defeated hatred or conflict, nor have we eliminated danger. In our rush to spend our peace dividend, we cannot forget that that dividend was earned by an investment in military strength. Our challenges have changed, not disappeared. Until Congress analyzes, debates, and understands that change, it is critical that we maintain our military strength. The B-2 bomber is the most important tool we have to do so.

It is capable of quickly placing any country's most valued assets at risk anywhere on the globe, presenting a real threat to despots and zealots who respond only to real threats.

It is capable of evading the increasingly sophisticated air defenses of third world countries.

It is capable of neutralizing defenses to allow less survivable, but more numerous, bombers and other systems to operate in a less lethal environment.

It is capable of employing precision weapons to attack ground forces.

In short, the B-2's ability to penetrate to the heart of an enemy's defenses is key to the ability to wage an effective air campaign.

As long as the former Soviet bloc and the Middle East have murderous regional grievances coupled with access to nuclear weapons, we will require a strong strategic deterrent. The B-2 bomber provides that deterrent, Mr. President. I urge this body to fund the B-2 bomber as authorized in the National Defense Authorization Act of Fiscal Years 1992 and 1993, completing the program at the total of 20 operational B-2 bombers requested by the President. It is in the interest of America's continued security needs to do so, as much of our world continues to thrive on disorder and conflict.

Mr. BOND. Mr. President, throughout almost the entire time I have served in this body, we have been debating whether or not to go forward with the B-2 bomber program. I cannot even remember the number of times we have come to the floor to debate the program and to vote on cancellation. Fortunately, reason has prevailed each time.

Granted, the world has changed significantly in that time—but so has the B-2 program. The end of the cold war and fall of the Soviet Union have allowed us to scale back the planned B-2 buy from 132 aircraft down to 20. It would be a shortsided mistake to now pass this amendment and end up with a B-2 force so small as to be essentially useless.

The arguments that B-2 opponents have raised have changed over the years as opponents attempt to find the one silver bullet that will finally kill the program. At first, of course, we heard that we could not afford the B-2—that it was just simply too expensive to deploy. Then we were told that we do not need the plane because other weapons such as cruise missiles, ballistic missiles and older bombers would do just fine. After that the argument focused on the fact that the world has changed and that the role of the B-2 has been eliminated. And for the past year we have been told that it will not work—that it will not live up to its stealth claims.

Mr. President, I think it is worth taking a few minutes to examine these arguments and explore how they hold up to the facts.

First, can we afford the B-2?

There is no denying the fact that the B-2 is an expensive weapons—the most expensive single aircraft to be deployed in our history. It is not, however, the most expensive program now planned by the Pentagon—the advanced tactical fighter, for example, will cost much more.

Further, when compared to the costs of past strategic bombers, the B-2 is not out of line. As a percentage of the total defense budget, the cost of the B-2 is less than the cost of the B-1B; and it is similar to the cost of the B-52.

It is also important to keep in mind that the Government—Congress, in particular—has caused much of the price increase through constant changes in budgeting as well as the decision to reduce the size of the aircraft buy.

More important, however, in considering the cost of the B-2 program is to take into account what we will get for our investment. When we do that it is clear that the B-2 will save not only countless dollars, but lives as well.

The main role of the B-2 will be to serve as a deterrent—not only to whomever ends up controlling the tens of thousands of nuclear weapons now aimed at our Nation, but also to future Saddam Husseins and Mu'aummar Qadhafis of the world who might be tempted to strike the United States or its allies. If only one conflict is avoided because an aggressor fears retaliation by U.S. B-2's, then our investment will have been worthwhile.

If, however, we are forced to use these planes in combat; and history teaches that we are likely to have to do so—whether it is to stop a Saddam Hussein from overrunning a defenseless neighbor or to put a stop to the terrorist attacks of a Mu'ammar Qadhafi or to protect the United States against a full-scale nuclear attack—then our investment in the B-2 will be proven even further.

We have all seen the charts that have been presented by Air Force briefers showing how 2 B-2's could be used to replace the 75 aircraft now needed for a conventional air strike or even the 10 aircraft needed for an F-117 strike. The savings in operations and maintenance of the B-2's is reason enough for procuring them. More important, however, is the fact that dozens fewer service men and women would have to put their lives at risk if we had the B-2 available. That is where the real savings are realized.

A second argument that we hear in support of terminating the B-2 program is that we can perform its mission with other weapons—we can meet our nuclear needs by using submarines and missiles, and we can meet our conventional needs with cruise missiles and older bombers.

This simply is not the case.

Our nuclear missile and submarine forces are critical. In fact, I would argue that our submarine force is really the backbone of our nuclear arsenal. However, it would be a mistake to give up the ability to deploy a manned, recallable nuclear component. And that is what we will be doing if we vote for this amendment. Our B-52's are approaching retirement age and that leaves only a very small B-1 force.

On the conventional side, weapons such as the Tomahawk cruise missile proved that they play a critical role in our defense operations, but they are not suitable for all missions. For example, there would be no way to deploy a cruise missile—which must be preprogrammed prior to launch—to attack mobile missile platforms such as those used by Iraq to launch Scuds against Israel and Saudi Arabia.

We proved the versatility of stealth in the gulf war. The F-117 was the star of that conflict. Other weapons such as the Tomahawk are important, but they cannot be relied upon to fulfill all missions.

A third argument that we are hearing more and more now that the Soviet Union has ceased to exist, is that the changed world situation has obviated the need for the B-2—that with the demise of the Soviet Union, we no longer need a stealthy, long-range bomber.

That, I would argue, is shortsighted and dangerous thinking.

If anything, Mr. President, the breakup of the Soviet Union and other changes that we are seeing throughout the world increase the need for the B-2. The end of the cold war, though a major victory for the United States and the West, means it is more not less likely that we will be faced with conflicts around the globe. The gulf war is the perfect example of the type of unexpected conflict we could face at any time, and the changes in Eastern Europe and the Soviet Union greatly increase the number of possible flashpoints.

The United States, as the only remaining superpower in the world, will need to be prepared to deal with these conflicts when they arise, and the B-2 bomber is one weapon that is well suited for responding.

In the gulf, we were fortunate that a network of high-quality airbases and ports were available to our Air Force and that our aircraft carriers could get close enough to join in the battle. We were lucky that time. Unfortunately, we are unlikely to be so lucky in the future.

Our network of overseas bases is constantly shrinking. And I would note that I do not particularly think that is bad. We can afford to close many of our overseas facilities and focus more of our force in the United States. But the fact that we are bringing troops home, combined with the delays the Navy is experiencing in deploying a new attack aircraft, throw into question the ability of our aircraft carrier fleet to serve as the sole platform for projecting air power around the world.

What this means is that we need a long-range bomber that can be deployed from the United States or its territories, evade the sophisticated air defense networks that many third world nations now have, drop its bombs and return safely to base.

The B-2 is that aircraft.

This amendment would leave us with a force of 15 bombers rather than the 20 currently planned. The Air Force has said that a 15-plane force is significantly less cost effective and less mission capable than a 20-bomber force. General Loh has told me personally that he needs the full 20 aircraft to meet planned missions. The last five aircraft are the cheapest, per unit, that we will buy. It does not make sense to abandon our investment at this point and end up with a hollow force.

I urge Senators to reject this amendment and to support funding for the full 20 B-2 bombers that the committee has funded.

Mr. COATS. Mr. President, I rise to express my continued strong support for the B-2 bomber. I am pleased that the Armed Services Committee chose to authorize the additional four aircraft as requested by the President. I hope my colleagues will join me in opposing any amendments to reduce funding for the B-2 Program.

Mr. President, the B-2's key feature is one of stealth, contributing significantly to it survivability. The B-2 has the ability to penetrate deep into the enemy's defense with little warning. This stealthy quality was shown to be essential in Desert Storm, enabling the United States to wage an overwhelming air campaign.

Mr. President, the F-117 demonstrated during the Persian Gulf war, the effectiveness of stealth in an aircraft. Stealth allowed the F-117 to carry out the extraordinary mission of penetrating Iraqi airspace, destroying within the first 24 hours important targets. The F-117's stealthy features without question contributed enormously to saving countless lives and aircraft while giving us the initial success leading to a rapid victory in the air campaign against Iraq.

The B-2 bomber with its range and payload will be even more capable than the F-117. It is important also to realize, Mr. President, that in future conflicts we may not have 6 months to deploy forces as we had during Desert Storm. The B-2 can bring overwhelming firepower to bear quickly without the necessity of delay such as we had in Desert Storm. Its range gives us the unique ability to hold targets at risk anywhere in the world. Hostile nations

will not be able to assume that their aggressive actions will go unpunished.

The fastbreaking nature of future crises will require a bomber such as the B-2. It is capable of being called with little warning and being deployed long ranges to accomplish missions essential to U.S. security. The B-2 will not be dependent on forward-basing but will be able to operate against targets anywhere in the world on short notice.

The B-2's unique ability will be used initially in wartime to destroy an enemy's defenses and thus open up the target for our remaining air assets to continue the assault. According to the Air Force's bomber roadmap, more than 90 percent of our bomber force is unsuitable for high threat area missions. The B-2's qualities on the other hand will give it the initial mission of attacking first the defenses of the enemy and paralyzing them to the extent that the rest of our air power can be applied.

The President has taken the initiative to cut the number of B-2's to 20 this year in response to the collapse of the Soviet Union. Frankly, I would prefer to have more B-2's. I believe that a modern long-range bomber is an essential element to our military capabilities both in terms of its conventional role and its nuclear role—and the B-2 will remain a key ingredient in our nuclear triad. But even at 20, the B-2 bomber provides the United States with an incredible resource.

Senators LEAHY and LEVIN propose to limit the B-2 to 15; 15 B-2's will limit us to 1 squadron of 11 bombers greatly limiting our combat firepower. A total of 20 B-2's will give us 2 combat squadrons of 8 bombers each, increasing our combat firepower by 45 percent over 1 squadron. An additional 5 B-2's can carry as much payload as was dropped by the entire F-117 force on a single day during Desert Storm. The additional cost for those 4 B-2's at $2.68 billion is just 6 percent of the total program cost. I believe the added investment is well worth it.

Mr. President, we have invested considerably in the B-2 program. I realize that it is a costly program, but the amazing technological capabilities provided by this bomber are critical to our future military responsiveness. The cost too must be considered in light of the number of lives which can be saved by the state-of-the-art technology provided by the B-2.

Mr. President, in light of our nuclear reductions, the role of the B-2 for conventional missions becomes even more significant. A small number of B-2 bombers will be able to perform the same mission that would normally require almost a hundred aircraft, with several hundred pilots at risk. In these terms, the B-2 seems to offer a highly cost-effective alternative. Thus, the cost of the B-2 then needs to be measured in terms of its effectiveness in accomplishing its missions as well as the number of aircraft and lives put at risk. I believe that when the B-2 is assessed in this light, its' cost is modest.

Mr. President, I urge my colleagues to support the B-2 and to vote against the amendment to halt procurement.

THE LEAHY AMENDMENT TO CUT B-2 BOMBER FUNDING

Mr. DODD. Mr. President, I rise this morning in opposition to the amendment offered by the distinguished Senator from Vermont [Mr. LEAHY].

When the B-2 Bomber Program was first presented to the Congress, the Department of Defense and the Department of the Air Force repeatedly testified that this program was critical to the strategic force structure of the United States. The advances in stealth technology offered unparalleled advantage to our Air Force.

And we have seen the fruits of our investment in that technology. Our F-117 fighter aircraft deployed to the Middle East during operations Desert Storm and Desert Shield, have clearly proven that fact.

As with the F-117 Program, we must assess our force structure needs in times of fiscal restraint. The stealth fighter program now operates as a small, highly efficient, technically superior force multiplier in times of conflict. This silver bullet concept of operations is both prudent and progressive as we enter a new era of national defense priorities.

Mr. President, the issue here is cost. There is no questioning the fact that the B-2 Program is going to be scaled back. So the real matter before us is—how much. Under the provisions of this amendment, the savings accrued through terminating the program at 15 aircraft is minimal. Of the projected $2.7 billion in program savings, over forty percent will be immediately spent on contract termination fees and penalties. Other contracts for long lead procurement will force the government to take delivery of components for which we have no aircraft. Clearly, this is not the most fiscally prudent approach.

The proposal for program termination at 20 aircraft, as originally presented in this bill, seems the best alternative on this issue. The cost analysis clearly points to a program termination level that delivers the best return on taxpayer investment.

This amendment does not provide that return.

Mr. President, we all realize that defense draw-downs are necessary. Careful examination of all programs is paramount. We must implement responsible spending during this important transition for our strategic forces.

But on the evidence, terminating the B-2 Bomber Program at 20 aircraft provides a greater return on our defense dollar investment.

For this reason, I urge my colleagues to reject this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Vermont.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

The PRESIDING OFFICER (Mr. KERREY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—45

Adams	Grassley	Mitchell
Baucus	Harkin	Moynihan
Biden	Hatfield	Packwood
Bradley	Hollings	Pell
Brown	Jeffords	Pryor
Bryan	Kennedy	Reid
Bumpers	Kerrey	Riegle
Byrd	Kerry	Rockefeller
Cohen	Kohl	Roth
Cranston	Lautenberg	Sarbanes
Daschle	Leahy	Sasser
DeConcini	Levin	Simon
Ford	Lieberman	Specter
Glenn	Metzenbaum	Wellstone
Graham	Mikulski	Wofford

NAYS—53

Akaka	Durenberger	McConnell
Bentsen	Exon	Murkowski
Bond	Fowler	Nickles
Boren	Garn	Nunn
Breaux	Gore	Pressler
Burdick, Jocelyn	Gorton	Robb
Burns	Gramm	Rudman
Chafee	Hatch	Sanford
Coats	Heflin	Seymour
Cochran	Helms	Shelby
Conrad	Inouye	Simpson
Craig	Johnston	Smith
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
Dixon	Lott	Thurmond
Dodd	Lugar	Wallop
Dole	Mack	Warner
Domenici	McCain	

NOT VOTING—2

Bingaman	Wirth

So the amendment, (No. 3041) was rejected

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

MAKING APPOINTMENTS TO CERTAIN COMMITTEES

Mr. MITCHELL. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 344) to make appointments to the Committee on Appropriations, the Committee on Environment and Public Works, the Special Committee on Aging, and the Select Committee on Indian Affairs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

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

The resolution (S. Res. 344) was agreed to, as follows:

Resolved, That the Senator from North Dakota (Mr. Conrad) is hereby appointed to serve as a member on the Committee on Appropriations for the One Hundred Second Congress; and

That the Senator from North Dakota (Mrs. Burdick) is hereby appointed to serve as a member on the Committee on Environment and Public Works, the Special Committee on Aging, and the Select Committee on Indian Affairs for the One Hundred Second Congress.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine [Mr. COHEN] is recognized to offer an amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. 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. 3042

(Purpose: To add a new section relating to the conduct of nuclear weapons testing)

Mr. COHEN. 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 Maine [Mr. COHEN] proposed an amendment numbered 3042.

Mr. COHEN. 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:

Add a new section after section 3140, as follows:

"SEC. . LIMITATIONS ON UNDERGROUND NUCLEAR WEAPONS TESTS.

(a) INTERIM MORATORIUM.—No nuclear explosive test may be conducted until 90 days after the President submits to Congress the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall not be submitted until the 103d Congress has convened and shall include the following information:

(1) A date within fiscal year 1993 for resumption of the Nuclear Testing Talks with Russia and a strategy for expanding these negotiations to include all other nuclear weapon states, with the objective of achieving a verifiable comprehensive test ban by September 30, 1998;

(2) A strategy for achieving renewal and strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons at the review conference to be held in 1995;

(3) The 1991 Test Ban Readiness Program report; and

(4) A listing of the nuclear weapons projected to remain in the U.S. stockpile after implementation of strategic offensive arms reductions, taking into account the START treaty and, to the extent possible, a treaty to be negotiated pursuant to the June 17, 1992 joint understanding on further strategic arms reductions.

(c) LIMITATION ON NUMBER OF TESTS.—Nuclear explosive tests conducted pursuant to this section shall be limited to not more than 5 tests in any fiscal year, of which not more than 3 such tests in any fiscal year may be designed to produce a nuclear yield in excess of 35 kilotons. Not more than 20 such tests may be conducted pursuant to this section during the period ending September 30, 1998.

(d) TESTING FOR SAFETY.—Pending the achievement of a verifiable comprehensive test ban, and subject to subsections (a), (c), and (e), U.S. nuclear explosive tests may be conducted only to evaluate and improve the safety of nuclear weapons in the U.S. stockpile identified in the report submitted pursuant to subsection (a).

(e) EXCEPTION.—Notwithstanding the provisions of subsection (d), and subject to the certification requirement of subsection (f), not more than one of the tests permitted in any fiscal year by subsections (c) and (d) may be conducted for the purpose of ensuring the survivability of systems or ensuring the reliability of a nuclear weapon in the U.S. stockpile as identified in the report submitted pursuant to subsection (a).

(f) PRIOR CERTIFICATION REQUIREMENT.—No nuclear explosive test may be conducted pursuant to subsections (c), (d), or (e) unless the President certifies to Congress not less than 60 days in advance of such test that it is in the national interest to conduct such a test and specifying in detail the nature of the test.

(g) SENSE OF CONGRESS.—It is the sense of Congress that it is the policy of the United States to adopt measures that will enable, to the greatest extent possible, the United States to ensure the survivability of systems against nuclear weapon effects without nuclear explosive testing.

(h) BAN ON TESTING AFTER FISCAL YEAR 1998.—Subject to subsection (i), the United States shall not conduct a nuclear explosive test after September 30, 1998.

(i) ADDITIONAL CERTIFICATION REQUIREMENT.—If, after September 30, 1998, the President submits to Congress a certification described in subsection (j), the restriction specified in subsection (h) shall not apply for a one-year period beginning 60 days after the submission of such certification.

(j) CERTIFICATION REQUIRED.—A certification referred to in subsection (i) is one certifying that:

(1) Another country has conducted a nuclear explosive test after the date specified in subsection (h) and such test is inimical to the security interests of the United States or threatens achievement of the non-proliferation objectives of the United States; or

(2) The United States is actively engaged in the negotiations described in the report submitted pursuant to subsection (b)(1), and achievement of United States objectives in such negotiations would be undermined by the restriction specified in subsection (h).

(k) JOINT RESOLUTION.—A nuclear test permitted by this section shall not be conducted if, during the 90-day period following the submission to Congress of a report provided for in subsection (a) or during the 60-day period following the submission to Congress of a certification provided for in subsections (f) or (i), a joint resolution disapproving such test is enacted into law.

(k) TESTING BY UNITED KINGDOM.—The limitations of this section shall not be construed to limit the Government of the United Kingdom from conducting one nuclear explosive test per fiscal year at the Nevada Test Site pursuant to an agreement with the Government of the United States, except that no such test may be conducted before the report required by subsection (a) is submitted to Congress and each such test shall count against the numerical limitations of subsection (c)."

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon [Mr. HATFIELD] is now recognized to offer a second-degree amendment.

AMENDMENT NO. 3043 TO AMENDMENT NO. 3042

(Purpose: To limit the conduct of nuclear weapons testing by the United States)

Mr. HATFIELD. Mr. President, on behalf of Senator EXON, Senator MITCHELL, and myself, I send an amendment to the desk in the second degree to the amendment offered by the Senator from Maine [Mr. COHEN].

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for himself, Mr. EXON, Mr. MITCHELL, Mr. KENNEDY, and Mr. LEVIN, proposes an amendment numbered 3043 to amendment number 3042.

Mr. HATFIELD. 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:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1064. LIMITATION RELATING TO NUCLEAR WEAPONS TESTING.

(a) MORATORIUM FOR 9 MONTHS.—No underground test of a nuclear weapon may be conducted by the United States after September 30, 1992, and before July 1, 1993.

(b) POST MORATORIUM TESTING BEFORE 1997.—On and after July 1, 1993, and before January 1, 1997, an underground test of a nuclear weapon may be conducted by the United States—

(1) only if—

(A) the President has submitted the annual report required under subsection (d);

(B) 90 days have elapsed after the submittal of that report in accordance with that subsection; and

(C) Congress has not agreed to a joint resolution described in subsection (d)(3) within that 90-day period; and

(2) Only if the test is conducted during the period covered by the report.

(d)(1) Not later than March 1 of each year beginning after 1992, the President shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, in classified and unclassified forms, a report containing the following matters:

(A) A schedule for resumption of the Nuclear Testing Talks with Russia.

(B) A plan for achieving a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996.

(C) An assessment of the number and type of nuclear warheads that will remain in the United States stockpile of active nuclear weapons on September 30, 1996.

(D) for each fiscal year after fiscal year 1992, an assessment of the number and type of nuclear warheads that will remain in the United States stockpile of nuclear weapons and that—

(i) will not be in the United States stockpile of active nuclear weapons;

(ii) will remain under the control of the Department of Defense; and

(iii) will not be transferred to the Department of Energy for dismantlement.

(E) A description of the safety features of each warhead that is covered by an assessment referred to in subparagraph (C) or (D).

(F) A plan for installing one or more modern safety features in each warhead identified in the assessment referred to in subparagraph (C), as determined after an analysis of the costs and benefits of installing such feature or features in the warhead, should have one or more of such features.

(G) An assessment of the number and type of nuclear weapons tests, not to exceed 5 tests in any period covered by an annual report under this paragraph and a total of 15 tests in the 4-fiscal year period beginning with fiscal year 1993, that are necessary in order to ensure the safety of each nuclear warhead in which one or more modern safety features are installed pursuant to the plan referred to in subparagraph (F).

(H) A schedule, in accordance with subparagraph (G), for conducting at the Nevada test site, each of the tests enumerated in the assessment pursuant to subparagraph (G).

(2) The first annual report shall cover the period beginning on the date on which a resumption of testing of nuclear weapons is permitted under subsection (c) and ending on September 30, 1994. Each annual report thereafter shall cover the fiscal year following the fiscal year in which the report is submitted.

(3) For the purposes of paragraph (1), "joint resolution" means only a joint resolution introduced after the date on which the Committees referred to in that paragraph receive the report required by that paragraph the matter after the resolving clause of which is as follows: "The Congress disapproves the report of the President on nuclear weapons testing, dated _____." (the blank space being appropriately filled in).

(4) No report is required under this subsection after 1996.

(e)(1) Except as provided in paragraphs (2) and (3), during a period covered by an annual report submitted pursuant to subsection (d), nuclear weapons may be tested only as follows:

(A) Only those nuclear explosive devices in which modern safety features have been installed pursuant to the plan referred to in subsection (d)(1)(F) may be tested.

(B) Only the number and types of tests specified in the report pursuant to subsection (d)(1)(G) may be conducted.

(2)(A) One test of the reliability of a nuclear weapon other than one referred to in paragraph (1)(A) may be conducted during any period covered by an annual report, but only if—

(i) within the first 60 days after the beginning of that period, the President certifies to Congress that it is vital to the national security interests of the United States to test the reliability of such a nuclear weapon; and

(ii) within the 60-day period beginning on the date that Congress receives the certification, Congress does not agree to a joint resolution described in subparagraph (B).

(B) For the purposes of subparagraph (A), "joint resolution" means only a joint resolution introduced after the date on which the Congress receives the certification referred to in that subparagraph the matter after the resolving clause of which is as follows: "The Congress disapproves the testing of a nuclear weapon covered by the certification of the President dated _____." (the blank space being appropriately filled in).

(3) The President may authorize the United Kingdom to conduct in the United States within a period covered by an annual report, one test of a nuclear weapon if the President determines that it is in the national interests of the United States to do so. Such a test shall be considered as one of the tests within the maximum number of tests that the United States is permitted to conduct during that period under paragraph (1)(B).

(f) No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.

(g) In the computation of the 90-day period referred to in subsection (c)(1) and the 60-day period referred to in subsection (e)(2)(A)(ii), the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded.

(h) In this section, the term "modern safety feature" means any of the following features:

(1) An insensitive high explosive (IHE).

(2) Five resistant pits (FRP).

(3) An enhanced detonation safety (ENDS) system.

The PRESIDING OFFICER. Debate on the Cohen-Hatfield amendments is limited to 90 minutes, equally divided between the Senator from Maine and the Senator from Oregon.

Who yields time?

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

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, to recap briefly where we are, about a month ago we had an opportunity to debate this issue at some length on the energy-water appropriations measure that came before the body.

At that time the Senator from Oregon had introduced an amendment that would have imposed a 12-month moratorium, or at least he was proposing to introduce such an amendment. And through a series of negotiations we ended up agreeing to the Hatfield amendment to that measure.

At the time I also indicated to my colleagues that I was going to offer an amendment to the defense authorization bill which I am now proposing to do, that would modify the Hatfield proposals in some significant respects.

Mr. President, the issue of nuclear testing has become so polarized and politicized that I am afraid that it is all too easy to lose sight of both our objectives and some basic facts.

While we have made remarkable progress in negotiating reductions in nuclear arsenals, we are not on the verge of eliminating nuclear weapons. We are going to have to live with nuclear weapons for some time to come, and we must ask what kinds of nuclear weapons will those be.

For years, some have argued that we need to stop developing new, more lethal nuclear weapons and the only way to do this was through a ban on nuclear testing, imposed by congressional fiat if necessary. Given the changed security environment, most of us would agree that we do not need to develop new, more lethal nuclear weapons. The administration now agrees with that position, as well. So this argument, which for decades formed the cornerstone of the case for a test ban, is now simply irrelevant.

What remains relevant is the fact that many of the nuclear weapons which we intend to keep in the stockpile for the indefinite future, for decades, are dangerously unsafe. Equally relevant is the fact that we can make these weapons much safer, if limited testing is allowed to be conducted.

When crafting our policy regarding nuclear testing, this should be our principal objective: to make the weapons we retain safe. Closely tied to this should be our other priority objectives: to promote arms control negotiations; and to strengthen the nonproliferation regime, most notably through the 1995 review conference of the Nuclear Nonproliferation Treaty.

Proposals for a congressionally imposed moratorium on U.S. testing must be evaluated on the basis of whether and how well they make progress toward these objectives.

The Hatfield amendment adopted last month on the Energy and Water appropriation bill, while certainly better than the original measure Senator HATFIELD proposed, does not meet this test. And, unfortunately, it appears that the amendment reported out of the energy and water conference committee fails this test, as well. Neither even address arms control or nonproliferation efforts, and both would impede DOE from conducting tests needed to make our weapons safe. Both the Hatfield amendment and the

amendment reported out of conference mistakenly view a testing moratorium as an end unto itself, while hindering our ability to achieve the real objectives.

COHEN MORATORIUM FORCES ACTION

Mr. President, I want to take a few minutes to describe my amendment in detail.

The amendment would impose an interim moratorium on all U.S. nuclear testing in order to put us back on a track of negotiations to achieve a strengthened nonproliferation regime and reciprocal, verifiable testing restrictions leading to a comprehensive test ban.

The President would be required to report on:

First, a date for resumption of the nuclear testing talks with Moscow during fiscal year 1993.

Second, the U.S. strategy to expand those talks to include the other nuclear weapon state with the objective of achieving a verifiable comprehensive test ban by 1998;

Third, the U.S. strategy to achieve renewal and the strengthening of the Nuclear Nonproliferation Treaty at the 1995 review conference; and

Fourth, the Test Ban Readiness Program, which is intended to improve our ability to maintain a small nuclear stockpile with only limited or even no testing.

Many have claimed that the administration has not been aggressive enough in pursuing negotiated restrictions on testing and has not been focused on the tremendously important objective of extending and improving the Nonproliferation Treaty. My amendment would force the administration to get serious on these matters by prohibiting all nuclear testing until we have received the administration's strategy for achieving these arms control and nonproliferation objectives.

That should be the purpose of an interim moratorium: to promote negotiations and nonproliferation efforts.

If my amendment is adopted, after the moratorium period is over, we will have made demonstrable progress on these objectives—much more progress than would result from the Hatfield amendment.

Once the initial moratorium ends under my amendment, testing could resume, but subject to strict limitations.

My amendment would permanently prohibit testing to develop new, more lethal nuclear weapons, including so-called third generation weapons such as new earth-penetrating warheads and microwave weapons, which earlier this year the weapon laboratories stated they wanted to pursue. Just last week, Mr. President, there was an opinion article in the New York Times stating that the weapon laboratories are still pursuing new, low-yield weapon designs.

Under the amendment I am proposing, the nuclear testing program would be focused on incorporating safety features into existing types of weapons, with a strictly limited number of tests allowed to ensure the reliability of nuclear weapons and the survivability of systems against weapon effects.

My amendment would write into permanent law an annual cap on the number of nuclear tests of five per year, no more than three of which could exceed 35 kilotons. Of these five tests per year, no more than one could be used for nonsafety purposes. And the total number of tests permitted before the 1998 cutoff date, regardless of purpose, would be 20. That includes all safety tests, as well as any weapon effects tests and reliability tests conducted. It would also include any British tests conducted.

And 60 days before any test could be conducted, the President would have to submit a certification to Congress detailing the nature and purpose of the test. This would give the Congress ample time to review the proposed test and, if Members felt it necessary, take action to halt the test. I would note that this goes well beyond both the Hatfield amendment and the amendment reported out of the energy and water conference committee in terms of ensuring that Congress retains control over the testing program.

Under this amendment, the U.S. testing program would conclude by the end of fiscal year 1998. This will provide DOE with a realistic amount of time to do the research, engineering, and testing needed to incorporate into our nuclear weapons the safety features we all agree are required.

A decision to halt our testing program, obviously, cannot be divorced from the testing practices of potential adversaries or negotiations on testing limits and a CTB. Senator HATFIELD acknowledged this fact and wrote into his amendment to the energy and water bill a waiver that would lift the United States testing halt if Russia subsequently tested. But limiting the waiver to Russia assumes both that Russia is our adversary and that no other nation might be. For all we know today, the biggest nuclear threat we might face 5 years from now may be Kazakhstan, or Iraq, or Iran, or China, or some other nation. The history of the last few years should teach us to be cautious in trying to predict the future. Accordingly, Mr. President, I would propose that the testing halt could be suspended for a 1-year period if the President were to certify that another country had conducted a test and such test was inimical to U.S. security. I am pleased that Senator HATFIELD now agrees with this position and has modified his amendment accordingly.

Moreover, if we want to get a comprehensive test ban, we should leave the President with some leverage in negotiations. So I would allow the testing halt to be suspended for a year if the President certified that he was actively engaged in negotiations and that a statutory ban on testing undermined our negotiating position. Suspending the halt for a year would not necessarily mean that we would test, just that the statutory ban would be lifted for a year.

In either case, Congress would have an ample period of time to review and, if Members so desired, act to reject the President's certification. And, of course, the President's certification would also have to specify what tests he might seek to conduct during the year-long period.

While this would expand the waiver authority somewhat compared to the Hatfield amendment, it is at the same time much stricter than the Hatfield amendment in several respects. First, under the Hatfield amendment, if Russia or another country tested after the cutoff date then the United States testing halt would be permanently lifted. Under my amendment, there would only be a 1-year suspension, after which the testing halt would go back in place.

For the same reason, my amendment is stricter than the amendment reported out of the energy and water conference committee.

In addition, the Hatfield amendment would deny Congress the opportunity to even review the matter before the testing halt was permanently lifted. My amendment would give Congress 60 days to review the President's certification and act to reject it.

I think the proposal that I am offering is one that achieves the stated goals of those who are dedicated to pursuing serious and realistic arms control objectives. I agree with my colleague from Michigan, Senator LEVIN, who raised this issue during the course of our deliberations on the Armed Services Committee. I think the Senator from Nebraska also raised a number of these concerns. This amendment addresses specifically the arms control objectives that they were justifiably concerned about.

Second, I think it also presents a more realistic picture of the testing procedures that we have to go through. Under the amendment of the Senator from Oregon, he would say the administration has to file a report disclosing what types of tests are going to be conducted and in advance, really, make a judgment as to which ones are going to be effective.

I think that is unrealistic when in fact we may find when a test is conducted that the results are not the results expected. If this fails, we may have to retest it. It may be successful to the point we realize there may be other types of safety devices we can deploy on these systems to make them safer for the American people.

I would say, Mr. President, a lot of us have been concerned about the devasta-

tion that has afflicted southern Florida and Hawaii. But let me say as horrible as those tragedies have been in recent weeks, they would pale in significance if we were to have an accident with one of our nuclear weapons. If we were to have something triggered by an electrical storm or to have an aircraft crash or some other type of untoward accident impact upon one of our nuclear weapons, the devastation that would be inflicted upon the American people would be absolutely horrendous.

What we are all trying to do is achieve two objectives, arms control and safety. I believe the amendment I have submitted achieves both of those goals in a much more realistic and responsible fashion. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, as my good friend from Maine has indicated, we had a rather extended discussion and debate on this issue not too long ago. Therefore I feel that we can move with greater celerity to reach a vote on this issue today because, again, the embodiment of the Cohen resolution was part of that debate in terms of the time factor on moratorium and time, in terms of the number of underground tests that would be permitted, in terms of the reporting of the President to the Congress, to give the Congress a continuing role in this, and in terms of restricting the testing to the safety factor.

So we are really pretty much in the same debate on which the Senate reached a conclusion on the Energy and Water Appropriations Subcommittee bill of some 50 or more votes in support of that amendment.

Mr. President, I would like to emphasize again that in the first vote today on this issue, we will be voting on precisely the same issue, the same form, the same amendment that we adopted earlier on. That is the first vote, to be followed by what I consider a watered-down version of this amendment offered by the Senator from Maine.

The first vote then will be on an amendment that provides for a 4-year program of testing after a 9-months moratorium. I think the 9 months is very significant. The House of Representatives passed a straight 12-month moratorium. My original amendment, associated with Senator MITCHELL, on which we had some 54 signers on our proposal for 12 months, and then in the negotiations that followed with Senator EXON and others, we compromised that down to 9 months.

Is that an arbitrary figure? Is that just a compromise figure, as far as a number of months? I do not think so. I think we have to bear in mind that there are other nations in the world that have addressed this issue before we, and addressed it seriously. It goes back even to the Soviet Union under Mr. Gorbachev. They unilaterally adopted a moratorium challenging the United States to match it or to respond in a way to help reduce the proliferation of nuclear power and nuclear weaponry throughout the world, and we responded by adding tests. Then our close ally France followed with a moratorium.

Those moratoriums had a lifetime; that is, they had a designated period of time that they were to last, triggered in part by what we would do in the meantime as to what they would do at the end of that life of their moratorium. So I want to emphasize the fact that we are not acting purely and exclusively in a numbers game as to how many months of a moratorium should be actually adopted. I think what we are all hoping is that we ultimately reach a test ban treaty of the major powers with nuclear weapons and nuclear underground testing; that is the key. I do not think we ought play the game of waiting until the end of their moratorium and then consider it in a serious way, but we ought to coordinate our moratorium so that we encourage them to extend their moratorium, not to resume testing as we did when the Soviet Union adopted their moratorium.

So we have a 4-year testing. Good Lord, we could test and test and test in that 4-year period for safety. Of course, you know I am very suspicious because with any testing, you can say, "Oh, it is a safety factor," and go back to other sorts of things of expanding, accelerating, extending and making more sophisticated the nuclear technology. And, remember, you cannot really talk about serious arms control until you control the technology. We have gone through these exercises. Oh, you reduce so many missiles, we reduce this, you reduce that, and we get into the same situation that the naval conferences did in 1922 playing with numbers while at the same time the technology was driving the arms race forward.

Again, I say that we took some significant actions under President Ford and under President Nixon and under predecessors laying the groundwork, each building on the other—President Carter and President Reagan—but, Mr. President, all we were doing was playing numbers games with weapons that were already in existence. Until you address some of the causes of the arms races, you are never going to really get arms control. You just get a reconfiguration of your weapons systems.

Does that mean then that we abandon our military defense? Absolutely not. But I do say again, as I have said in the past, to understand national defense you have to get beyond the numbers games of how many weapons you have in various classifications. Oh, we can go back and recreate history and learn from history, hopefully. I remember the 1960 campaign. The Kennedy campaign was driven in part by, oh, there is a missile gap, there is a missile gap, the Eisenhower administration had permitted a missile gap, and they were counting numbers. It was interesting the missile gap did not appear after the election. Then we came along with another campaign in which the Carter administration was charged with having permitted our defenses to fall into a terrible, dangerous situation, and so we started a big military escalation again on numbers.

But, again, we have to address the point that national defense is something far beyond the arsenal. The Soviets could match us pretty well numbers and numbers and numbers in many of our weapons systems, but their infrastructure was crumbling. They could not even produce enough feedstock for their cattle and for their meat supplies. They lost 30 percent of their agricultural production from the farm gate to the consumers. And they called themselves a superpower.

Let me say, it was not our arms building that unraveled the Soviet Union. They were already decaying. I would not give that much credit to the Communist system. The Communist system was doomed for failure. And their arms did not save them anymore than the Maginot Line saved France in World War II. Let us get out of this idea that the national defense is all geared to the arsenal. The arsenal is a vital component.

I only use that illustration to get beyond these numbers games and get to the key of an arms race, which is technology. This is addressing then the very basis of what will ultimately control.

I say this in all due respect. What we have as an alternative today is an extension, an extension, an extension, 1998, more tests. So, are we really serious? Are we really serious about halting the arms race and getting an international nuclear proliferation treaty?

I think, again, that others see us for what we often do in this Chamber, and that is a lot of doubletalk in terms of making actions appear like substance.

Mr. President, I have to say to you very seriously that, from my perspective, we should have a moratorium that begins now and that we cease all testing. That would be considered an extreme. But when we begin to talk about 1995, 1996, 1997, 1998, and then have an open end after 1998 to go forward according to what we conceive then as a political consensus, I think that the key is a time certain, and the sooner that time certain, the more serious we are going to be taken that we want to control the arms race and that we are serious about joining the other nations of the world in reaching that achievement.

I build on an accumulation of history and that starts right back with

Gorbachev's proposal to the United States for a nuclear test ban. We literally thumbed our nose at it by saying, in effect, no, we are going to continue and we are going to escalate our testing program, if anything.

How then can we expect the nations to take us seriously when we go through this routine, we go through something at a time certain and then we come back around and revisit it again within a brief period of time and say we really were not serious at that time. We want to extend it further, we want to extend it further into the future.

I do not think we should expect then serious responses from some of our allies. It is too far into the future now as far as I am concerned. We had 53 cosponsors on this proposal for 12 months. The majority of the Senate was willing by signing on that paper to say a moratorium for 12 months. Then it is down to 9. We went to conference the other day on the Energy-Water Appropriations Committee bill, and a proposal was made to bring it down to 5 months.

These numbers get out into the public. They understand that kind of thing. We have done it on all kinds of issues, not just this issue. But how serious can we be when we keep playing these numbers games, whether we want 12 months, 9 months, then 5 months, whatever other months?

Let us make those months relevant in terms, in my view, of not only the underground moratorium but a date certain that has reality as fair as ending, with emergency levers left in place, as we have in ours and as the Senator has in his.

So, consequently, it does seem to me that we are revisiting something that we made a fairly significant vote on only a few weeks ago and that we should recommit ourselves to that same position.

As the time drew near for the first Senate vote on the issue, it became clear that this body was ready to explore not just the issue of a year moratorium, not just the question of a limitaion on the number of tests, but we indicated—and very distinctively differed from the House position, which was a 12-month moratorium, period. This body, in its deliberative character, and so forth and so on, said let us look beyond the 12 months, let us look beyond the number of tests that are permitted in that 12 months or 9 months. Let us look beyond and see what we can do to make this action relevant to a Nuclear Comprehensive Test Ban Treaty, for all the nuclear powers of the world.

I think that was a significant addition, and we have had very warm response from our House colleagues to that broader based concept of reaching beyond just an arbitrary 12-month, 9-month moratorium. In fact, the sponsor of the House bill, my colleague from Oregon, Congressman KOPETSKI, had indicated he found comfort in trying to adjust with the Senate version, and other leaders of the House have indicated the same.

When we got to that point, it was Senator EXON, from Nebraska, with his great expertise as a member of the Senate Armed Services Committee, who helped us reach this thoughtful conclusion about the program's needs and its utilities. And so this was not some effort on the part of Members of the Senate who are not part of the responsible role of a committee assignment on the Armed Services Committee, but this brought in then a broader based proposal. I must say that we had not only Senator EXON but Senator COHEN as well, who was adding recommendations and suggestions that we were trying to incorporate.

We were not seeking to just make this a myopic or a single dimensional approach. We were really seeking consensus on the subject. It was not a confrontation between the hawks and the doves and the military and nonmilitary or antimilitary or all the other superficial divisions that we tend to put to ourselves at times. They contributed in major part to the final version of that bill. In no way do I want to say I am implying that Senator COHEN was an enthusiastic supporter of this or jumped up and down and clapped and said this is precisely what I want. It was not. It was a consensus of input.

Now, the importance of the vote cast today cannot be overstated. The Senate's action before the recess caught the eye of our constituents and it caught the attention of the world. Our action was not isolated to this Chamber. It was not isolated to inside the beltway. It was something that came across the news media lines of communication and other networks of communication as one of the most significant actions taken by the Senate.

Most importantly, the Senate's vote was addressed to those nations which are becoming more and more convinced the United States is not serious about nuclear nonproliferation. Our allies are seeking to halt testing, and they know that it cannot be real, effective, meaningful without the participation of the greatest nuclear arsenal in the world—the United States. And those who are not our close friends argue that a halt to our program is an important confidence-building measure as they review the Nuclear Nonproliferation Treaty and other possible arms control agreements. I do not know how we can expect to influence the rest of the world to join in a concerted, unified effort to halt nuclear proliferation if we demand a continuation without some kind of significant cutoff date and within a time preceding it a moratorium.

Most importantly, Mr. President, the American public has told us loudly and clearly they want testing to end, and I really feel we have that choice again today, that the Hatfield-Mitchell-Exon amendment offers the guarantee, the absolute commitment, that underground testing will be brought to a halt. It does not shortchange the safety needs of our arsenal at the same time.

Our amendment reflects the number of tests called for in report after report and then some. A majority of the Senate has endorsed a 1-year halt to testing. In the original proposal, a majority, 54, an overwhelming majority of the Senate cast its vote in favor of this amendment to halt testing temporarily as a show of good faith on our intentions to promote a comprehensive test ban before we conduct those few remaining tests necessary to have high confidence in the weapons stockpile.

Mr. President, the alternative amendment we will be voting on today I think misses the point about nonproliferation, and I would say to ignore the calls for a moratorium of credible length is not only to turn one's back on the House and Senate proposals to enact a 1-year moratorium but also on Boris Yeltsin, who urged the Senate in the strongest terms possible to respond to the Russian moratorium. And scaling back the length of the moratorium also diminishes our efforts in comparison to the actions of the French, as I have indicated, who have instituted a moratorium with the expressed intent of gaining our Nation's support.

Just as importantly, this amendment in the second degree—the Mitchell-Exon-Hatfield amendment—sends a clear signal that the U.S. underground testing program will end, and the alternative offered by my friend from Maine leaves the options for continued testing open ended to the extent that it is pointless to claim the program will be terminated.

None of us can look into the future with certainty, but certainly it is an open end as contrasted as to what we say in our amendment. Do not be confused by the dire warnings made by the very institutions of Government which have vested interests in this program.

This amendment does not place our Nation in danger of a nuclear accident. I have heard those horrors. Our amendment addresses the need for safety upgrades. We acknowledged the importance of safety tests when this amendment was first drafted. We used the best scientific information available from government, and from independent analysts and came up with a generous testing program which reflects the stockpiles' current needs. Nor should my colleagues change their position because of the argument that this amendment is not cost effective. This Nation has conducted nearly 1,000 nuclear tests at great expense to our Treasury, our environment, and our Nation's peace of mind.

Our amendment guarantees these costly tests will end. To those who

argue that safety testing should begin immediately or with only a short moratorium, I reply that the Senate cannot avoid these two realities: One, that the moratorium itself is unvaluable to our efforts to achieve a comprehensive test ban at the earliest possible date and that although actual tests cannot take place during the moratorium, preparation of the sites can go forward and workers do not have to be idle.

What have they been doing out there in Nevada since the last test? We hear a lot about how it is a waste of money; they will sit around being idle. I think Senator EXON is in the very prime position to respond to that because he is the expert. He has been out there. He knows how that operates. That is a fallacious argument. They are busy all the time out there because these are very complex preparations that are necessary for any test.

Mr. President, the argument against a moratorium that needs 9 months falls flat with me because I can no longer strain to believe that a proposal to test earlier and more often than this amendment is truly aimed at the eventual end to testing.

At some point the momentum should be broken. At some point Congress needs to review this program. Our amendment requires reports to Congress on both the technical aspects of our stockpile's safety status as well as on the diplomacy necessary to achieve a worldwide ban.

Without a moratorium of credible length these reports are destined to be as worthless as the paper they are written on because Congress will have already allowed the bureaucracy to continue testing without full and unhurried review. Congress will have already allowed the opportunity to set a termination date for our testing program to slip past or grasp.

Mr. President, each one of us has waited a lifetime for the end of the nuclear threat. Toward that goal, we have come very far and very fast. Now is not the time to turn back, water down, to weaken, to create confusion as to what we really mean after such a resounding vote that happened so recently.

I urge my colleagues to continue their show of leadership by again casting their vote in favor of the amendment in the second degree.

Mr. REID. Mr. President, clearly it is the will of Congress that there should be some sort of nuclear testing moratorium. I think the reasoning is faulty, and I maintain that a nuclear testing moratorium is a big mistake.

The Cohen amendment and the moratorium worked out in the Energy and Water conference have come a long way toward a reasonable security program for our Nation's nuclear weapons arsenal.

All sides have recognized that testing for safety and reliability are essential. No one has sufficiently explained to me why testing must be suspended for 5 months or 9 months. What is the point?

I think the workers at the Nevada Test Site—the miners, electricians, carpenters, laborers, engineers—would all like a clear explanation; they deserve a clear explanation. There is a great misconception around here that there are 8,200 physicists running around the test site doing experiments. Most test site workers are blue-collar workers just trying to make a living.

I hope the Senate will adopt a sane compromise to the nuclear testing moratorium. Dick Cheney, Brent Scowcroft, and Colin Powell have all said that a nuclear testing moratorium puts any bill it is on in danger of a veto.

It had been my understanding that the Hatfield-Mitchell amendment would undergo a number of changes before it came back to the floor. It appears to me that this is exactly the same amendment as last presented.

The amendment passed last time with the understanding that changes would be made. All those involved in the debate, including the Senator from Oregon, agreed on that.

This is an important bill; it is important for the defense of the Nation. I hope we will not jeopardize it for the sake of an emotional and political issue.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senators from Maine and Oregon control the time on the amendment.

Mr. COHEN. How much time do I have?

The PRESIDING OFFICER. The Senator from Maine has 35 minutes and 45 seconds; the Senator from Oregon has 20 minutes and 40 seconds.

Mr. THURMOND. The Senator wanted to ask me to control the time on this side. Is somebody else controlling it?

The PRESIDING OFFICER (Mr. WELLSTONE). The unanimous consent has the Senator from Maine, and the Senator controls 45 minutes of the original time; Senator from Oregon controls 45 minutes.

Who yields time?

Mr. COHEN. I yield 5 minutes to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I thank the distinguished Senator from Maine. I congratulate him on his amendment.

Mr. President, the question of nuclear weapons safety is much, much more serious than the average American has any idea of. To quote from Lawrence Livermore, they state that nuclear weapons that are accident-proof, that remain safe under all accident conditions will be needed for the reduced stockpile envisioned for the 21st century. But they do not say that our present nuclear weapons are not safe.

Mr. President, we have had very close to terrible disasters because of the lack of safety of nuclear weapons.

This picture shows a fire in a B-52 at Grand Forks Air Force Base in 1980, where the plane contained nuclear weapons that did not have what we call fire resistant pits. The only reason this was not a major disaster, Mr. President, was because the wind was not blowing in the right direction to ignite the nuclear weapon.

Had it been, and had the nuclear weapon been ignited, the pattern would have left a trail of nuclear pollution, as you can see here, some 60 kilometers long. You can see Grand Forks, ND, on this chart.

Mr. President, we have had accidents where we have had detonations in Thule, Greenland, in Goldsboro, NC, where there was an actual explosion of the high explosive when the nuclear weapon was accidentally and inadvertently released in connection with crashes, and that has actually spread nuclear material over wide swaths of ground.

The only reason it did not cause terrible pollution and damage to people is because in both cases it was in rural areas.

So, Mr. President, both sides, both the Hatfield-Exon amendment, and the amendment by the distinguished Senator from Maine [Mr. COHEN] recognize the necessity for safety.

It is an overwhelming need. The big question, Mr. President, is should you have a moratorium on safety tests for a period of 9 months as recommended by Senators HATFIELD and EXON, or should that moratorium cease as soon as 90 days after the President can submit a plan?

Mr. President, this is so important, safety of nuclear weapons, that we need to test now. There is nothing, Mr. President, to be gained by waiting for 9 months while 10,000 employees—I have said they are going to be twiddling their thumbs. Maybe the Senator from Oregon says they do not have to be fired. Of course they are not going to be fired. But what are they going to be doing for 10,000 employees in all of our labs and out in New Mexico? What are they going to be doing for 9 months while they need to do these safety tests?

Mr. President, it escapes me how anyone can seriously argue that if you need safety upgrades, everybody says we need safety upgrades, that something is to be gained by waiting for 9 months to begin the process of making those upgrades. That does not make sense, Mr. President.

There was a time when we had the cold war and the arms race where a nuclear testing moratorium meant something, when the Soviet Union had quit

testing and we were going to quit testing. At that time it meant we were going to quit developing new nuclear weapons. That made sense. It made sense. But, Mr. President, when the 9-month moratorium is only a moratorium on safety tests, it achieves no purpose other than first the waste of taxpayers' money and, secondly the delay of safety upgrades.

Mr. President, terrorist weapons are also a tremendous problem. This happens to be a bomb, a 1,000-pound bomb, which was put into a hotel in Lake Tahoe. That is the actual picture of the bomb which a terrorist put in. They thought they could disarm this bomb by remote control. Unfortunately, they were wrong, Mr. President. This happens not to be a nuclear weapon, but here you can see what happened to the hotel. It is in Lake Tahoe. I forget the name of the hotel. It blew up because the safety devices did not work.

The principle is precisely the same, Mr. President. We need to develop technologies, what we call binary controls that prevent the nuclear weapon and the high explosive necessary to detonate the nuclear weapon from coming in contact with one another, until we are ready to arm the weapon.

That would prevent this kind of accident. Imagine this as a nuclear accident.

It would prevent that kind of accident.

Mr. President, I hope my friend from Nebraska and my friend from Oregon, the authors of this second-degree amendment—and indeed, the other Senator from Maine—will address that question of what is to be gained by delaying safety tests for 9 months. If it is as important as I know it is, and as everybody says it is, there is absolutely nothing to be gained by waiting 9 months.

Are we going to negotiate a treaty within that 9 months with those with whom we ought to have a treaty, people like Saddam Hussein and Mulammar Qadhafi? And those are the real threats on nuclear matters. The Soviet Union is dismantling its nuclear weapons; they are not the problem. The problem is these errant nations like Libya, and Iraq, and perhaps even Communist China.

So, Mr. President, nothing is to be gained by the 9 months.

The other Senator from Maine [Mr. MITCHELL] is not on the right side of this amendment.

Mr. President, I strongly support Senator COHEN's amendment, and I hope we can get on with the safety testing.

Mr. MITCHELL. Mr. President, if I could take 1 minute to respond to the Senator's question, he asked about why it is important. He said Russia is not the problem. But, in fact, Russia has said that if we do not adopt a moratorium here, they will resume testing.

The Russian military is putting pressure on Yeltsin to resume testing. Of course, as we all know, France has a moratorium which will expire shortly. So the proponents of continued testing—which is really what the other amendment is, what the Senator's position is—know that if we do not have a moratorium, then Russia and possibly France will resume testing. And then, of course, proponents will argue that since they are testing, we should not stop testing. That is the reason.

Mr. JOHNSTON. Mr. President, if the Senator will yield, the question is not whether we are going to resume. The question is when we are going to resume. Even under the Senator's amendment, we resume testing. I assume they are going to resume testing.

Is it in our interests for the Soviet Union to test for safety? You bet it is. It is in nobody's interest to have a major accident because of an unsafe nuclear weapon. The sooner we can get those safe nuclear weapons in the Soviet Union, France, the United States, or anywhere, the better off we are.

I hope the Senator will address that issue.

Mr. MITCHELL. Mr. President, I will soon ask unanimous consent that I be recognized on another matter to get a unanimous-consent agreement, and that the time not be charged against either side.

Mr. President, I am advised that this has been cleared.

Mr. President, I will not yet make my request. I am advised that we have to make a check. I ask that this debate resume, and I will interrupt when we are ready to go.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Who yields time to the Senator from Nebraska?

Mr. HATFIELD. I yield 10 minutes to the Senator from Nebraska.

Mr. EXON. I thank my colleague, and I thank the Chair.

Mr. President, I rise in support of the Hatfield-Exon-Mitchell amendment on nuclear testing, an important amendment indeed. It has been so well outlined by my colleague from Oregon, with whom I have been pleased to work intensively on this for many, many weeks.

The amendment is identical to the one which was passed overwhelmingly by the Senate on a 68–26 vote during consideration of the energy and water appropriations bill on August 3. It would be inexcusable, Mr. President, and defy logic and reason for the Senate to reverse itself.

On August 3, the Senate spent 4½ hours debating this amendment and the issue of nuclear testing. The fiscal year 1993 defense authorization bill before us now is the authorizing legislation for the Department of Energy national security programs.

This amendment simply reaffirms the appropriations bill vote on the authorizing bill, providing a consistent, clear voice of this body on the matter—the very important matter—of nuclear testing.

For the information of the Senators, I will summarize the amendment that this body passed on August 3 by a greater than 2½ to 1 margin. The amendment enacts a 9-month testing moratorium, until July 1, 1993, on all U.S. nuclear tests. During this period, and for subsequent years, the President will report to the Congress, detailing weapons that will remain in the U.S. stockpile, proposed safety retrofits and tests, and plans to achieve a comprehensive test ban by September 30, 1996.

After the moratorium ends, the Department of Energy will be limited to conducting 5 nuclear tests a year, for safety purposes only, for the next 3 years, or a total of 15 tests. Within these numerical limits, there may be one test per year for reliability purposes. But only if the President certifies to the Congress that it is in the vital national security interests of the United States, and Congress does not disapprove the request, does it go into effect. But Congress has 60 days to disapprove.

One test for the United Kingdom would be allowed at the Nevada test site each year. But this test would also be counted against the annual five tests that I have just outlined.

After this 3-year, 15-test program has been completed, all United States nuclear testing would be banned as of September 30, 1996, unless Russia conducts a nuclear test after this date, at which time the prohibition on the United States testing would be lifted.

The one minor change that we have made to the testing provision from the version adopted on August 3 is to broaden this resumption of testing clause to say that the President can lift the ban after September 30, 1996, with no limitations, if any nation—not just Russia—explodes a nuclear device. This change was made to reflect the concerns expressed by Senator NUNN, Senator COHEN, and others, over the nuclear testing programs of other countries when the amendment was debated in August.

I want to take a few moments to explain to not only the 68 Senators who have already voted for this amendment, but to the remaining Senators why adoption of this amendment is in our national security interests.

As chairman of the Senate Armed Services Subcommittee on Strategic Forces and Nuclear Deterrence, I made two trips to our nuclear test range this year. I have been briefed at length by Department of Energy officials and National Laboratory scientists in highly classified sessions. The testing amendment is the product of my conclusions

reached as a result of these visits and subsequent research and allows me to address matters, I think, with some knowledge and an awful lot of work. These are my conclusions:

My first conclusion is that there are needed upgrades to our nuclear weapons stockpile that should be pursued in order to improve weapon safety. I have just listened to my friend and colleague from the great State of Louisiana, Senator JOHNSTON, with graphs and pictures that he has shown before. I agree with him that we can make some improvements and need to make improvements in safety. I simply say, though, that at this particular time, I think our present inventory is reasonably safe. I do not think anything is likely to explode. But, certainly, we need to go about the matter of making them safer than they are now. I do not believe there is any imminent danger as of now, and I want to make that clear.

Although no new weapons are planned for the U.S. arsenal, three specific upgrades identified by the Dress Panel—fire-resistant pits, insensitive high explosives and enhanced nuclear detonation safety systems—should be retrofitted into our weapons to significantly reduce the possibility of a catastrophic peacetime accident occurring.

The question becomes: How many tests are needed to incorporate these improvements?

These safety upgrades, which are allowed under this amendment, are embraced by the Department of Energy in its remanufacturing study, in which the number of tests to prove out the modifications was well below—as well below, I emphasize, Mr. President, the 15 safety tests allowed by this amendment. If the Air Force policy of not adding fire resistant pits to the W-80 cruise missile and B-61 bomb is implemented, then the number of tests needed is even less. Also, since the Minuteman III missile is to be de-MIRV'd under START II, the W-78 warhead on the missile could be replaced with the W-87 MX warhead, which already contains all the safety upgrades, thus eliminating even more tests identified by the Department of Energy report associated with adding insensitive high explosives and fire resistant pits to the W-78. In fact, the Defense authorization bill now before the Senate endorses this very warhead swap.

So when the opposition to this amendment argue as they might or will, that 15 tests over a 3-year, 3-month period is not adequate to complete the prescribed safety improvements, they are flat wrong. The Department of Energy and the National Laboratories say otherwise.

My second conclusion is that after over 840 nuclear detonations, the United States has no compelling need to test for warhead reliability. Even so, the amendment allows for reliability testing—no more than one per year—so long as it is counted against the five test per year limit. This latitude given to the President to use 3 of the 15 allowable tests for purposes of reliability testing is designed to accommodate unforeseen testing needs, though I believe it will not be needed.

My third conclusion is that a comprehensive test ban is in the national security interests of the United States once the safety testing is complete, our Nation can end its program of testing with the knowledge that our nuclear arsenal is a safe, thoroughly tested deterrent which will continue to be the mainstay of our Nation's superpower status.

Without American participation there can be no true CTB Treaty. And without a CTB Treaty, the spread of nuclear weapons technology into the third world—a legitimate threat to the future security of our country— canot be stemmed. For this reason, the amendment sets September 30, 1996, as the end date of U.S. nuclear testing, provided that any foreign nation does not test beyond this date as well. If this was to happen, the President could unilaterally lift the test ban, and I want to emphasize and have emphasized that again.

My fourth and final conclusion is that the United States cannot let the push for a temporary superpower moratorium on nuclear testing go unanswered by enacting a 9-month moratorium.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. Could I have 3 additional minutes? I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator has the right to have 3 additional minutes.

Mr. EXON. It is time for us to seize the initiative and work with Russia, France, and others that have already launched into this, on a path toward a multilateral test ban as a renewal of the nonproliferation treaty approaches in 1995.

This would fulfill a longheld U.S. commitment to actively pursue a comprehensive test ban—the key to nonproliferation.

I have heard that some individuals within the administration are concerned that the upfront 9-month moratorium would have a detrimental effect on the work force at the Nevada test site. This argument simply does not hold water. This is contrary to the information I received in my visits to the site, and discussions I had with DOE officials. Uncertainty over the future of our testing program, such as that which would result if the House position of a 12-month moratorium with no mandate for safety testing was passed, will undermine morale and cause employee flight. But this proposition will not. Having a definite long-range testing plan such as is contained in this amendment would provide stability through a gradual phasedown. Furthermore, though the normal 2- to 3-month gap between tests is being extended to 9 months, the Department of Energy would still be able to spend funds in preparation for the resumption of testing during this period, thus maintaining the work force throughout the moratorium. Only nuclear detonations during this time are prohibited by the amendment.

In certain ways, this testing amendment, already endorsed by 68 Senators little more than a month ago, is similar to the administration's present testing policy.

The administration's plan calls for six tests a year; our amendment authorizes no more than five.

The administration wants to test for safety and reliability; our amendment authorizes needed safety tests and a handful of reliability tests.

The administration wants to permit the United Kingdom to conduct one test a year at the Nevada test site; our amendment allows for such a test.

To those 26 Senators who did not support this amendment when it passed the Senate 1 month ago, I ask that you consider this comparison and I hope that you will see that our amendment is a modest proposal—a proposal, nonetheless, that can reap impressive gains at putting the nuclear genie back in the bottle.

After 13 years in this body, all of them spent as a member of the Senate Armed Services Committee, I have never been accused of being soft on defense. To the contrary, many in this body have viewed me as something of a hawk on matters relating to the Nuclear Weapons Program. In this context, I have worked with Senators HATFIELD and MITCHELL to fashion a responsible approach at bringing our testing program in line with a post-cold-war world.

For those 67 other Senators who earlier supported this amendment, as well as those who did not, do not underestimate the gravity of this vote. The whole world, not just the American people, is watching and judging our actions today. The issue comes down to two simple questions:

Is or is not the United States serious about halting nuclear nonproliferation?

Will we lead the world by example or sit on our hands, espousing hollow, ineffective rhetoric that only undermines our credibility in the international community?

I say, let us lead by reaffirming our vote on this amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent to proceed with a

request I am about to make and that the time not be charged to either side.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I ask unanimous consent that the time used for the request I am about to make not be charged.

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

DEPARTMENT OF LABOR, HEALTH, AND HUMAN SERVICES, AND EDUCATIONAL, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I have a unanimous-consent request which has been cleared on both sides. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may return to the consideration of H.R. 5677, the Labor-HHS appropriations bill; that the remaining excepted committee amendment be deemed agreed to; and that there be one hour of debate equally divided and controlled between Senators HATCH and METZENBAUM on the Hatch amendment on labeling prior to a motion to table; that at the conclusion or yielding back of time, Senator HARKIN or his designee be recognized to move to table the Hatch labeling amendment; and that if the amendment is not tabled, there be no time limitation on the amendment.

Further, that there be 10 minutes equally divided and controlled in the usual form on the remaining Hatch amendment on Healthy Start; with 10 minutes time remaining on the bill equally divided and controlled between Senators HARKIN and SPECTER; and that upon the disposition of the remaining amendments and the conclusion or yielding back of time on the bill, the Senate proceed to third reading and final passage of the bill, both without any intervening action or debate.

Further, upon passage of the bill, the Senate be deemed to have insisted upon its amendments, requested a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, and I shall not, the distinguished Republican leader has conferred with the majority leader. For the benefit of the Senate, will the distinguished majority leader then, the best he can, project the outer limit of time before we return to the defense authorization bill? In other words, let us inform Members about what time we anticipate returning to the bill.

Mr. MITCHELL. Mr. President, it is my intention, if this agreement is approved, to excerise authority granted to me and return to the Labor-HHS bill after the vote or votes on the pending amendments. I do not know how much time remains. It would be in the next 30 or 45 minutes. And then, under this agreement, it will be approximately an hour and 20 or 30 minutes, not counting time for the votes, and then we would return to the DOD authorization bill.

We are either going to finish the Labor-HHS bill, or if the Hatch amendment is not tabled, then we would go off the bill and go back to the DOD authorization bill and then stay until we finish.

Mr. WARNER. Mr. President, I then withdraw any objection, because it is clear to this Senator and others that the gap which was agreed to yesterday could not exceed, reasonably, an hour and a half and that we would return thereafter to the defense authorization bill.

I thank the distinguished leader.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is agreed to.

(Later, the following occurred:)

Mr. MITCHELL. Mr. President, I ask unanimous consent that the unanimous-consent agreement just entered into with respect to the Labor-HHS appropriations bill be modified to delete the reference to the excepted committee amendment.

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

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. COHEN. Mr. President, I had indicated to Senator THURMOND that he would be allowed to proceed.

Mr. THURMOND. I have another engagement.

Mr. LEVIN. I have no objection.

Mr. COHEN. I yield 6 minutes to the Senator.

Mr. LEVIN. Mr. President, I ask unanimous consent that, after Senator THURMOND is finished, I have the 5 minutes yielded to me.

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

Mr. THURMOND. Mr. President, during the earlier debate on nuclear testing, I stated that the key question that we should ask ourselves is: Do we want this Nation to have a safe and reliable nuclear deterrent force?

Mr. President, during the Armed Services Committee's hearing on START verification Secretary Claytor, the Assistant Secretary of Energy, was asked another critical question: "How many nuclear tests will it take to ensure the safety of our nuclear stockpile?"

The answer, Mr. President, was about 5 tests for each weapon type or about 25 total tests assuming that the President retains 5 different warheads in the future stockpile. What was startling about Secretary Claytor's response was that it was obvious that nobody had previously asked him that particular question.

I make this point, Mr. President, to illustrate that we are trying to legislate a critical national security issue, but the individual responsible for the safety and reliability of our nuclear weapons was not consulted. Mr. President, in my judgment, there is more to this agenda than merely limiting nuclear testing. The real agenda is the elimination of nuclear weapons. This is a worthy goal, as long as the American people can be guaranteed that every third-rate dictator like Saddam Hussein is willing to do the same.

Mr. President, you and I know that no such guarantee can be provided. The best alternative to total elimination of nuclear testing is for this Nation to maintain a safe and reliable nuclear stockpile—one that incorporates the most modern electrical safety devices, insensitive high explosives, and fire resistant pits.

Mr. President, the only way we can be assured of a secure and reliable nuclear weapons stockpile is to test. Secretary Claytor indicated it will take approximately 25 nuclear tests to verify the effectiveness of the 3 key safety devices in the 5 different weapons systems that will remain in the inventory. I do not know if that is the correct answer, but we ought to give the Department of Defense and the Department of Energy the opportunity to advise us of the number of tests required to ensure the safety of our stockpile.

Mr. President, I am opposed to any total ban on nuclear testing. As long as the Nation has nuclear weapons, we must be assured of their safety and reliability. If we can not certify the safety and reliability, we should eliminate nuclear weapons altogether. The safety risk to our men and women would be too great, and we could not guarantee that those weapons would work.

Mr. President, I applaud Senator COHEN's diligence in working out an amendment on nuclear testing that is agreeable to the administration and still provides the Nation with the ability to verify the safety of its nuclear weapons. I urge my colleagues to vote against the Hatfield-Mitchell amendment which inhibits our ability to ensure the safety of our nuclear weapons.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, we should be leading a global effort to prevent proliferation of nuclear weapons, but the United States continues to explode

nuclear warheads. We do this despite the Russian suspension of nuclear testing that began last October and despite the French suspension of testing that began in April.

Both Russia and France have called upon the United States to join in their moratorium and to negotiate a comprehensive test ban treaty. We have not done that. Instead, we are continuing to thumb our noses at our own commitments that we made in solemn treaties.

In the Limited Test Ban Treaty, which was signed by President Kennedy in 1963, the United States and other signatories pledged to seek to achieve "the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to that end."

The 1969 nuclear nonproliferation treaty, negotiated under President Johnson and ratified by President Nixon, repeated that pledge verbatim in the preamble to the nonproliferation treaty. Article 6 of that treaty is viewed by nonnuclear states as an agreement by the United States and other nuclear states to negotiate a comprehensive test ban.

In 1974, President Nixon signed the Threshold Test Ban Treaty. This is what article I says:

> The parties shall continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapons tests.

That commitment was shared by this Senate. We voted to ratify that treaty with that commitment in 1990 by a unanimous vote.

Mr. President, continued U.S. testing, in spite of these solemn treaty commitments, goes on at a very, very high cost, not just financially, but because it promotes nuclear proliferation. That is the key. The more we test, the more other nations are going to test, and they have told us that. If we go on, other nations insist on going on, and they have explicitly told us that.

Proliferation is a greater danger to our national security than the threat of the accidental detonation of nuclear warheads. And when we insist on testing, we are promoting proliferation of nuclear weapons.

France has said the following: "France will resume testing in the South Pacific if other nuclear powers fail to join the moratorium." That is what President Mitterand said on July 15. France is going to start again if we continue.

The Russian Minister of Atomic Energy said in July, "If the United States does not stop testing, we will be forced to resume testing next year."

And the Chinese, who recently conducted a test, are serious about preparing for a comprehensive test ban, but, said a Chinese arms control expert, "the other nuclear weapons states should be prepared for that."

So the whole world is concerned about proliferation, but we are actually promoting proliferation by remaining the major obstacle to a worldwide comprehensive test ban.

Our nuclear testing policy puts at risk the existing nonproliferation regime and jeopardizes chances to build a stronger one.

In 1995, there is going to be a conference, the annual 5-year conference of the nonproliferation treaty. The closer our termination of testing comes to that 1995 conference, the more seriously we will be viewed as being for a comprehensive test ban.

The date in the Hatfield amendment is 1996. The Cohen amendment is 1998. So the Hatfield amendment is more serious about a comprehensive test ban in terms of the year, and it is also much more serious in terms of the length of the moratorium, since it is a 9-month moratorium up front instead of a 3-month moratorium, as proposed by Senator COHEN.

In summary, Mr. President, we need a moratorium that matches the Russians' and the French, and we need negotiations to complete a comprehensive test ban treaty. The Hatfield amendment sets a target date of 1996 for achieving a CTB and, toward that end, allows up to 15 tests to incorporate warhead safety features.

And, finally, we need a strategy to strengthen and extend the Nuclear Non-Proliferation Treaty in 1995 when the next conference takes place. The United States should be leading efforts to stop proliferation, not posing the greatest threat to the NPT regime we have.

The Hatfield-Mitchell amendment shows greater awareness of the threat of nuclear proliferation by paying more serious attention to a comprehensive test ban. It has an earlier date for ceasing testing, 1996, instead of 1998 as provided in the Cohen amendment. It has a 9-month moratorium immediately, instead of the 3 months provided for in the Cohen amendment. And it does not contain a large loophole the Cohen amendment contains, which would allow the President to continue testing beyond the cutoff date.

For all these reasons, the Hatfield-Mitchell amendment will do more to limit the proliferation of nuclear weapons by showing a greater seriousness on our part toward a comprehensive test ban.

I urge adoption of the Hatfield amendment.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. I yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank my good friend, Senator COHEN from Maine for the 5 minutes. I do not want to burden the Senate with a lot of discussion. But let me give the Senate my version of what is happening.

For many, many years—in fact years leading to decades—many Americans, including Presidents, were hopeful that we could have a nuclear test ban treaty. The reason for that hope was that there was a link between nuclear tests and stockpiling of nuclear weapons. It was perceived that if you finally could get to a point where you stopped testing, there would be no increase in this stockpile that was growing tremendously and lavishly with new strategic nuclear warheads.

That desire that the stockpiling and growth be stopped has been achieved. We have stopped increasing the stockpile. We have done so by agreement with the Soviets. This President has committed to the American people and to the Senate and House of the United States that increasing the number of warheads with nuclear capacity is gone.

That, then, leaves the question: Is the relationship between underground nuclear testing that existed before, when we thought it was there to stop the stockpiling, does that eliminate the need for testing? Because we are being confused. And the American people, who are equating the cessation, the moratorium on testing, with the 20-years-ago-emotions, that if we do it, it means we are stopping the stockpile. We are already doing that, so why do we need nuclear testing?

It is amazing, that having won the battle with reference to continuation of the stockpile, having entered an agreement that makes that no longer something we will do—it is amazing that we would then say if the very best experts in America say you need testing to make sure what you have left are safe—let me repeat that. The Drell Commission, about as expert as we could get, noninvolved—a great linear physicist, scientist from Stanford University, led that group. What did they say? You should not stop underground testing because you must have underground testing so you can have safe nuclear weapons.

And in fact they said to American Congresses and Presidents: Please put some new equipment on whatever you have by way of strategic weapons, to make sure they are safer then they are today. Equip them with new monitors, new kinds of technology so they will be safer.

Listen to that. That requires nuclear testing. So why are we coming to the floor talking language of 15 years ago, when the scientists are telling us you need this kind of testing for safe nuclear weapons?

Having said that, it is very simple. Why would you put on a 9-month moratorium, asking our great scientists and the equipment that they have together in institutions—why would you be asking them to disappear? Go home, we do not need you anymore. When the truth of the matter is we do.

Why would we be sending a signal that we know right now that there should be a total cessation? Why would we be putting a terminal date on this when we still do not have all the information about how we are going to keep these weapons safe?

So I commend Senator COHEN and those supporting him; Senator JOHNSTON who made a very good statement on the floor, members of the Armed Services Committee, their leadership here on the floor, because I believe they are on the right track. There is no need to have a moratorium. It does no good other than perhaps harken back to 10 years ago and make some people feel good.

The PRESIDING OFFICER. Who yields time? Time is controlled by the Senators. They must yield time or time will be deducted.

Mr. COHEN. May I inquire how much time we have remaining on this side?

The PRESIDING OFFICER. The Senator from Maine has 18 minutes 12 seconds, and the Senator from Oregon has 3 minutes, 13 seconds.

Mr. COHEN. I yield 2 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I join my distinguished colleague from Maine on his amendment. It is clear the Congress is going to enact legislation in this area. As I review the options it is clear to me the Senator from Maine has what I regard as the most equitable approach.

The issue of safety has been debated extensively here. Indeed, the Senator from Maine cares for that provision. I think it is incumbent upon us in Congress to make sure the men and women in the Armed Forces who have to deal with these weapons are accorded every safety measure possible.

Likewise, those communities in the United States of America willing to embrace the facilities where nuclear weapons must be stored or otherwise deployed, they are entitled to safety.

Today the Senate is being asked once again to consider a proposal to place restrictions on the conduct of underground nuclear weapons tests at the Nevada test site. In early August, the Senate approved an amendment to H.R. 5373, the fiscal year 1993 Energy/Water appropriations bill, which would severely restrict necessary nuclear weapons testing and would preemptively end testing in 4 years. I voted against that amendment because I believe it would result in harm to U.S. national security and would certainly impair our President's ability to pursue a negotiated, verifiable, and comprehensive test ban.

I laud the commendable effort of my colleague on the Senate Armed Services Committee, Senator COHEN, to negotiate an acceptable proposal on nuclear testing limitations and I intend to support his amendment. I still hold many of the same serious concerns about the same Hatfield amendment to the fiscal year 1993 Defense authorization bill which is pending before the Senate today. I would like to briefly explain to the Senate my thinking on this important issue.

WHY MUST THE UNITED STATES TEST ITS WEAPONS

I am confident that a majority of my colleagues fully share my view that, so long as nuclear weapons remain a part of U.S. forces, these weapons must be as safe as possible. There must be absolute assurance that a nuclear weapon will not detonate in any accident. Considering the consequences of an accidental nuclear detonation, there must be no compromises in ensuring the safety of nuclear weapons.

The current U.S. nuclear testing program is focused primarily on developing and testing identified safety enhancements for nuclear devices, and subsequently testing the reliability of these devices when safety features have been installed. Of the 14 most recent tests, 60 percent were safety related. The limited number of U.S. nuclear weapons tests are designed to obtain the maximum technical data from the few tests conducted. Most are multipurpose tests using variants of stockpiled devices or prototypes in the development of safety improvements.

While a number of safety features are currently being developed, a ban on testing would preclude the development of any new safety features which would greatly enhance the overall safety of nuclear weapons. These tests must be permitted to continue unrestricted until all weapons in the U.S. nuclear stockpile have been equipped with the most modern safety features. I hope that a majority of my colleagues do not question the need for continued testing to develop and test weapons for safety improvements.

Mr. President, I feel very strongly that, as the size of the nuclear weapons stockpile and the number of weapons types decrease, it is also increasingly important to ensure that remaining weapons are reliable—the heart of deterrence. Although state-of-the-art simulation technology is improving and can provide some degree of accuracy in predicting the performance of nuclear weapons when detonated, simulators have been proven seriously wrong in a great number of cases. Only the actual detonation of a nuclear device, in an environmentally controlled situation, can ensure confidence in the reliability and credibility of our deterrent forces. These views are borne out in the 1990 report to Congress on the administration's ongoing Test Ban Readiness Program, which states that simulations and computer modeling cannot yet accurately predict the results of actual nuclear weapons tests.

On July 28, Secretary Cheney and General Powell testified before the Senate Armed Services Committee on the pending Strategic Arms Reduction Treaty [START]. During the course of that hearing, I asked both witnesses whether the significant reductions in strategic arms contained in the START Treaty, as well as the further reductions contemplated in a START II agreement which will reflect the Bush-Yeltsin joint understanding of June 17, 1992, in any way changed the U.S. doctrine of strategic deterrence, or mutual assured destruction. Secretary Cheney responded emphatically that strategic deterrence is and will remain a strategic doctrine of the United States under both START I and START II. He went on to remind the committee that this doctrine has led to the drastic changes in the former Soviet Union, which have resulted in such a massive reduction in the strategic threat to the United States. I certainly share their view.

But the continued validity of the strategic deterrence doctrine is critically dependent on the credibility of our strategic nuclear forces. And, Mr. President, it is clear that this credibility hinges on the ability to ensure that our remaining strategic arsenal will perform reliably, if that should ever become necessary, and that our potential enemies have no doubt of the reliability of these weapons. The only way to ensure reliability of our weapons is through the periodic testing of those weapons. Without testing, confidence in the performance of our nuclear weapons will erode, as will the value of these forces in deterring nuclear war.

Another very important element of deterrence of credibility is the survivability of the forces which support our strategic systems.

During fiscal year 1987, the United States conducted 15 underground nuclear weapons tests. In the current fiscal year, we have conducted only 6 tests—consistent with the President's nuclear testing policy.

This new policy, announced on July 10, imposes strict limits on the number and yield of U.S. nuclear tests. Under that policy, not more than six tests are planned per fiscal year for the next 5 years, and not more than three of those tests will be designed to produce a nuclear yield in excess of 35 kilotons. This is a prudent policy based on the need to continue the program of safety improvements and also to ensure reliability of our deterrent forces.

These steps fulfill, for the time being, the commitment to a step-by-step approach to nuclear testing limits. I believe that continuing improvements in our relations with Russia and the new independent states of the former Soviet Union may make possible further limitations on nuclear testing, as well as further limits on nuclear arms after START I and START II are fully implemented. However, these further limitations, in my view, should be negotiated and multilateral in nature.

IMPACT OF A UNILATERAL TEST BAN ON NUCLEAR PROLIFERATION

Mr. President, many argue that if the United States halts nuclear weapons testing, other nations will follow suit. Others take this step further, arguing that a cessation of nuclear testing by the United States will deter the nuclear weapons development efforts of other nations. I cannot agree with these arguments, as I have seen no evidence in support of either.

When the Senate ratified the Threshold Test Ban Treaty in 1990, we endorsed a condition attached to the resolution of ratification which recognized the desirability of working to achieve a negotiated, verifiable comprehensive test ban. The key words here are "negotiated," "verifiable," and "comprehensive."

Mr. President, any U.S. moratorium on nuclear testing should be considered as part of multinational negotiations toward a multinational test ban. A unilateral ban on testing would eliminate any leverage our negotiators might have in such discussions.

In addition, I believe it is imperative that such discussions include all nations with nuclear weapons, not merely the United States and Russia alone reflects old thinking which does not recognize that the cold war is over and other nations have taken on greater importance in terms of United States national security. A comprehensive test ban must include all nations which currently possess nuclear weapons or who are in the process of developing nuclear capability.

And finally, as with all negotiated agreements, it is imperative that the United States be able to verify compliance with a test ban. This is a difficult technical issue but one which has shown great promise in terms of sensitivity of seismic and other sensor devices. Verification provisions must be included in any negotiated test ban agreement.

Mr. President, I believe that a unilateral test ban, which could result in a degradation of the credibility of the U.S. nuclear deterrent, will have little, if any, impact on the efforts of Third World nations to develop or acquire nuclear weapons. These countries have a number of reasons for acquiring nuclear weapons, including possibly a perception of prestige and power which they believe comes with the acquisition of nuclear weapons. The leaders of these countries may not also feel a need to test any weapons they develop, using rather the philosophy that first use could constitute the first test.

I strongly urge the administration to undertake discussions with Russia, China, France, and Great Britain, as well as other nations which have developed or are in the process of developing or acquiring nuclear weapons, to agree on nuclear testing limitations. In this way, the national security of the United States as well as other nations would be enhanced.

Some have argued in the past, and may still believe today, that a comprehensive test ban was absolutely necessary in order to achieve strategic arms reductions and an end to the nuclear arms race. I would like to remind my colleagues of the significant progress in the past few years alone toward achieving both of these goals, as well as to more effectively control the proliferation of nuclear weapons and related technology.

The dramatic accomplishments in arms control over the past few years—the INF, CFE, and START treaties, as well as the verification protocols to the TTBT Treaty, were all accomplished in the absence of a test ban, or even a U.S. unilateral moratorium. In addition, the President's nuclear reduction initiatives and Russia's response, as well as the joint understanding reached at the recent Bush-Yeltsin summit meeting this past June, were achieved without the benefit of a nuclear test ban or a United States unilateral moratorium. The cold war is over, and a test ban was not necessary to end that long-standing nuclear confrontation.

In addition, international support for the Nuclear Nonproliferation Treaty has been growing steadily in recent years. In the past year alone, China, South Africa, Latvia, Lithuania, Estonia, and other new parties have joined this nonproliferation regime, bringing total membership to 149 countries. France will soon become a party to the treaty, and three of the new independent states of the former Soviet Union—Ukraine, Belarus, and Kazakhstan—have agreed to join the NPT as nonnuclear weapon states. All this has occurred in the absence of a comprehensive test ban or a unilateral U.S. moratorium.

These developments are most welcome to all, but I must point out that it is obvious that a so-called comprehensive test ban has absolutely nothing to do with the significant strategic arms reductions and lessening of tensions between the United States and the former Soviet Union.

WHAT IS THE WORLD SITUATION?

Mr. President, my colleagues are aware that Russia has unilaterally imposed a nuclear testing moratorium until the end of this year. I have some question about the true reasons for this testing moratorium, and I would suggest that budgetary constraints in the former Soviet Union as well as the loss of the Kazakh test site at Semipalatinsk may have been the primary drivers behind this decision to temporarily halt testing.

In July of this year, President Bush responded by imposing strict unilateral limits on the U.S. testing program, while at the same time expressing a willingness to consider further limitations on testing if the world situation continues to improve as it has in the past few years. What has been the world's response to this significant step toward the cessation of testing?

Russia continues to prepare to conduct tests, and just recently notified the United States that it may conduct two tests during the next year. Let me read from a recent Foreign Broadcast Information Service report of an interview with the Russian Minister of Atomic Energy, Victor Mikhaylov, on July 22, 1992:

INTERVIEWER: Will tests be resumed at Novaya Zemlya [Siberia] * * * when the moratorium expires?

MIKHAYLOV: In all probability there may be tests in 1993 * * * there will be weapons tests.

In May, China conducted a massive underground nuclear weapons test which was widely reported in the press as the largest ever conducted by that country. In light of these actions, I do not see the advantage to the United States of unilaterally halting our own testing. Rather, I see a distinct advantage in maintaining a reasonable testing program which is in our own national security interest, while taking the lead to undertake negotiations with Russia, China, and other nations toward a multinational testing limitation agreement.

WHAT IS THE U.S. POLICY ON A COMPREHENSIVE TEST BAN?

Mr. President, before I go further, let me ensure that my colleagues in the Senate understand what I mean by the term "comprehensive test ban."

First, I believe a test ban, to be comprehensive, must be agreed by all nuclear weapons states, declared or undeclared. Second, a comprehensive test ban must also be effectively verifiable, to ensure compliance by all nuclear weapon states. In my view, achievement of a comprehensive test ban requires a multilateral negotiation among the nuclear powers of the world, and it should be designed, as was the Non-Proliferation Treaty, to discourage other states which may be developing nuclear weapons to continue in their efforts.

With those thoughts in mind, let me restate my support for the administration's stated policy concerning a comprehensive test ban, that is, that a comprehensive test ban remains a long-term goal of the United States which must be viewed in the context of a time when we do not need to depend on nuclear deterrence to ensure international security and stability. In this connection, I believe the U.S. policy on a comprehensive test ban, and particularly the Presiden't recently announced testing policy, are entirely consistent with the stated goals as well as U.S. obligations of the Limited Test Ban Treaty, the Non-Proliferation Treaty, and the Threshold Test Ban Treaty.

CONCLUSION

Mr. President, I opposed the Hatfield-Mitchell-Exon amendment to the Energy-Water appropriations bill last month, and I oppose the Johnston compromise in the conference with the House on that bill. I believe these restrictions are not in our national security interest and do not reflect the changed world in which we live today.

However, while I still have serious concerns about some of the provisions of the pending amendment, Senator COHEN has arrived at a position that is greatly preferable to any previously adopted Hatfield amendment. I believe this provision will allow the achievement of a much more favorable outcome in the congressional debate on this issue, and I therefore urge my colleagues to vote in favor of the pending amendment.

The PRESIDING OFFICER. The Senator from Maine has 16 minutes remaining.

Mr. COHEN. Mr. President, I yield myself 1 minute.

The argument has been made that this measure, the Hatfield amendment, was agreed to overwhelmingly on August 3, and it is absurd for the Senate to reverse itself today. We should remember that Senator JOHNSTON urged many of his colleagues who were in opposition to the Hatfield amendment to vote for it, knowing we were going to come back and revisit this measure here on this bill. We are not reversing anything. Senator JOHNSTON had urged a number of people to vote for the Hatfield amendment to the energy-water bill who were not going to vote for it.

Second, the Senator from Oregon suggests this is a 9-month moratorium. It is actually closer to a year because in his 90-day notice-and-wait period he excludes all the time Congress is not in session.

The third point is this. He is very suspicious of any assertion coming from an administration. If that is the case, if he is suspicious about any assertion of the need for a safety test then his amendment is far weaker than mine because I give Congress complete control. The President must certify each and every test for safety purposes to the Congress; he must certify in detail the purpose and nature of the test. We have an opportunity to overrule that certification on each and every one of the tests. Under the Hatfield amendment the President could conduct 15 tests with no congressional review save for reliability tests that might be conducted.

The final point is that when the testing cutoff goes into effect, it can be released under the Hatfield amendment if Russia or any other nation tests, without any congressional control of that. Under my amendment, the President would have to certify the need to suspend that cutoff and we would have an opportunity to reverse that as well. My amendment is much tougher in the way of congressional control than is that of the Senator from Oregon.

I yield 3 minutes to the Senator from Georgia.

Mr. NUNN. Mr. President, over the last 2 months, there has been a continuing series of discussions between Senators HATFIELD, MITCHELL, EXON, COHEN, JOHNSTON, and myself and, I am sure, others on the question of how best to achieve the cessation of all nuclear testing over a period of time. These discussions have been conducted in a spirit of bipartisanship and flexibility, and I commend all Senators involved in this undertaking for their effort to try to find an acceptable middle ground where all can meet on this important issue.

I believe it is important, before we vote, to emphasize that many areas of agreement have been reached among the parties to this discussion.

First, I think it is very significant that everyone has agreed to establish in law a mandatory cutoff date for U.S. nuclear testing. This is truly a landmark achievement in the nuclear era. These are the people negotiating this I am referring to. I am not talking about everybody in the Senate.

Second, everyone involved in this negotiation agrees there should be an initial short-term moratorium beginning next fiscal year, during which this administration or the next administration is to determine exactly which tests are required to phase out all testing.

Third, everyone agrees that once this review has been completed and the initial upfront moratorium has been lifted, there should be a transition period during which a limited number of tests can be conducted for strictly limited purposes.

Fourth, everyone has agreed the President should have the authority to resume U.S. testing after the final cutoff date if extraordinary circumstances arise.

These discussions over the last 2 months did not succeed, though, in resolving a number of specific details that relate to each of the broad areas of agreement. For example, the Hatfield-Exon amendment would halt all U.S. testing in 1996. Senator COHEN's amendment specifies 1998. In my view, 1998 is a more realistic and more prudent date.

Second, the Hatfield-Exon amendment would allow testing during the transition or phaseout period only for safety and nuclear weapons reliability purposes. Senator COHEN's amendment would also allow a limited number of tests for the purposes of assuring ourselves that our strategic systems can withstand nuclear blasts. That is a so-called weapons effect testing.

Third, the Hatfield-Mitchell-Exon amendment would allow the President to resume testing if Russia conducted a nuclear test after the cutoff date. Senator COHEN's amendment would provide a waiver if any nuclear weapons power conducted a test. It would also allow the President to extend the phaseout period if he certified that the United States was actively engaged in a negotiation to achieve a comprehensive test ban and that a cessation of all testing would undermine that negotiation.

Mr. President, I voted for the Hatfield-Mitchell amendment when it came through the first time. I announced at that time that there were a number of things that needed changing in our amendment in conference. The Cohen amendment, as I view it, meets every one of those requirements that I outlined before I voted for the Hatfield-Mitchell amendment. I think this last condition is particularly important. It is a fundamental difference even though these differences have narrowed. We do not know whether Russia is going to be the biggest threat that we face with nuclear weapons in 1998. It could well be at that time that it is another country. We do not know what is going to happen to the other former Soviet Republics. We do not know what is going to happen in China.

I think there needs to be more flexibility. It is very unlikely in 1996 that we can have any certainty at this point in time about what may happen in 1996. I think also the President who may be engaged in a comprehensive test ban negotiation with multiple countries in 1994–95, will need some way to say to those countries we are not bound by law to cease all tests if we do not get cooperation from other countries in the world. We are down to an argument about how best to achieve and how to most prudently achieve a comprehensive test ban. I believe the Cohen amendment more prudently does that. But I also congratulate the Senators from Oregon, Nebraska, and Maine for their leadership in this matter. I think whoever wins this vote, we will move the issue forward in a positive and constructive way.

Mr. President, I intend to vote for the Cohen amendment.

Mr. WARNER. Mr. President, parliamentary inquiry. Could we have the time remaining on both sides of this debate?

The PRESIDING OFFICER. The Senator from Maine has 9 minutes, and the Senator from Oregon has 3 minutes.

Who yields time to the Senator?

Mr. WARNER. Mr. President, I ask unanimous consent to extend the time to 10 minutes on each side, 10 minutes of course to the distinguished majority leader, and 10 minutes to the Senator from New Hampshire [Mr. SMITH].

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Mr. President, I will not object to the unanimous-consent request of my colleague and friend from Virginia. Could he cut it down to 5

minutes or 6 minutes on each side? I hate to set this precedent. We are really going to be under a gun, and by midnight tonight and tomorrow morning, people are going to be bitterly complaining.

Mr. WARNER. I am quite agreeable to do it with 6 minutes on each side.

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

Mr. HATFIELD. I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank the Senator from Oregon for yielding.

The closing statement made by my good friend, the chairman of the Armed Services Committee, with regard to one of the most important features of the Cohen amendment, was the fact that it broadens the test to any other country besides Russia. I had hoped that the staff of the Armed Services Committee would have advised the chairman, or the chairman would have heard, or he would have looked at the amendment or they would have listened to my talk.

I want to assure the Senator from Georgia that he was misinformed. The amendment that we have now does expand beyond Russia. I had made the point in my talk that he and others objected to that, and we corrected it. Therefore, his closing remarks about this important thing was not accurate. I thought that he may wish to correct it.

Mr. NUNN. Mr. President, I will certainly take a look at that. I am delighted to know that. That narrows the differences even more. I did not know that. I will take a look. I appreciate the Senator's remarks.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maine has 15 minutes remaining.

Mr. COHEN. Mr. President, I alert any of my colleagues who wish to address this amendment on my side or, indeed, on the side of the Senator from Oregon that they should come to the floor.

I think that I can conclude my own remarks in a relatively brief period of time. Perhaps we can yield back the remainder of time and allow the majority leader to conclude the debate more quickly than anticipated.

Mr. President, let me just return to a couple of the key issues we talked about before. The Senator from Oregon indicated that initially 54 Members signed on to a resolution calling for a 1-year moratorium. And, indeed, that was the case, and there was a very popular sentiment to join in that particular resolution.

Then the issue came before the Senate and the Members started to listen to some of the facts. The Senator from Oregon has suggested—I am not sure he truly is convinced of this—that safety was sort of a sham issue; let us not be concerned about whether or not our systems are, in fact, safe enough for our people; the scientists are always raising this as an issue.

The facts came before our committees and came before the Senate, and the Senator from Oregon did, indeed, listen to some of the expert testimony, people like Sydney Drell and others who are highly respected scientists, and they indicated we have some serious problems. We have serious enough problems that we could have a devastating explosion causing untold damage.

So the original sentiment for a 1-year moratorium suddenly was watered-down, as such, or at least I will suggest it was clarified with some of the facts.

One issue that is before us is how long is this moratorium going to be?

The Senator from Oregon wants 9 months, but I suggest his amendment is closer to a year because the Senator has excluded in his calculation all of the breaks for congressional recesses. So as a practical matter we are talking about one calendar year. And during that one calendar year nothing is going to take place. So, on the one hand, the Senator from Oregon and the Senator from Maine want to conclude this testing as quickly as possible and yet delay it for 1 year. So you delay it for a year and then you shorten the time before the final cutoff of testing. You are compressing the scientific tests that have to be done in a way that we feel is not fully responsible.

The Senator from Oregon says he does not believe these people who come in and talk about safety. He does not believe in anything that they suggest; simply another sham to keep it going.

I might remind my colleagues of the debate on the nuclear freeze movement, and the Senator was a very strong proponent of that. At that time, President Reagan said, "You give me the opportunity to deploy the Pershing II missile in Europe and I will get you an INF agreement." And the Senator from Oregon did not believe President Reagan at that time. He was opposed to that as well. Well, we did deploy the Pershing II missile and guess what? The Soviets came back to the bargaining table. President Reagan in fact got a very comprehensive treaty with the Soviets.

So as to the very notion that somehow whenever an administration submits something to Congress you cannot believe them, I think we have some pretty clear evidence we can put some faith in our institutions.

The Senator says the United States is not serious about arms control. I suggest to the Senator the START II proposal cutting nuclear weapons by more than two-thirds. That is pretty serious. I think the Senator from Oregon knows that I am as seriously committed to arms control as he is, and the notion that somehow this is a device to prevent us from achieving a comprehensive test ban really I found offensive. I am as committed to this objective as is the Senator from Oregon or the Senator from Maine, the majority leader.

What I seek to do is I think correct some of the deficiencies that I see in the amendment of the Senator from Oregon. Number one, the Senator has no congressional control over proposals coming from the President for safety tests. Under my amendment, every request the President makes for a safety test he has to certify. We get a chance to review under my amendment. We do not get any chance under the Hatfield-Mitchell amendment. So Congress has an opportunity to reverse the President. If the Senator thinks the claimed safety justification is a sham, if he thinks the President is lying, if he cannot put faith in President Bush or Clinton, he has an opportunity to reverse under each and every test under my amendment. Under the Hatfield-Mitchell proposal we get no review.

Finally, the Senator from Oregon did amend once again his own amendment to say in the final end, in 1996, if another nation—originally it was only Russia, but if another nation, be it China, Kazakhstan, Iran, or whatever that country might be—tests a weapon, the cap comes off altogether. No more congressional review. That is it. The President then can continue the testing without any congressional objection.

Under my amendment, the President would have to certify to Congress the reason why he wants to resume, because he is in the middle of negotiations, and we would have an opportunity to reject that. Under the amendment of the Senator from Oregon, there is no opportunity to object to that. And under the Hatfield-Mitchell amendment the ban is taken off completely. Under mine, it is only suspended for 1 year. He can only remove the cap for 1 year. So my amendment is far more restrictive than the Senator from Oregon, who professes to be so committed to arms control negotiations. And I believe he is. But my amendment is far more restrictive than his and, I think, more responsible in allowing the scientific community to do what is necessary to protect the American people from safety failures which could cause devastating havoc with the American people.

Mr. President, I reserve the remainder of my time.

Mr. HATFIELD addressed the Chair.

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

Mr. HATFIELD. I yield myself 1 minute of the 3 minutes I have remaining and the 10 minutes additional.

Mr. President, I would only just urge the Senator from Maine to look at the bill he is purporting to represent, bits of this bill. We have annual reports to the Congress every year before the President could extend it beyond the date of cessation, again a congressional bite. So it is not accurate to say that the Congress has no further control or voice in this. It is written here in the bill. Just read the bill.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Will the Senator yield me 30 seconds?

Mr. COHEN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 30 seconds.

Mr. NUNN. Mr. President, a moment ago the Senator from Nebraska said their amendment had been changed to provide if any other country tested, not just Russia, that would allow us to go forward. I deem that to be a significant change, and I did not know that. I thought I had heard last evening this amendment being described as exactly the same amendment we had before. That is fundamental change. It makes the gap a lot less narrower, and I wanted to correct the RECORD on my remarks.

I still believe the 1998 date is a much more realistic date. One thing we have to do, we have to have time to develop simulators, and that 1996 date is very tough in the ability to do that. But nevertheless I wanted to clarify my remarks.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I yield myself such time as I may use, including my leader time, to address this subject.

Members of the Senate, last month 68 Senators voted to phase out nuclear testing. No one thing has changed since that day. Not one single reason exists today for any Senator to vote any differently than that Senator voted last month. There is no reason to reverse a vote on this issue because the facts are exactly the same. The overwhelming support that the Senate demonstrated last month for a carefully structured program to end nuclear testing was impressive testimony to the Senate's understanding of the changing international environment. Let us not go backward today. Let us not reverse a position we took just last month.

The Hatfield-Exon-Mitchell amendment combines the concept of a moratorium bill cosponsored by 53 Senators with basic elements of a testing phase-out that Senator EXON included in his subcommittee, a provision which I understand had the support of every Democrat on the Armed Services Committee.

This amendment incorporated both the immediate demand to pause in our testing program with the longer-term strategy to eliminate the need for nuclear testing altogether.

Now, there has been a lot of discussion, and I believe much of it not accurate, and therefore I think it is important to recap the amendment's basic provisions.

First, it imposes a 9-month moratorium on nuclear testing. That moratorium can be followed by a testing program that allows sufficient tests to implement all necessary safety features on stockpiled weapons. Safety testing is taken care of in the Hatfield-Exon-Mitchell amendment. Under the amendment, five tests can be conducted each year for 3 years. One exception a year may be made for a reliability test if Congress does not disapprove that proposed test within 60 days. One exception may also be made to conduct a test for the United Kingdom. The total number of tests is 5 a year for 3 years, 15 tests through September 30, 1996. And after that date, the U.S. nuclear testing program will end.

There is an escape clause from that ending. That is one way this amendment differs from the amendment offered and adopted overwhelmingly last month. Under this amendment, the United States could test if any other country conducts a nuclear test. So what we are saying is we stop testing, but if any other country conducts a single test we could resume testing.

So while the amendment directs the President to conduct negotiations to conclude a comprehensive test ban, it would allow U.S. testing to continue if a ban could not be concluded or any other country conducted a nuclear test.

Now, over countless hours of negotiation, it has become clear that some who criticize this amendment are really not interested in improving it. What they want is to allow testing to continue. But the American people are overwhelmingly against it. The other countries of the world are overwhelmingly against it. The Congress is overwhelmingly against it. So what we have is a mechanism to continue testing under the guise of stopping testing.

Now, I hope the Senate today will reject that approach and reaffirm its support that was overwhelming just last month.

Now, there are three major areas of disagreement between these two amendments. I want to say, with all due respect, I do not agree with the Senator from Georgia. These are not compatible amendments. They are fundamentally different; they are mutually exclusive. You cannot be for both.

The three major areas of difference are, first, our amendment recognizes the great importance of a moratorium. Under Senator COHEN'S bill, testing could resume in as few as 90 days. That is no different from the naturally occurring pauses between nuclear tests now. It is not a moratorium at all; it is a continuation of the current program.

It would not convince the Russians to extend their moratorium, nor the French to reciprocate. And the enormous value to the world of having the major nuclear powers halt nuclear testing would be lost.

Fifty-three Senators cosponsored a testing moratorium bill; there should be no confusion about that. If you are for a moratorium, the only alternative is the Hatfield-Exon-Mitchell amendment, and a moratorium matters.

Let me say why first the United States moratorium is an appropriate response to the Russian and French moratoriums. If there were ever an opportunity to help support President Yeltsin against the military in Russia who want to resurrect the Russian nuclear arsenal, the moratorium provides one. And unless the United States joins in the moratorium, both Russia and France will resume testing in the near future; Russia in October; France in January.

The question was asked earlier: Why is a moratorium important? That is why it is important. Those who want to continue testing know that if we do not stop testing, the Russians will resume testing; the French will resume testing. And then they will come back here and say: Well, we cannot stop testing because they are testing.

In other words, opposition to a moratorium is an effort to continue the whole testing program. I guarantee you, we will be back in January with Senators saying: Look, the Russians are testing; the French have tested; we cannot stop testing now.

Second, a testing pause would provide some political momentum for all nuclear nations to negotiate a comprehensive test ban, and that is what we all say we want. The Bush administration is the first administration in history in the nuclear age to reverse our longstanding policy of seeking an end to all nuclear testing.

In treaties signed by the United States in 1963, 1969, and 1974, the United States committed itself to continue the negotiations to end such testing. From Eisenhower through Carter, every President in the nuclear age sought a comprehensive test ban. Even President Reagan pledged he would continue that policy. The Bush administration has reversed the policy; the first one in the nuclear age to do so. What we are seeing now, of course, is the administration's policy being offered here.

We need a moratorium that will convince the administration how much the Congress and the American people want to end tests.

Now, our amendment would require a 9-month testing pause. That would extend 6 months beyond the current French moratorium, and almost a year

beyond the current end date for the Russian testing pause. And both countries have said they are willing to extend their moratoriums if the United States joins them.

So under our provision, a testing pause or moratorium is meaningful. The international community would consider it to be serious. It would engender a proper response from another nation. It would set an important example.

A second major difference is the type of testing that can be conducted. Our amendment says that testing must be to install safety features that we would like to put on those few systems that lack them. We allow one exception: A year for reliability tests.

The Cohen amendment does nothing to redefine our nuclear testing program. It will allow any type of testing, even for weapons development; even for weapons effects. The Cohen amendment reflects no change in the international environment, and no change in the purpose of the U.S. testing program.

Mr. President, the third and, to me, the most significant difference in the two amendments—and this is really the heart of the whole matter—is the ending of testing. My colleague from Maine wants to allow testing through 1998. I say, first, that is unnecessary. Experts have repeatedly testified that we can implement safety features in far less time.

I urge my colleagues to read the Department of Energy studies on the issue, studies that were conducted before the administration became concerned that the moratorium bill was gaining broad support. The reality is that the number of safety tests allowed by our amendment is more than sufficient to complete all necessary safety work.

But the most disturbing part of the amendment of my colleagues is that it gives the President more ways to continue testing after the alleged cutoff date.

Both amendments allow the United States to resume testing if other nations test. But the amendment of my colleague from Maine would allow continued testing if the President says he needs a test to get a negotiated ban on testing.

Let me ask about that. Why would the United States need a test to achieve a ban on testing, if there are no tests being conducted anywhere in the world?

Our amendment says that if any other country is testing, then the United States can resume testing, too. To suggest that if no nation is testing, if no nuclear tests are being conducted anywhere in the world, that the United States would then have to resume testing in order to ban testing, is completely illogical. It does not make any sense.

Let me repeat. Under our amendment, if any other country is testing, we can test. If no tests are occurring anywhere in the world, why does the United States need to resume testing to achieve a ban on testing, when no testing is occurring? That is the major difference.

All this amendment does is to provide the President with a big loophole to continue testing, which is, of course, exactly what the President wants. He has said he wants to continue testing. I have no doubt that he would assert he needs a test to negotiate, and would continue testing after 1998.

My colleagues, this is cold war thinking. It will move us further away from achieving the ban of ending all testing and ending nuclear proliferation.

Let me reiterate why continued testing undermines U.S. antiproliferation efforts. The 1969 Treaty on Nonproliferation of Nuclear Weapons offered an implicit quid pro quo to induce the nonnuclear states to sign on. The nuclear powers said: We will work to achieve, at the earliest possible date, a cessation of nuclear arms tests, and the arms race, to undertake effective measures to nuclear disarmament. In exchange, we ask the nonnuclear states not to become nuclear states.

And for them, the sign of seriousness by the nuclear powers is that we are upholding our end of the bargain by moving to end nuclear testing.

No one can dispute the inconsistency of the administration telling other countries they have no right to conduct nuclear tests, while insisting that we must continue nuclear testing. And ending testing is the obvious first step toward nonproliferation. That is why other countries have been trying to get the superpowers to end testing for many, many years.

The consistent objections by the U.S. administration to testing limits has prevented progress in strengthening the Treaty on Nonproliferation. At the last review conference in 1990, there was no progress in two important areas, because Mexico and the other countries wanted to ban further nuclear tests.

Mr. President, the further procedures that were not adopted in 1990 because of this test issue were important. They would have been useful regarding Iraq's nuclear program. It is foolhardy to forestall strengthening international nuclear safeguards because we will not end an unnecessary nuclear test program.

The treaty is coming up for review again in 1995. This time the treaty itself could be in question. Joining the Russian and French moratorium would demonstrate our good faith in encouraging nonproliferation.

Mr. President, the administration argues that America's choices about nuclear weapons have no relationship to the policies of other countries. But North Korea and other countries point to the United States testing to defend their policies. At the very least, we give them an excuse to hide behind.

And, moreover, the administration itself, in another clear inconsistency, has claimed that U.S. nuclear restraint can aid nonproliferation efforts. President Bush explained that the United States formally ended nuclear material production, and I quote him now: "to show leadership on critical issues and to encourage countries in regions of tension, such as the Middle East and South Asia, to take similar actions."

According to the President's own words, own logic, ending testing does matter. Mr. President, we ought to end this testing. I say to my colleagues, if you want to continue testing, the way to do it is to support the alternative amendment. If you want to end testing on an orderly basis, permitting safety tests over a 3-year period, support the Hatfield-Exon amendment; 68 Senators voted for it. There is no reason for a Senator today to reverse his position and vote against something he voted for a month ago, because nothing has changed. I emphasize these two approaches are mutually exclusive. You are either for testing or for ending testing. You cannot support both amendments at the same time.

When it passed last month, the Hatfield-Exon amendment was hailed as a historic achievement. Newspapers and people all across the country proclaimed it as a victory for common sense and a post-cold-war period. Let us today reaffirm the wisdom of that approach.

I urge my colleagues to support the Hatfield-Exon amendment.

Mr. NUNN. If the Senator will yield for a brief question, Mr. President, as I understand it, and I may be wrong, because I did not draw this amendment. This is Senator COHEN's amendment. But as I understand it, it does not provide for a 3-month moratorium. It is a 6-month moratorium. I believe the Senator said 3 months and made that as a crucial matter between the resumption of testing with Russia and France. Maybe I am wrong on this, but as I understand it, we have a 90-day moratorium here, but the moratorium is kicked off after the President submits a report, and the President cannot submit the report until the 103d Congress.

I think the major point the majority leader made about the distinction between these two amendments, our friends in Russia resuming, basically, as I read the amendment, is not correct.

Mr. MITCHELL. Mr. President, I was under the impression that the report could be filed at any time, and then 90 days would elapse.

Mr. NUNN. I think it is in the 103d Congress.

Mr. COHEN. I was going to offer some rebuttal because of the impassioned remarks of my colleague from Maine. It seems incumbent upon me to

state the bill correctly. I do not think he did so. How much time do we have?

Mr. MITCHELL. If it is the 103d Congress, of course, I stand corrected on that point. My understanding is that it is 90 days after the filing of a report.

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. COHEN. Mr. President, let me take a few moments. I think we have had enough debate on the amendment.

The Senator from Maine, the majority leader, indicates that 68 people voted for this Hatfield-Exon-Mitchell amendment to the energy-water bill last month. Well, they did so after being urged to vote for it by the Senator from Louisiana [Mr. JOHNSTON] who opposed it. A number of people who were prepared to vote against the Hatfield amendment voted in favor, based upon the representations that we were going to revisit this matter when it came back on this bill. So nobody is reversing his or her position. Everybody understood there would be a second opportunity to look at the entire issue of nuclear testing.

The second point I want to make is that the Senator from Maine indicated this only provides for a 90-day moratorium. This is clearly and categorically untrue. The amendment, as written, provides for resuming of testing 90 days after the President files a report outlining what he is going to do to get us back on the track of negotiating a strengthened nonproliferation treaty and achieving a comprehensive test ban. That 90 days cannot begin until after the next Congress convenes. So we are really looking at next April at the earliest—not 90 days, but 6 months.

Senator MITCHELL indicated that if you want to continue testing, you just vote for the Cohen amendment. If you want to prohibit testing, vote for their amendment. Maybe that is precisely what they have in mind, because he has made a totally inconsistent argument. On the other hand, he says we need a moratorium, and in his opinion he would hope it would be indefinite because we want to encourage the Russians or the French or others to continue to impose a moratorium. Therefore, he argues, the moment we go back to testing, they are going to go back.

His amendment calls for going back to testing. On the one hand, he says no testing; on the other hand, he says let us begin the 15 tests. You cannot have it both ways. If you are for continuation of testing, you are having it under the Hatfield amendment, as well as the Cohen amendment. There is a difference in terms of numbers. We each save no more than five in each year.

In my amendment, we allow the scientific community to carry out the scientific tests in a responsible fashion. So we pick 1998, and they have 1996. I want to correct the RECORD once again—the Senator from Maine indicated that I would allow for testing for new weapons, which is again categorically wrong. In my amendment, there is no testing for new weapons allowed. That is prohibited. We allow for testing for safety, reliability, and weapons effects only. No new weapons can be developed under this regime.

The third major point is that every time the President wants to test for safety purposes, he has to certify in detail to the Congress what is the reason and what we hope to achieve. We have an opportunity to overrule that on each and every test. That is not permitted under the Hatfield amendment.

The final point: On the final cutoff. In 1998, we are in the middle of a nuclear nonproliferation treaty. The President says I am in the middle of this, and I need more flexibility. Senator MITCHELL asks how is that possible. How is it possible that President Reagan said: Give me the authority to deploy Pershing II missiles and cruise missiles in Europe, and I will get you a treaty. It sounded illogical at the time—you have to deploy missiles in order to get the elimination of these missiles. That is precisely what we had to do: give him the negotiating flexibility to deploy the weapons in Europe, and we were successful. He overcame the objection of the flat nuclear freeze saying, give us the weapons, we will deploy them and get you a treaty. He did. Illogical, but practical, and it proved to be successful.

In this particular amendment, if any other nation tests under the Hatfield amendment, the cap comes off. The President can go back and test forever.

Under the Cohen amendment, if any other nation tests, the President has to certify they have tested and request authority to test, and we have 60 days to review it and to object to it.

So, in many ways, mine is far more responsible and restrictive than the Hatfield amendment, which purports to be the only one that favors arms control and nuclear testing elimination.

So, Mr. President, I urge my colleagues to look very carefully and to vote against the Hatfield amendment, and to support the underlying Cohen amendment.

Mr. KENNEDY. Mr. President, I rise to support the pending amendment. The time has come for the United States to halt nuclear testing. We no longer need such tests, because we no longer need to develop more powerful or more accurate weapons to deter the Soviet Union. In the post-cold-war period, the greater danger comes from the continuation of the arms race and the proliferation of nuclear weapons. We need to take all the steps we can to reduce these basic threats to our future security.

In particular, with the Nonproliferation Treaty up for renewal in 1995, it is crucial that we act now to ban nuclear testing. We have been preaching nonproliferation to other nations for years. But the signers of the Nonproliferation Treaty deserve to know that we are prepared to practice what we preach or else our preaching will be to no avail.

Negotiation of a comprehensive test ban treaty is the single most effective step that the United States can take to halt the nuclear arms race and restrain the spread of nuclear weapons. Until we end our own testing, other nations will have a credible everybody-does-it excuse to test their own nuclear weapons and defy international antiproliferation efforts.

The amendment before us establishes a logical step-by-step program to establish a permanent ban on nuclear weapons testing after a short moratorium and a handful of safety-related tests.

A moratorium is needed to demonstrate a renewed U.S. commitment to seeking an end to nuclear testing. Russia and France have already announced moratoriums on nuclear testing through the end of the year. By joining this moratorium, the United States will give new momentum to the worldwide drive for a comprehensive test ban.

It is necessary for Congress to initiate this moratorium because the administration has not carried out its promises to begin negotiations to achieve a comprehensive test ban. In 1986, President Reagan wrote to the Congress pledging to begin negotiation to limit and ultimately end nuclear testing, once the verification protocols to the two 1970's nuclear testing treaties were achieved and the treaties were ratified. This commitment was made in exchange for an agreement by the House of Representatives to drop a provision in the 1987 Defense authorization bill that would have mandated negotiations of a comprehensive test ban.

In June 1990, President Bush and President Gorbachev signed the verification protocols to the two treaties—the Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty—and the treaties went into effect in December 1990.

In testimony supporting ratification of these treaties, Ambassador Ronald Lehman, Director of the Arms Control and Disarmament Agency, specifically restated the administration's commitment to a step-by-step process to limit and ultimately end nuclear testing. At that time, he indicated that the delay in the start of these talks would not be lengthy—specifically that the delay would not be measured in years.

Despite this commitment, it has now been more than 2 years since the verification protocols were signed. Yet the negotiations on a CTB still have not begun. In fact, the administration has simply ignored an amendment that Senator SIMON and I sponsored on the 1992 Defense authorization bill that di-

rected the President to submit by February 1992 a report to Congress containing a proposed schedule for the negotiations and identifying the objectives.

Now it is up to Congress to take stronger measures. By enacting the pending amendment on nuclear testing, Congress can ensure that the administration initiates the long-promised negotiations for a comprehensive test ban.

Contrary to claims by the administration, a test ban will not undermine the reliability or the safety of our nuclear arsenal. Reliability is a concern that deals primarily with new weapons—warheads that are under development or have been recently introduced into the stockpile. But the United States has no new nuclear warheads in development.

The reliability of the existing weapons in the U.S. stockpile can be maintained without nuclear weapons tests. According to the conclusion of an independent review of nuclear stockpile issues by Lawrence Livermore physicist Dr. Ray Kidder, "a high degree of confidence in the reliability of the existing stockpile is justified * * * in the absence of nuclear explosive tests." This conclusion confirmed expert views previously expressed by Dr. Hans Bethe, Dr. Richard Garwin, Dr. Carson Mark, and Dr. Herbert York.

Nor are safety concerns an obstacle to a test ban. Pursuant to recent arms reduction initiatives, the accelerated retirement of older weapons has eliminated the least safe weapons designs. With the remaining weapons in the stockpile, there are two types of safety concens—avoiding an accidental nuclear detonation and averting any scattering of plutonium in the environment.

The first of these concerns—accidental detonation—can be resolved with safety tests with an explosive power equivalent to a few pounds or less of TNT. Such tests need not be limited under a comprehensive test ban, because they are extremely small and would be almost impossible to verify.

The second safety concern—avoiding the accidental release of plutonium—has already been addressed by installing modern safety and security features, such as insensitive high explosive and fire-resistant pits, on nuclear weapons. It may be cost-effective to ensure that all of these features are incorporated on all nuclear warheads that will remain in the arsenal. But this would require only a handful of additional nuclear tests that could easily be accomplished before a CTB goes into effect. The amendment thus specifically provides for a limited number of safety-related tests prior to negotiation of a CTB.

But, we must avoid allowing safety testing to be the Trojan horse that defeats a comprehensive test ban. For 40 years, the Department of Energy and the Pentagon have assured the American people that U.S. nuclear weapons are safe. But now that all other reasons for conducting nuclear tests have been swept away by the end of the cold war, they suddenly want us to believe that our most modern weapons are not safe. It is like running the marathon in the Olympics only to find in the final stretch a few more miles have been added to the race.

The bottom line is that a comprehensive test ban is essential to sustain progress in nonproliferation efforts, and it will not make our nuclear stockpile less reliable or less safe. Given the administration's refusal to begin the long-promised CTB negotiations, Congress must press the issue by enacting a moratorium in nuclear testing to match those of the Russians and the French, and by limiting future tests to the handful needed to make the last safety improvement to the nuclear arsenal. For these reasons, I urge the Senate to adopt the amendment.

Mr. BRYAN. Mr. President, I rise today to address an issue of critical importance as we adjust to the realities of the post-cold-war era. During this time of great transition within our national defense structure, we must not let our excitement over the dramatic international events of the past decade cloud our judgment and our decisions regarding continued nuclear testing.

As long as the U.S. maintains a nuclear stockpile, we need to assure the capability to test our remaining weapons, and we must continue those necessary tests. The Nevada testing facility is a unique resource, and the nation's investment in it must be protected even if the frequency of testing is reduced due to the smaller number of nuclear weapons in the stockpile and the absence of new warhead designs. An appropriate level of testing needs to be maintained in order to upgrade our current weapons stockpile to the highest standards of safety, and to maintain confidence in the existing stockpile as the weapons age, and as weapons components are renewed and recycled.

The administration has modified American nuclear testing policy in response to the rapidly evolving international situation. In a recent policy change, the Department of Defense stated that the United States will conduct only the minimum number of nuclear tests necessary to evaluate and improve the safety and reliability of our shrinking nuclear stockpile. To limit testing beyond these parameters is not only unnecessary but irresponsible.

A nuclear weapon is not a static, inert commodity. As weapons age, they need to be maintained and modified. Nuclear components such as tritium need to be replenished. As our stockpile shrinks and ages, some testing will be essential to assure both the safety and the reliability of the remaining weapons. Indeed, it would be irresponsible to abandon our capability to test the stockpile as it ages.

Underground testing is the cornerstone of ensuring the safety of our aging nuclear weapon's stockpile. The Department of Defense has committed itself to making our nuclear weapons as safe as modern technology permits. An independent congressionally appointed panel chaired by Dr. Sydney Drell also recommended that the United States should give a greater emphasis to nuclear weapons designs, that would make these weapons "as safe as practically achievable." A moratorium directly threatens these important goals.

During the nuclear age, there have been several accidents involving nuclear weapons. They have ranged from ones that did not disperse nuclear material, such as the Titan missile accident in Damascus, AR, to a few accidents in which explosives in the weapons detonated, dispersing nuclear material but not resulting in a nuclear explosion. Future safety needs and changing safety designs should not be foreclosed by a testing moratorium.

For instance, an important safety feature, the development of insensitive high explosives [IHE's], required a substantial number of nuclear tests in the 1970's. Nuclear weapons equipped with insensitive high explosives have extra protection from potential chemical explosions, if the warhead were dropped or pierced. Only through additional testing will all our nuclear weapons meet this safety standard. Research is currently being conducted on nuclear warheads that can withstand the intense temperatures of an aircraft fire. A moratorium on nuclear testing would threaten this research, and seriously limit future safety upgrades.

As our stockpile of nuclear weapons is reduced, the reliability of each nuclear weapon becomes absolutely critical to an effective deterrence. Only through testing can we have adequate assurance that our nuclear weapons will function as expected in a time of crisis. Stockpile surveillance, above ground experiments, and modeling often uncover flaws that cannot be resolved without the use of a nuclear test. Almost one-half of the nuclear weapons systems developed since 1970 have needed nuclear testing to correct or evaluate defects. Clearly, a testing moratorium would seriously hamper our confidence in our nuclear weapons stockpile.

Some of America's greatest technological resources have been devoted to design, production, and testing of our nuclear weapons. Personnel at the Nevada test site are a small community of highly specialized workers, with expertise found nowhere else in the world. If a testing moratorium is en-

acted, many skilled researchers and testing technicians will leave the program, threatening the viability of this vital national resource.

New military systems in areas critical to American security such as surveillance and communications are constantly being developed. Nuclear testing is vital to ensuring the survivability of these systems. Computer simulation techniques are continually being developed to limit the number of nuclear tests needed, but for the foreseeable future, simulation cannot replace the need for limited actual nuclear testing in this area.

Since 1958 the United States has deployed 41 different nuclear weapons systems. Of these fourteen needed corrective modifications after they were ready for deployment. These deficiencies were either discovered or corrective measures evaluated in subsequent nuclear tests. We must strive to insure that our remaining nuclear weapons are as safe and reliable as possible, and that goal will require further testing for these purposes. A halt to testing would simply erode confidence in the existing stockpile and inhibit our ability to make safety improvements. Incorporating the best available safety technology into our remaining weapons, including such features as insensitive high explosives and fire resistant pits will require further testing.

Despite the collapse of the Soviet Union, and advances in arms control agreements with Boris Yeltsin's new Russian state, we should not be blinded by euphoria. The Communist dictatorship still remains in Peking, and their nuclear program goes on unchecked by any treaty. Countries as diverse as North Korea, India, and Libya all have nuclear weapons development programs. The recent reports out of Iraq should be sobering to all of us, that Saddam Hussein was dangerously close to having a nuclear weapon. Even now, many believe that U.N. monitors in Iraq have failed to halt the Iraqi Nuclear Development Program. It is disingenuous to believe that a nuclear testing moratorium will somehow, magically cause renegade nations to halt their own nuclear weapons development.

As long as dictatorships are striving to acquire weapons of mass destruction, we must be vigilant. Our nuclear deterrence, tested time and again in the Nevada desert, helped prevent the tensions between the Soviet Union and the West from ever resulting in a nuclear conflict. Testing was part of that success, and we must not lightly discard such a proven capability.

Mr. ADAMS. Mr. President, I rise today in support of the Mitchell/Hatfield amendment offered by my colleagues to S. 3114, the Department of Defense authorization bill.

This amendment addresses the crucial issue of nuclear testing through imposing a 9-month moratorium on this testing. More importantly, a permanent ban would be in place after fiscal year 1996.

Nuclear testing poses a tremendous cost to our economy, our health and our environment. In 1991, the Bush administration conducted seven nuclear tests at a cost of between $10 million and $100 million per test. The devastating environmental and health effects of radioactive waste are well documented.

In addition to these concerns, nuclear testing promotes one of the leading concerns of the post-cold-war era—nuclear proliferation. If the United States continues to develop and test nuclear weapons, we cannot credibly work toward curbing the development of nuclear weapons in nonnuclear nations.

I have long advocated an immediate, permanent ban to nuclear tests. Although I regret a more stringent amendment will not be adopted, I am hopeful that this amendment, if agreed to, will bring an end to these destructive tests.

Mr. SMITH. Mr. President, I rise in strong opposition to the amendment offered by the Senator from Oregon.

Mr. President, from the outset, let us be clear about what we are debating here today. This discussion is not just about modifying our nuclear test regime, or curtailing weapons development, it is about whether or not the United States will remain a nuclear power. It is that simple. Because without adequate testing, we simply cannot ensure the safety, reliability, or survivability of our nuclear forces.

Proponents of the Hatfield amendment argue that the world has changed and that the United States no longer needs to maintain a nuclear test regime. According to them, the Soviet threat has disappeared, global disarmament is imminent, and the world has become safe and benign. Well, Mr. President, this is a very optimistic viewpoint and it misses the point completely.

As long as we have any nuclear weapons, whether it is 3,000 or 300, it is essential that we test these weapons to ensure safety and credibility. In fact, as the size of our arsenal and number of weapons types decrease, it becomes increasingly important to ensure that the remaining weapons meet their performance specifications, and that our military forces, including satellites, communication systems, and weapons support systems, are capable of functioning in a nuclear environment. Nuclear testing is essential in this area.

From a safety standpoint, we test to gain absolute assurance that in the event of an accident, our nuclear weapons will not deliver a yield. Clearly, there can be no compromise in ensuring the safety of our nuclear weapons, and we must test to do so.

From a reliability standpoint, we test to ensure that our weapons will perform as they are designed to. This hardly seems unreasonable, since we have invested tens of billions of dollars on our nuclear deterrent force. At the very least, we should ensure that they are capable of doing what they are supposed to do. I would say to my colleagues who support testing only for safety, there is little consolation or security gained by knowing that a weapon will not detonate on our own territory if we cannot be sure that it would detonate, as designed, in time of war.

To better place this issue in perspective, I would ask my colleagues to consider some of the surprises which have resulted from nuclear testing. Since 1958, one-third of U.S. nuclear weapons have required postdevelopmental testing. Some problems were discovered in surveillance activities but others were only discovered during the conduct of nuclear tests. All these problems required subsequent testing to assure that fixes were effective. Additionally, nearly half of the nuclear weapon types introduced into the stockpile since 1970 have required postdevelopment nuclear testing to verify or fix problems, and to resolve questions of safety and reliability.

Mr. President, of the eight tests conducted in fiscal 1991, several exhibited performance that differed significantly from that predicted. Two tests had yields in which the primary performance was approximately half of that expected. The total yield of another test was low by about 16 percent. Furthermore, of the six tests conducted so far in fiscal 1992, one produced a yield of nearly a factor of 10 below the level predicted. The reasons for these deviations vary and, in some cases, remain unknown.

I would say to my colleagues, these deviations indicate an incomplete understanding of the detailed physics of nuclear weapon performance. And if design changes are needed to correct problems in future stockpile inspections or to make future safety improvements, we must test to retain confidence in the safety and reliability of such changes.

Mr. President, I have heard some of my colleagues who support this amendment argue that by halting our testing, the United States will be setting an example that will help prevent the spread of nuclear weapons to the developing nations. Again, this is an extremely optimistic yet, frankly, naive assertion. Let us be honest, Saddam Hussein and Kim Il-song are not glued to their seats wondering whether the United States will continue to conduct nuclear tests. And does anyone in this Chamber actually believe that either of these two barbarians, or their terrorist cohorts, would halt the quest to acquire nuclear weapons purely because the United States has stopped testing? Not a chance. They have done, and will continue to do, whatever it takes to satisfy their perverse appetites for power.

I have also heard my colleagues complain that the administration has failed to adapt our test regime to changes in the international security environment and in the size and nature of our nuclear deterrent. This is also untrue. The United States has already significantly reduced the number of nuclear tests that we conduct. In fact, we now conduct only about one third as many tests as we did in the early 1980's and about one quarter the average level of the 1970's.

The President's revised testing policy states that the purpose of all U.S. underground nuclear testing of its weapons is to evaluate and improve the safety of our smaller nuclear deterrent and to maintain the reliability of U.S. forces. In doing so, the United States will conduct only six tests per year over the next 5 years. Of these six annual tests, no more than three can exceed 35 kilotons. In my view, the President's testing initiative represents a legitimate and responsible approach given the ongoing changes in the world.

Mr. President, I urge my colleagues to carefully consider their vote on this issue. It is, perhaps, the most fundamental and far reaching which we will cast this year. At issue is whether nuclear weapons will continue to play a role in our national security or not. Because unless we continue to test our deterrent force, we simply cannot ensure its safety and reliability.

I would caution my colleagues not to be swayed by partisan political or idealistic arguments. Where the defense and security of our Nation is concerned, we must be resolute. If the Senate believes that the United States should continue to rely on nuclear weapons, whether it be 3,000 or 300, then the only responsible course of action is to continue testing. To do otherwise would be dangerous and destabilizing.

I urge my colleagues to vote against the Hatfield amendment, and I yield the floor.

NUCLEAR TEST BAN MORATORIUM

Mr. DODD. Mr. President, I rise in strong support of the pending amendment. I want to commend Senator HATFIELD, Senator EXON, and the distinguished majority leader, Senator MITCHELL, for their persistent commitment to this very important piece of legislation.

This amendment is virtually identical to the amendment adopted by this body during consideration of the Energy and Water appropriations bill just 6 weeks ago. That amendment passed by a vote of 68–26. I was a strong supporter of this measure then and I am a strong supporter of the measure today.

Mr. President, I have no doubt that this is one of the most important votes this body will make all year. The end of the cold war has brought about for the first time the very real opportunity for us to reverse the deadly course of the nuclear arms race. But let there be no doubt: our progress toward this very important goal could be set back immeasurably if we do not approve this responsible piece of legislation.

This legislation takes a measured approach toward controlling our nuclear testing in the United States. It calls for the direct implementation of a 9-month nuclear testing moratorium, followed by a period in which up to 15 safety tests may be permitted through the end of fiscal year 1996. It also permits one of those tests each year to be carried out for the purpose of reliability, provided the President makes appropriate certification to Congress in advance that such testing is vital to the national security.

But it is what happens after 1996 that is truly important, Mr. President. The amendment mandates that no nuclear tests be permitted after 1996, unless another nation conducts a nuclear test beyond that point. In the underlying amendment, the amendment by the junior Senator from Maine, the President has the authority to continue nuclear testing if he believes the ban on testing would ban his efforts to negotiate a multilateral testing ban.

But make no mistake, Mr. President—under this requirement the President would have the sole discretion to continue testing. So what we have under the Cohen amendment is really nothing new at all. Under the Hatfield amendment, on the other hand, we are charting out a course to bring an undisputed halt to nuclear testing in just 4 short years. All it would take is an equal commitment on the part of the other nuclear nations.

Mr. President, despite what has been argued by some of the opponents of this legislation, the issue before us is not the safety of our nuclear stockpile. That is an argument easily dispatched. Certainly the 15 tests authorized in this bill will be sufficient to handle any safety issues that may arise.

In fact, a large number of experts—reputable scientists such as Dr. Herbert York and Dr. Ray Kidder of Lawrence Livermore Nuclear Laboratory, Dr. Sidney Drell from the Panel on Nuclear Weapons Safety, Professor Frank von Hippel of Princeton University, and Dr. Hans Bethe, the venerable and distinguished dean of the nuclear scientific community—have all reported that the nuclear stockpile will be perfectly safe and reliable with little or no further tests at all. So there should be no difficulty on that score.

No, Mr. President, the issue before us is not one of safety. It is a matter of leadership. We have led the world in the fight against communism and the Soviet threat; we have led the world in the fight for economic freedom and free-market ideals; we led the world in a coalition against the reckless aggression of Saddem Hussein. Now it is time to lead the world in the campaign to eliminate nuclear testing.

As we stand here today, Mr. President, France has a temporary nuclear testing moratorium. Russia has a temporary testing moratorium. China has said it would halt testing if the other permanent members of the Security Council will do the same. And Great Britain is dependent on United States facilities for its own nuclear tests.

These nations are looking to the United States for leadership, Mr. President. They are looking to us for some confirmation that their present policy is the correct one. They are looking to us to meet—or exceed—their dramatic steps forward.

That is the purpose of this modest piece of legislation, Mr. President. If it fails, there is no loss. We can resume testing in 9 months and we will still have the safest and most reliable nuclear stockpile in the world.

But if it succeeds, we will have permanently altered the pace of nuclear weapons testing. And we will have taken the first measurable step toward reversing the nuclear arms race. Mr. President, I urge my colleagues to support this historic piece of legislation.

The PRESIDING OFFICER. The Senator from Maine has 4 minutes.

Mr. COHEN. I yield the remainder of my time.

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

Mr. WARNER. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from California [Mr. SEYMOUR] is necessarily absent.

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

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—55

Adams	Daschle	Kasten
Akaka	DeConcini	Kennedy
Baucus	Dodd	Kerrey
Biden	Exon	Kerry
Bond	Ford	Kohl
Bradley	Fowler	Lautenberg
Bumpers	Glenn	Leahy
Burdick, Jocelyn	Graham	Levin
Byrd	Grassley	Lieberman
Chafee	Harkin	Metzenbaum
Conrad	Hatfield	Mikulski
Cranston	Inouye	Mitchell
D'Amato	Jeffords	Moynihan
Danforth	Kassebaum	Murkowski

Packwood	Rockefeller	Specter
Pell	Sanford	Wellstone
Pressler	Sarbanes	Wofford
Pryor	Sasser	
Riegle	Simon	

NAYS—40

Bentsen	Gorton	Reid
Breaux	Gramm	Robb
Brown	Hatch	Roth
Bryan	Heflin	Rudman
Burns	Helms	Shelby
Coats	Hollings	Simpson
Cochran	Johnston	Smith
Cohen	Lott	Stevens
Craig	Lugar	Symms
Dixon	Mack	Thurmond
Dole	McCain	Wallop
Domenici	McConnell	Warner
Durenberger	Nickles	
Garn	Nunn	

NOT VOTING—5

Bingaman	Gore	Wirth
Boren	Seymour	

So the amendment (No. 3043) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine, as amended.

The amendment (No. 3042), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine, as amended.

The amendment (No. 3042), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, earlier today the Senate approved a unanimous-consent request which provided that the majority leader, following consultation with the Republican leader, may return to consideration of the Labor HHS appropriations bill pursuant to a time limitation contained in the agreement. It is my intention to do that shortly.

The Senator from Hawaii has asked for an opportunity to address the Senate for 7 minutes.

I ask unanimous consent the Senator from Hawaii be recognized to address the Senate for 7 minutes, and upon the completion of his remarks, the Senate return to consideration of H.R. 5677, the Labor-HHS appropriations bill.

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

Mr. MITCHELL. If I might, just before his time begins, state, with the distinguished Republican leader here, that the time agreement provides for 1 hour on an amendment by Senator HATCH with some additional brief time on another amendment by Senator HATCH which I understand will be accepted and on the bill. So I am estimating that it will take about an hour and a half to complete action one way or the other on the Labor-HHS appropriations bill, following which we will return to consideration of the Defense bill.

Senator NUNN and Senator WARNER will be prepared to proceed at that time, and it is our intention to remain in session this week until that bill is completed.

Mr. DOLE. Mr. President, it was my understanding we went to the Defense bill yesterday to accommodate, in this case, a Member on this side. It did not work out, but we tried.

In any event, there is a time agreement. That is what I have been asked about by one Member on this side. So we ought to complete action on this by what, 2:30?

Mr. MITCHELL. I estimate that, if all of the time is used.

Mr. DOLE. Then it is the intention of the majority leader to stay on the DOD bill until it is completed, whether that is today or sometime tomorrow?

Mr. MITCHELL. That is correct. My expectation is that sometime later this evening I would consult with the Republican leader and the managers of the bill to see where we stand on the bill and what the prospects look like for completion. It is my preference——

Mr. DOLE. This is all part of the effort to make certain we will be out of here about October 3?

Mr. MITCHELL. That is my most fervent hope and my most precious dream.

The PRESIDING OFFICER. The Senator from Hawaii.

HURRICANE INIKI—STATE OF HAWAII

Mr. INOUYE. Mr President, I wish to thank those who have assisted in the expeditious response to the needs of the people of Hawaii arising from Hurricane Iniki which struck the Hawaiian islands last Friday. Extraordinary efforts are being made to cut through the redtape and minimize bureaucratic requirements in providing relief to citizens affected by Hurricane Iniki.

I thank my colleagues for including my request for increases in the various disaster relief accounts to make more than $1.2 billion available to Hawaii.

At least $850 million in immediate FEMA emergency aid, such as the food and water center at Hanalei; medical assistance at Lihue, Kalaheo, Waimea, and Princeville; temporary housing; electricity, police, and fire protection, is available to the victims of Hawaii's disastrous hurricane. FEMA has opened similar centers in hard hit areas such as the Waianae coast on Oahu. Emergency food stamps will be made available statewide as households begin to require a higher percentage of their paychecks for repairs.

I am pleased that my colleagues have further recognized the importance of following up immediate emergency aid with additional funds for the following areas:

AGRICULTURE

For emergency housing assistance grants and loans to repair homes, payments to Hawaii's farmers for crops that were destroyed, and for rebuilding damaged land and facilities, such as pens and greenhouses. Nurseries, floral, dairy, produce, animal and other farms are all eligible for this Federal aid.

In order to apply for aid, victims can apply at one of four disaster application centers, which opened yesterday—Kekaha Neighborhood Center, Hanapepe National Guard Armory, Lihue Veterans Memorial Convention Center, and Kapaa National Guard Armory.

TRANSPORTATION

To help clear debris and replace or restore damaged roads, signs, and lights. Funds will also be provided to restore the air traffic control towers, terminals, and hangars at airports.

HARBORS AND MARITIME SAFETY

Damaged harbors need similar attention from the Army Corps of Engineers, while additional funds will enable the U.S. Coast Guard to restore vessels and equipment.

EDUCATION

Funds to cover the cost of extended school day programs so that parents can devote time to rebuilding homes and businesses. Special funds will help students and families cope with added stress and anxiety through disaster counseling. College students eligible for student aid under Pell grant awards, may have their eligibility increased to account for losses in family assets and income due to the hurricane.

HEALTH AND HUMAN SERVICES

For funds to help medical personnel and community health centers establish or improve medical services, shelters, mental health services, and special services to elderly citizens, and to repair or replace health centers and medical equipment.

VETERANS SERVICES

For medical care and replacement of any damaged equipment. Special funds are also provided to ensure proper disbursement of benefit checks to Hawaii's veterans.

TOURISM

This is important to many in Hawaii—grants to hotels and tourist-related businesses in order to speed the reopening of doors to visitors. Promotional campaigns will help attract tourists back to paradise and show that Hawaii has fully recovered from the hurricane. This funding is vitally important to the reestablishment of jobs.

WEATHER

Funds to repair National Weather Service equipment, warning devices, and surveying and monitoring stations.

ENVIRONMENT

For the rehabilitation of national wildlife refuges and buildings, including recreational facilities at national parks, and for assessment of damage so that a forest management plan, to restore State forests, can be implemented to protect the habitats of Hawaii's rare flora and fauna.

Mr. President, I would like to conclude by thanking Members of the Florida and California delegations, and members of the Senate Appropriations and Agriculture Committees, who provided me with support and information over the past few days to better enable me to respond to the victims of Hurricane Iniki. Their advice, based on the recent tragedies they were faced with, was invaluable.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 5677, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, under the unanimous-consent agreement entered into last night—and I ask the Chair to correct me if I am wrong—I understand we have two pending amendments by the Senator from Utah [Senator HATCH], one dealing with Healthy Start; the other one dealing with nutrition labeling. On the nutrition labeling amendment we had 1 hour of time equally divided.

The PRESIDING OFFICER. The Senator is correct.

NEW MEXICO STAR SCHOOLS PROPOSAL

Mr. DOMENICI. Mr. President, I would ask the distinguished subcommittee chairman if he would join me in a colloquy relating to the Department of Education Star Schools Program.

I want to commend the distinguished subcommittee chairman and ranking member for their funding recommendation for the Star Schools Program. The Senate bill includes $25.4 million for the Star Schools Program in fiscal year 1993, which is $7.2 million above the House level.

During the full committee markup of the bill, I had some report language relating to a very innovative proposal under the Star Schools Program. This language was inadvertently not included in the Senate report.

This proposal, called Operation Star Launch, is very innovative. First of all, this proposal will serve students and teachers in no less than 11 states—California, New Mexico, Utah, Illinois, Kentucky, North Dakota, Minnesota, Georgia, Maryland, West Virginia, and Pennsylvania. It places a specific focus on serving students participating in the Chapter 1 Education Program for disadvantaged students. It has a very significant component relating to new methods of teacher training using long distance teaching technology. To my knowledge, this is the first proposal that taps the resources of both PBS and CNN as part of its partnership. The Department of Energy's Los Alamos National Laboratory will bring its scientific and technical expertise to the program, and significant resources as well. Finally, this proposal has a unique focus on languages, including native American languages, such as Navajo, which will be part of its language curriculum.

Mr. Chairman, Operation Star Launch would require $4.3 million in Federal funding with the remaining $3.3 million being provided by the partners. Based on your familiarity with the proposal, Mr. Chairman, would you think it fits in with the focus of the Star Schools Program, and that the Department of Education should be encouraged to fund this innovative program within its fiscal year 1993 program?

Mr. HARKIN. I thank the Senator from New Mexico for bringing this matter to my attention. I regret that this language was inadvertently overlooked in our committee deliberations. I would agree that Operation Star Launch appears to meet the goals of the Star Schools Program, and I would hope that the Department of Education would approve some funding for this proposal in fiscal year 1993.

Mr. SPECTER. I join the chairman in encouraging the Department of Education to support this innovative proposal within its fiscal year 1993 program.

Mr. DOMENICI. I thank the distinguished chairman and ranking member for their consideration of this proposal.

STAFFING OF MENTAL HEALTH SERVICES

Mr. KENNEDY. Mr. President, I would like to engage the Senator from Iowa in a colloquy about substance abuse and mental health services.

As the chairman of the subcommittee knows, we recently passed the ADAMHA Reorganization Act, Public Law 102-321. This bipartisan initiative transfers the three ADAMHA Research institutes to the NIH and reconstitutes the Alcohol, Drug Abuse, and Mental Health Administration as a services administration consisting of a Center for Substance Abuse Treatment, a Center for Substance Abuse Prevention and a Center for Mental Health Services.

The pending bill limits administrative expenses throughout the Department of Health and Human Services, and specifically limits the replacement of administrative positions that become vacant. I commend the chairman for limiting unnecessary bureaucracy in this bill.

I am concerned, however, that these cuts not undermine the purposes of the ADAMHA Reorganization. In implementing the reorganization, HHS must provide sufficient staffing and resources to the entities within SAMHSA to enable them to carry out their statutory responsibilities.

I am particularly concerned that the Center for Mental Health Services receive sufficient resources because it is a brand new agency.

Can the chairman comment on my concerns?

Mr. HARKIN. I agree with the Senator from Massachusetts that the implementation of the reorganization must be carried out with care. I believe that goal can be met within the fiscal constraints of the bill.

With regard to the Center for Mental Health Services, a new agency, I would point out to the Senator that new agencies should be entitled to add personnel to the extent necessary to administer the programs in their mission.

Mr. KENNEDY. I thank the Senator.

NATIONAL TOXICOLOGY PROGRAM

Mr. COCHRAN. Mr. President, the committee report that accompanies this bill includes a reference under the National Toxicology Program [NTP] to developing and evaluating the use of nonmammalian systems in testing. This refers to research aimed at reducing the use of animals in assessing human cancer risks from chemicals.

I am told by scientists at the Gulf Coast Research Laboratory in Mississippi that fish can provide good models for assessing cancer risk because their sensitivity to carcinogens is similar to that of rats and mice, and because fish tests provide substantial savings in terms of time and money relative to rodent tests. This evaluation has been accomplished by research funded by public and private sources, including the National Cancer Institute, and conducted by the Gulf Coast Research Laboratory.

I would like to inquire of the chairman of the subcommittee, the manager of the bill, Senator HARKIN, if the committee intended that fish be included

in the nonmammalian systems to be considered under this program.

Mr. HARKIN. I would say to the Senator from Mississippi that the use of fish does, indeed, appear to be a promising approach to reducing the use of animals in research. I encourage the National Institute of Environmental Health Sciences [NIEHS], especially through their National Toxicology Program, to evaluate the research done by the Gulf Coast Research Laboratory and to consider developing a cooperative agreement to pursue this type of research.

Mr. COCHRAN. I thank the Senator from Iowa.

Mr. President, I ask unanimous consent that a factsheet on acetyl-l-carnitine and Alzheimer's disease be printed in the RECORD.

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

FACTSHEET ON ACETYL-L-CARNITINE AND ALZHEIMER'S DISEASE

BACKGROUND

Alzheimer's disease has been described as a "time bomb" in this nation's health care system. Today, an estimated 4 million Americans suffer from Alzheimer's disease, a form of dementia that strips its victims of memory and judgment before leaving them totally incapable of caring for themselves. The disease is already costing society an estimated $90 billion annually. And according to the National Institute on Aging (NIA), unless a cure or treatment is found, Alzheimer's disease will claim 14 million Americans by the middle of the next century. If science can find a treatment that delays the onset of symptoms for just 5 years, the impact of Alzheimer's disease would be lessened in as many as 50 percent of its victims.

Unfortunately, efforts to develop a safe and effective treatment are jeopardized by irresponsible actions and misleading claims that a treatment is at hand.

FINDING EFFECTIVE TREATMENTS

Acetyl-l-carnitine, or ALC, is one of a handful of experimental drugs currently undergoing clinical testing in the U.S. for the treatment of Alzheimer's disease. Clinical trials in Europe suggest that ALC, an endogenous substance, may slow the rate of progression of Alzheimer's disease. During those trials improvement of symptoms of the disease, such as memory and attention, also was observed in approximately 30% of patients. Many scientists believe that ALC may help inhibit the cell damage that occurs in individuals suffering from Alzheimer's disease. (ALC is also undergoing testing in the U.S. for the possible treatment of other neurodegenerative disorders, including diabetic neuropathy and Down's syndrome.)

Pursuant to the requirements of the Federal Food, Drug, and Cosmetic Act, Sigma-Tau Pharmaceuticals, Inc. of Gaithersburg, Maryland, applied for and received an IND designation for ALC. Since early 1991, 430 patients who met the strict criteria for eligibility have been participating in phase III clinical trials at 27 Alzheimer research centers around the country. (Enclosure A) These trials are expected to be completed by the end of 1992. In addition, a separate phase II study involving 80 patients is being conducted by Stanford University at the Veterans Affairs hospital in Palo Alto, California. This work also is important to the overall effort to determine safety and efficacy and is expected to be completed by July 1993.

Once the determination of safety and efficacy is made, the results will be submitted to the Food and Drug Administration (FDA) in support of a new drug application.

While ALC continues to undergo rigorous testing, unproven products that skit the spirit if not the letter of the law, threaten to undermine progress in finding an effective treatment for Alzheimer's disease.

Recently, a foreign company began promoting ALC in the U.S., calling it a "nutritional ingredient." (Enclosure B) It should be noted that the FDA has not classified this substance as a "generally recognized as safe" nutritional ingredient, nor is it covered by an approved food additive petition. This marketing effort may be linked to the growing popularity of so-called smart drugs that are being sold through health food stores. In addition to promising improved memory and concentration, one recent publication went so far as to tout ALC as a treatment for Alzheimer's disease, and to inform its readers how and where they can order the compound. (Enclosure C)

Allowing ALC to be marketed over-the-counter raises a number of serious issues—

Health and Safety Concerns: The use of ALC without supervision by a medical doctor may present a direct health hazard to the user. Prolonged use of ALC in the absence of close medical supervision could have deleterious neurological effects, including agitation, nervousness, and insomnia. Furthermore, the hydrochloride salt used in ALC has the potential to cause gastrointestinal irritation, possibly leading to internal bleeding.

Disruption of Clinical Trials: Since there is no approved drug product for the treatment of Alzheimer's disease, families of Alzheimer victims are desperate to obtain any potential treatment or cure. Approximately 12 to 15 different drugs are currently in various stages of clinical development and the National Institute on Aging has just launched a federally sponsored effort to develop and test additional drugs. If families have access to ALC through health food stores, many will undoubtedly purchase it for their loved ones even though it is not proven safe and effective. This could hinder ongoing clinical trials and render useless, the FDA's process for determining safety and efficacy.

Product Purity: In accordance with FDA requirements, the ALC being used in clinical trials meets the "Good Manufacturing Practices" standards. Marketing ALC over-the-counter undermines FDA's efforts to maintain strict purity standards.

RECOMMENDATION

In order to permit the drug regulatory process to proceed unimpeded, the FDA should immediately issue an Import Alert requiring the automatic detention of ALC in any form unless covered by an approved new drug application (NDA) or designated as an investigational new drug (IND) by the agency. Swift action is necessary to (1) avoid potentially adverse health consequences to anyone taking ALC without proper medical supervision and (2) guard against any disruption of ongoing clinical trials.

HEALTH INSURANCE COUNSELING FOR SENIORS

Mr. ADAMS. Mr. President, I would like to take a few moments to seek clarification from the Senator from Iowa concerning funds made available by the fiscal year 1993 appropriations bill for the Departments of Labor, Health and Human Services, and Education and related agencies, for a very important program serving older Americans. I am very pleased that the committee has included $10 million to support second year funding for the health insurance information, counseling and assistance grant program authorized under section 4360 of the Omnibus Budget Reconciliation Act of 1990. Over the past year the Health Care Financing Administration [HCFA] has been working, in consultation with the States, to implement this new program which will establish State programs to assist thousands of senior citizens to better understand their benefits and coverage under public and private health insurance plans and policies. Specifically, Medicare beneficiaries will be provided with information, counseling, and assistance on adequate and appropriate health insurance coverage.

HCFA is expected to release the first year funds to the States in the next 2 weeks based on plans submitted by the States in June. It is my understanding that for fiscal year 1992 these funds were included as part of HCFA's Research and Demonstration appropriation. However, I note that for fiscal year 1993, the committee has included these funds under State Medicaid Administration.

Mr. HARKIN. My esteemed colleague, the Senator from Washington, is correct that the committee has included second year funding for this important program, and that the funds are provided as part of State Medicaid Administration and not as part of the HCFA's Research and Demonstration Program, as in fiscal year 1992.

Mr. ADAMS. In that case I would like to bring to the attention of the Senator from Iowa a concern I have for the future of this program and seek his clarification on a very critical matter affecting this important program. It is my assumption that the provision of the $10 million for this program as part of State Medicaid Administration will not require HCFA or the States to change the current plans for the design and implementation of this program. Specifically, I assume that the committee does not intend to change the population that the program is intended to serve from Medicare eligibles to only Medicaid eligibles.

And, it is also my assumption that the committee does not intend that these funds be subject to State match requirements. I would like to point out that section 4360 of the Omnibus Budget Reconciliation Act of 1990, which authorized this program, did not include a State match requirement. Given the current fiscal crises facing so many of the States, I am concerned that any new match requirement for this new program will result in some States being unable to implement the program. That would be a real tragedy for older Americans who would otherwise benefit from this important program.

Mr. HARKIN. The distinguished Senator from Washington has raised two very important points concerning the health insurance information, counseling, and assistance program. He is correct in his assumptions. The committee provided funding for this program as part of State Medicaid Administration for accounting purposes only. It is not the intention of the committee to alter in any way the current Federal and State plans to implement this program. We do not intend to restrict the program to Medicaid eligibles but rather to continue to have all Medicare recipients be eligible to participate, including those who are Medicaid eligible.

And, as the Senator from Washington has pointed out, the committee does not intend that these funds be subject to State match requirements. Instead, we expect that HCFA will administer these funds—in terms of program design and allocation of funds to the States—in the same way it has handled the program with fiscal year 1992 funds. I thank the Senator from Washington for bringing this matter to my attention.

Mr. ADAMS. The Senator from Iowa has satisfied my concerns on this matter and I thank him for his comments and clarification.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Utah.

Mr. HATCH. Mr. President, I would like to start with my Healthy Start amendment. I ask unanimous consent that we do that because it can be disposed of quickly.

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

AMENDMENT NO. 3044

Mr. HATCH. 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 Utah [Mr. HATCH] proposes an amendment numbered 3044.

Mr. HATCH. 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, 19, line 4, strike "$2,591,761,000" and insert in lieu thereof "$2,606,761,000".

On page, 87, line 10, strike "$100,360,000" and insert in lieu thereof "$115,360,000".

Mr. HATCH. Mr. President, I commend the subcommittee's interest in Healthy Start funding over the House-passed bill. I realize that they were faced with tight budget constraints, and I know that the subcommittee did its best, but, unfortunately, the bill only allocates $84 million for Healthy Start, $56 million short of the President's $140 million request.

My amendment simply allows Secretary Sullivan to transfer a small amount from the Department's salaries and expenses accounts to fund Healthy Start at a higher number. I think it is a reasonable amendment. Preliminary estimates that HHS just gave me indicate that it would result in no increases in budget authorization or outlays above what are already contained in the bill.

From the outset, Healthy Start's has not been healthy. In fiscal 1992, less than half of the $139 million was appropriated. Secretary Sullivan does not believe the Healthy Start projects can attain these goals if the program is not fully funded. If the goals of Healthy Start are changed to match a lower level of spending, we lose forever the opportunity to learn from these demonstrations. The Secretary may have to cut back on the number of sites rather than shortchange all of them. This would, indeed, be unfortunate. All of the sites have now submitted their comprehensive plans and are ready to move ahead into the implementation cycle. The infant mortality rate in the United States is abysmal, 22d among industrialized countries in the number of babies who die in their first year. Of the 4.1 million babies born in United States in 1991, 36,500 babies died before their first birthday. Healthy Start represents the most promising hope for millions of women and children.

The basic principle of Healthy Start is partnership. Major improvements in infant mortality rates and related factors are possible, in even the most troubled areas when strong community-based coalitions have sufficient resources and flexibility to put in place interventions suited to the individual needs of their communities.

Healthy Start has a very ambitious goal: reducing infant mortality in each of the 15 selected communities by 50 percent in 5 years. We need this program in order to reach our year 2,000 goals.

I think this is a reasonable amendment, and I ask my colleagues to support it. I understand the managers of the bill are willing to accept it. I urge adoption of the amendment at this time.

The PRESIDING OFFICER. Is there further debate? The Senator from Iowa.

Mr. HARKIN. Mr. President, I will just take a couple of minutes. The Healthy Start Program is the administration's proposal to help reduce infant mortality. It is not a national program, like the maternal and child health block grant or the Women, Infants and Children Program. Healthy Start is a 15-site program. There are only 15 sites that receive funding from Healthy Start.

At the outset, I want to be very frank, Mr. President. I am not among the program's biggest supporters. To the contrary, I believe there are other programs that do a better job of truly reducing infant mortality. To make a real difference, we cannot fight infant deaths in 15 places; we have to attack it all over the Nation. As I said earlier during consideration of my transfer amendment, the United States ranks 19th among nations in infant mortality. That is unacceptable to me and all Senators. I know we can do much better. The Healthy Start Program I think is just too limited in its application. Most areas of the Nation that have the worst infant mortality problems do not even qualify to participate in this program. In the 59 areas in the Nation with the worst infant mortality rates, there are just 10 Healthy Start sites. So I just do not believe this program is going to make a significant difference in our international standing in this most important area.

However, having said that, there may be some things that come out of the Healthy Start Program, some new innovative ideas that may help us in a broader context, and I do recognize that. So I want to make clear that the Appropriations Committee has treated the Healthy Start Program fairly well. It is not an authorized program. But I know it is a favorite of the Health and Human Services Secretary, Secretary Sullivan. He has called me a number of times about the program, visited with me personally. I know it is high on his agenda and I know a number of Senators have contacted me about this also.

So the committee bill responded to these concerns by providing almost $84 million for Healthy Start, an increase of $47 million or more than doubling the amount that we had last year.

The President requested an increase of 230 percent, but he also requested cuts of almost $4 billion to programs in the bill that I and other Senators did not want to see. So we had to replace some funds in those other areas. We have done our best to restore the cuts and to provide reasonable increases to Healthy Start. However, the Senator from Utah, I know, is a strong supporter of this program, as is the ranking member of this committee, Senator SPECTER. This amendment would increase the amount that we have put in there by an additional $15 million and, quite frankly, I do not find any objection to that, Mr. President. So on this side we accept the amendment.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we commend the distinguished Senator from Utah for offering this amendment. He has identified a very important initiative that should be supported to the greatest extent possible under the budget constraints and other considerations that we have before us.

The amendment has been cleared on this side. We recommend its approval.

The PRESIDING OFFICER. Do all Senators yield back their time?

Mr. HATCH. I yield back my time.

Mr. HARKIN. I yield back any remaining time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 3044) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3045 TO COMMITTEE AMENDMENT ON PAGE 73, LINE 14

(Purpose: to delay implementation of regulations on P.L. 101-535)

Mr. HATCH. Mr. President, on behalf of myself, Mr. DOLE, Mr. NICKLES, Mr. BOND, Mr. STEVENS and Mr. MCCAIN, 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 Utah [Mr. HATCH], for himself, Mr. DOLE, Mr. NICKLES, Mr. D'AMATO, Mr. BOND, Mr. STEVENS, Mr. SYMMS, and Mr. MCCAIN, proposes an amendment numbered 3045.

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

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

The amendment is as follows:

On page 73, line 14, after "$310,000,000" insert:

"SEC. . Notwithstanding any other provision of law, no funds appropriated under this Act shall be expended by the Secretary of Health and Human Services, or designee, for activities undertaken to implement the Nutrition Labeling and Education Act (P.L. 101-535) with respect to a dietary supplement of vitamins, minerals, herbs or other similar nutritional substances, other than to allow health claims designated in section 3(b)(1)(A)(vi) and (x), or to promulgate any regulation that requires the use of, or based upon, recommended daily intakes of vitamins or minerals.

Mr. HATCH. Mr. President, I rise to offer an amendment to the Labor-HHS appropriations bill that would impose a 1-year moratorium on implementation of the regulations accompanying the Nutrition Labeling and Education Act, [NLEA], as they apply to dietary supplements, and herbal preparations.

My amendment would preclude the Secretary of Health and Human Services from using fiscal year 1993 appropriated funds to finalize or implement the NLEA regulations as they apply to dietary supplements. In addition, my amendment places a moratorium on regulations that require the use of, or based upon, recommended daily intakes—so called RDI's—of vitamins or minerals other than the current U.S. recommended daily allowances.

The Nutrition Labeling and Education Act mandates that nearly all foods regulated by the FDA be labeled for nutritional content. The statute defines the list of nutrients that must appear on the nutrition label and places a focus on those nutrients of primary health concern such as saturated fat, cholesterol, carbohydrates, and dietary fiber.

As the Congress struggles to develop a consensus on how best to reform our health care system, we must pay special attention to increasing the incentives for responsibility of one's own health.

We know that 5 of the 10 leading causes of death in the United States—coronary heart disease, certain cancers, strokes, diabetes, and atherosclerosis—are diseases in which diet plays a part. All told, these five diseases account for nearly two-thirds of the 2 million annual deaths in this country.

If we were to include alcohol as a dietary factor, 8 of the top 10 leading causes of death can be considered to be diet related.

Clearly, we, as a society, could accomplish significant savings in health care costs if we moderated our diets. But, more important than cost savings is the importance that a good diet can play in helping us all live healthier and more productive lives. Integral to this behavior changes in our eating pattern is clear and accurate information on product labeling.

As ranking member of the Labor and Human Resources Committee, I have supported and continue to support the broad public health goals of the NLEA.

Senator METZENBAUM and I worked very hard to put that bill through.

The complete revision of virtually all food labels in this country—and I might add, he deserves a great deal of credit for it—but the revision of virtually all food labels in this country called for by the NLEA, is a massive undertaking. The FDA estimates that to complete the relabeling by May 1993 would require $1.5 billion in costs.

Some industry groups have suggested that this FDA estimate is too low. In fairness, I should point out that some consumer groups have suggested that this cost estimate is too high.

The Small Business Administration filed a public comment to the NLEA proposed rule which stated, in part:

The Office of Advocacy contends that the FDA's RIA [Regulatory Impact Analysis] underestimates the impact the proposals will have on small businesses. More significantly, the Office of Advocacy is distressed that the FDA failed to examine alternatives to the proposed regulations that would reduce the burdens on small business. The Office of Advocacy requests that the FDA perform a regulatory flexibility analysis before issuing a final rule. The analysis should examine less burdensome alternatives for the hundreds of thousands of small businesses affected by the proposals.

In including, the SBA public comment states:

(W)e request that the FDA give strong consideration to the delay authorized by the NLEA. This will reduce the economic hardship on small business without undermining the consumer educational benefits of the Act.

At our June hearing, we heard poignant testimony from Mrs. Bee McCormack on behalf of Bob's Candies of Albany, GA. In her testimony, Mrs. McCormack explained how a May 1993 effective date would have devastating effects on her family-owned company and its 450 seasonal employees.

In these very difficult times, when we are struggling to revive our economy, I am very concerned about the potential impact that the NLEA rules might have on small business. We all know that small business is the critical incubator of new jobs in this country. We should be particularly vigilant to see that we do not unwittingly embark on paths that adversely affect these vital small firms. Nor should we, it goes without saying, embrace policies that place the security of employees in larger firms in jeopardy.

In June, the Labor Committee held a hearing chaired by my colleague from Ohio, Senator METZENBAUM, during which we reviewed progress under the NLEA, with special emphasis on the timing of the NLEA implementing regulations. Both before and after the hearing, there was much speculation—particularly in the trade press—on whether the FDA and the administration would grant any flexibility for implementation of the NLEA which is permissible under the act for up to 12 months.

The NLEA does not call for a garden variety administrative rulemaking. The November 1991 notice of proposed rulemaking alone comprised over 500 pages of the Federal Register.

And here it is—500 pages. You wonder why small business is having such a rough time.

In addition to specifying rules pertaining to standards of identity, nutrient content, nutritional information, and label format, the NLEA establishes procedures for evaluating health claims and sets forth state enforcement and Federal preemption provisions.

I am certain that the FDA will meet the November 8, 1992, statutory deadline for finalizing NLEA rules. I am equally certain that a 1-year moratorium on NLEA rules pertaining to a dietary supplement of vitamins, minerals, herbs, or other similar nutritional substances would be helpful in allowing a more complete analysis of the complex issues surrounding the proper regulation of food supplements.

The American people would be well-served if the Congress took the time and effort to conduct a thorough review of the role and regulatory status of dietary supplements.

More needs to be known about the science of food supplements.

Much has been written in the lay press lately about food supplements

and, understandably, the public has a lot of interest in this issue.

I cite with particularity the Time magazine issue of April 6, 1992. The major headline article in this particular magazine is "The New Scoop of Vitamins." Let me read a couple points from it:

* * * (M)ore and more scientists are starting to suspect that traditional medical views of vitamins and minerals have been too limited. While researchers might not endorse the expansive claims of hard core enthusiasts, evidence suggests that the nutrients play a much more complex role in ensuring vitality and optimal health than was previously thought. Vitamins—often in doses much higher than those usually recommended—may protect against a host of ills ranging from birth defects and cataracts to heart disease and cancer. Even more provocative are glimmerings that vitamins can stave off the normal ravages of aging.

Interesting stuff.

In the New York Times, in the Science Times part of the New York Times: "Vitamins Win Support as Potent Agents of Health." Let me just read a couple paragraphs:

Scientists, who thought that the basic questions in vitamin research had been solved and that the major benefits of new nutrients were to prevent disease like rickets and beriberi are learning that most of the vitamins—from A through K and all the subvariants in between—play far more fundamental and long-term roles in the body than anybody had suspected. They are gathering provocative evidence that vitamins influence the health and vibrancy of nearly every organ, and that these chemicals may help forestall or even reverse many diseases of aging including cancer, heart disease, osteoporosis, a flanging immune system neurodegeneration, and other chronic disorders.

Very, very interesting.

In another special report by U.S. News & World Report, in its 1992 "Health Guide," dated May 4, 1992, it says:

In medicine, scientists are exploring the potential of "chemopreventatives", or drugs and vitamins, and substances in food that seem able to prevent all manner of diseases.

You can just go from one to the other of these articles, and their indication is that vitamins, minerals, herbs, and other substances make a difference in all of our lives. This is an important debate, and a very important amendment.

I recognize that none of these sources are peer-reviewed scientific journals, but each of these publications has reported, accurately so as far as I can tell, that there is a growing interest in research into the role and benefits of dietary supplements in the human diet. They also suggest that our understanding of the science of food supplements is evolving quickly and probably will continue to do so.

With all of this going on in the news, no wonder why the public is so interested in the topic of food supplements. The Nutritional Health Association has estimated that 80 million Americans are regular consumers of dietary supplements.

Upon careful reflection, the existing statutory and regulatory paradigms relating to foods, food supplements, and drugs may prove inadequate for the regulation of the rapidly evolving area of food supplements.

In this regard, I would just like my colleagues to consider the fact that under the proposed NLEA rules, issued last November, the FDA did not find sufficient scientific agreement to warrant a NLEA-permissible health claim informing consumers about the potential benefits of folic acid. Earlier this very week, the U.S. Public Health Service, at the persistent behest of the Centers for Disease Control, made a formal recommendation that women of child-bearing age consume an adequate amount of folic acid in order to reduce the risk of serious birth defects such a spina bifida.

As the Assistant Secretary for Health, Dr. James Mason said:

It seems possible that we can reduce the number of serious neural tube defects through a good diet and/or supplements. If we can do this, we will have produced a major reduction in the disability that today impacts many families and communities.

Just think of how great it would be if we could, as the CDC suggests, actually cut the rate of spina bifida in this country by 50 percent by making sure that pregnant women get the proper level of folic acid. The CDC estimates that about 2,500 infants are born annually in this country with neural tube defects.

Think of how much better off thousands of families across this country would be if we got the word out on folic acid. And this is to say nothing about how much might be realized in health care cost savings.

Now when the final NLEA rule comes out I fully expect the FDA to finally allow a health claim for folic acid.

They have not done it up to now, and I wonder why not.

And I do think it very important for the agency to help discourage overconsumption of folic acid. But I also think that the treatment of folic acid in the NLEA proposed rule raises questions about how the FDA applies the NLEA statutory standard for permitting health claims.

Now I do not want to bog down the Senate in a lengthy debate on this issue on this appropriations bill at this very late stage in the congressional session. I know that all of my colleagues want to proceed expeditiously to complete action on this bill.

But I do want to mention several other concerns that I have in the general area of health claims. If we remember back to the mid-1980's, we can all recall the issue that did so much to bring to a boil the whole topic of health and disease claims on food labeling: That is the famous All-Bran cereal box that contained labeling, designed with the involvement of the National Cancer Institute, informing consumers that many scientists believed that a diet rich in fiber could reduce the risk of certain types of cancer.

It is at least ironic that in its proposed rules FDA found inconclusive the data supporting the All Bran-type cancer-fiber claim that did so much to precipitate the policy debate that ultimately led to the passage of the NLEA.

Regardless of whether the final rules permit such a claim, it may be a valuable exercise to hold hearings next year and ask an expert like former NCI Director Vincent DeVita to give his views on the level of scientific agreement that existed in November 1991 on the fiber-cancer relationship.

I am not a scientist so I am not qualified to render a scientific judgment, for example, on whether ingestion of something called Omega-3 fatty acids will, or will not, reduce the risk of coronary heart disease. But, I am a U.S. Senator and a member of the two committees most directly involved in the area of health. As a policymaker, I know that Americans are greatly concerned with soaring health care costs and that heart disease is the No. 1 killer in this country.

If, and I say if, there is shown to be a linkage between consuming Omega-3 fatty acids and reducing the risk of coronary heart disease, I say let us get this information out to the American public because it will benefit both our Nation's health status and the skyrocketing American health care budget.

In my view, if a product is safe at normal consumption levels, and there is thought to be a positive diet-health relationship, then I think the umpire, in this case the FDA, to use a baseball term of art, should have a wide strike zone in deciding whether a significant scientific agreement exists supporting accurately characterized health claims.

There may be areas in which there are sound reasons for the FDA to apply a tight strike zone, but is one where the policy considerations appear to favor some flexibility. Do not get me wrong: A ball is not a strike, but some pitches can justifiably be called either way.

In the NLEA, we did not adopt the rigid requirement that there be a consensus among scientists before a health claim will be permitted. We adopted the more flexible standard of significant scientific agreement and gave the FDA the discretion to adopt an even more flexible standard with respect to dietary supplements. I was a principal cosponsor of the NLEA.

In my floor statement before passage of the NLEA, I stated my position with respect to dietary supplements. As I expressed my understanding of the compromise amendment in my October 24, 1990, floor statement:

The compromise thus incorporates what I consider to be an essential right of our citizens to have access to vitamins, minerals, herbs and other nutritional supplements without fear of their being branded unlawful drugs. Section 403(r)(5)(D) takes that further step by bringing the same protection to claims for dietary supplements—under new section 201(g)(1), a dietary supplement will not be considered a drug solely because it carries a valid health claim.

Because of the historically distinct role of dietary supplements from conventional foods, the compromise also provides an exemption for dietary supplements from the mandatory regulations and scientific agreement standard articulated in section 403(r)(3).

By their very nature, dietary supplements must be marketed so that the consumer is informed of the health or disease-prevention benefits that may be conferred. Greater flexibility is thus required to permit communication of these benefits. This increased regulatory flexibility is also mandated by the very rapid pace of scientific advances here and abroad linking the prevention of long-term disease to improved nutritional supplementation. For these reasons, a more lenient standard for dietary supplements is envisioned.

I am introducing that somewhat lengthy quote into this debate in order to review these important policy considerations. My view has not changed.

As I said in 1990, a more flexible standard with respect to regulation of supplements is warranted. FDA has made a preliminary decision to apply to dietary supplements the same significant scientific agreement standard that it uses for health claims for foods. As I have suggested in my earlier comments, given the rigorous manner in which the FDA appears to apply this standard, important, truthful, and substantiated information concerning supplements may not be permitted to reach consumers of supplements.

Unfortunately, my attempt to guide the agency's actions through legislative history has not borne fruit, and additional corrective legislative activity is necessary.

I am not advocating that we back away from the NLEA. But, in going forward, let us go forward in the right way.

At a minimum, however, we should take this step of congressionally sanctioning a moratorium so that these regulations, and all their ramifications, can be more fully considered.

Mr. President, this is an important issue, not only to me, but to millions and millions Americans who do not want an overregulatory hand to unjustly interfere with their right to consume food supplements such as vitamins, minerals, herbs, and other preparations.

They are right on this matter. This amendment will give us the year's moratorium so that we can study it even further before we allow the FDA to take over and start to cause the cost of vitamins and minerals to rise out of sight.

So this is an important issue. I hope all my colleagues will vote with me on this issue, because I think that people all over America are watching this and watching this debate at this time and will know what happened.

Frankly, they are very concerned about some of the actions the FDA has indicated it will take, and some of the actions that it has already taken.

Mr. President, that is all I will say at this time. I will be happy to yield to my distinguished colleague from Ohio.

The PRESIDING OFFICER. Who yields time? The Chair informs the Senate that the Senator from Ohio controls the time on his side of the argument.

Mr. HATCH. I reserve the remainder of my time.

The PRESIDING OFFICER. Unless the Chair is informed to the contrary, the Senator from Ohio will control 30 minutes allocated on this side of the debate.

Mr. METZENBAUM. I yield myself such time as may be necessary.

Mr. President, we have before us today an amendment of my friend and colleague from Utah, and we have been in discussions with him about that amendment for some time. We are pleased that he has agreed to modify his proposal to address some of my most serious concerns.

Indeed, when we passed the food labeling bill, it is a fact that the Senator from Utah was very much engaged in the negotiations on that bill. The fact is the Senator from Rhode Island [Mr. CHAFEE] was the principal cosponsor, and it was only after some rather tenuous and difficult negotiations that we were successful in bringing my friend from Utah on board. I am pleased that he did come on board. He is always helpful when he works with you in connection with a piece of legislation.

The amendment that he has offered is not an amendment that I support. As a matter of fact, in spite of the fact that he has dropped half of the proposal, I am unable to support this amendment.

As the bill's author, frankly, I just cannot endorse any delay in the implementation of the Nutrition Labeling and Education Act, even with respect to the relatively minor section on vitamins and minerals. The NLEA was a consensus bill supported by every major public health organization, the food industry, the vitamin and mineral industry, and, at the conclusion, Senator HATCH himself, whose support, I might say, was key to the bill's passage.

It was a bill that we worked on for a considerable period of time. It is now the law of the land. The Secretary of Health and Human Services and the Commissioner of the Food and Drug Administration have vigorously moved to implement the law because, as they have said many times, the Nutrition Labeling and Education Act is one of the most important public health measures to pass in decades.

According to the FDA's proposed regulations, the Nutrition Labeling and Education Act will, over the next 20 years, save over 212,000 lives, prevent over 500,000 cases of cancer and heart disease, and save billions. Therefore, how can I possibly come to the floor and support this amendment?

I respect Senator HATCH'S position and his concerns, but I do not agree with him. Having said that, we are now running out of time with respect to this session. And I have indicated to Senator HATCH that I believe this to be legislation on an appropriations bill, undoubtedly an amendment that will be rejected by the House by reason of that fact; and actually subject to a point of order on the floor of the Senate. But I realize the pressure of time in order to complete action with respect to the Health and Human Services bill, to which this amendment has been offered.

So in the interest of saving time, I will not object to the inclusion of this amendment in this bill. As a matter of fact, I hope that conferees will drop it when it gets to conference, and I expect that to be the case. But I say that I am not going to object. And I understand my colleague from Utah wants a rollcall vote. If he wants a rollcall vote, then I suggest we give it to him, as it is within his right. But I will urge every Member of the U.S. Senate to vote for it. I would vote for it, too, because I think it will be dropped in conference.

I do not think it serves purposes of passage of the HHS bill or the Defense authorization bill, or any other legislation that we are trying to pass in these closing days. So I say to all of my colleagues, vote for the amendment. I feel confident that it will be dropped in conference.

I think it would only belabor the point to raise it and take up much needed time, if I were to raise a point of order, and if we were to make a battle with respect to passage of the amendment.

So I will vote for the amendment, notwithstanding my opposition to the substance of the amendment, and with the belief that the conference committee will drop it.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, during the 101st Congress, I was pleased to work with the distinguished Senator from Ohio on the Nutrition Labeling and Education Act, and I was and I am proud of our work together. This is a

very, very important bill. I still believe it is a fundamentally good piece of legislation. I hope the support is full and complete and that there will be implementation soon.

We have discovered that this is not perfect. We made a mistake. It is hard for us to admit, but we did. We should have spelled out our intent specifically, so that the FDA would not have any question about it.

We did not intend for the FDA to treat dietary supplements like drugs, which is the way they are treating them, or intend to treat them. Instead, we left it up to the FDA to determine categories for regulation of health claims. Unfortunately, the FDA decided to put herbs in the same regulatory category as tetracycline, and vitamin A in the same category as insulin. People are outraged about this, and I am, too.

Today, we can take the first step in correcting this mistake. We can prevent the FDA from implementing these regulations for an additional year, and from denying the health claims of the many tried and true dietary supplements.

The FDA is an agency for which I have a great deal of respect. I helped to lead the fight in the Senate for the FDA revitalization bill. Its Commissioner, Mr. David Kessler, is a former substantial member of my staff, and I have a great deal of love and affection for him. He is a wonderful Commissioner in every way.

I have helped to promote and support the FDA as the Nation's consumer watchdog. I have stood up for it in every case. But I am burned up at the way they are drafting these regulations and the indications that they are going to treat food supplements and vitamins and herbal preparations and other natural substances like drugs. They are overreaching in this particular case. The situation is a clear-cut example of overregulation.

Mr. President, the FDA is at the forefront of protecting consumers from unsafe foods and drugs, and it has been effective and will be. I will support it. It has deservedly received kudos from Congress, the President, and the people.

But let me say that if the Congress of the United States is not perfect, neither is the FDA. In this case, it is patently wrong. There is no case to be made for such strict regulation of health claims for dietary supplements.

Admitting mistakes is not criminal. Most Americans have made them from time to time and, generally, they are understanding when we act to correct our mistakes. Americans admire intellectual honesty. What burns them up is when Congress refuses to own up to the obvious, such as when we resisted fixing the catastrophic health care bill or section 89.

Has anybody in this body forgotten the hue and cry from our constituents on those issues? Wait until you see what happens if we allow the FDA to continue its heavy-handed approach toward food supplements, vitamins, minerals, and herbal preparations. Grassroots public outrage has already begun. Would any of us care to repeat the catastrophic health care repeal process?

The amendment I am offering will not permanently solve the problem, but I have proposed legislation that ultimately will. What this amendment will do is to delay the implementation of the detrimental regulations—read that as mistakes—and that is the way it should be read—of the Nutrition Labeling and Education Act for 1 year, so that we can work out an acceptable long-term solution.

Let me restate that all other components of the regulations will go into effect on schedule. This will not hurt them at all. Nor do I believe this will be taken out in conference, because many of those on the other side of the Capitol agree with me that the FDA has been too heavyhanded and has been too overregulatory in its approach to food supplements.

Additionally, I reiterate that the FDA will continue to retain its existing authority to pull any product whatsoever off of the market if it is toxic, deleterious, poisonous, or otherwise injurious to people. They have that power, and this amendment will not take that away. Neither would my bill.

I would not be standing here today if I did not fully believe FDA's position on this matter is in grave error. I would not be here today if there were convincing evidence that herbs, vitamins, amino acids, or other supplements were harmful to health, or if the opponents of the amendment were openminded on the subject of differentiating between everyday substances and pharmaceuticals when it comes to regulatory categories.

How on earth can a health claim for bee pollen be in the same category as a health claim for the ulcer medication tagamet? It is time for the FDA to infuse a little common sense into its rulemaking. Let us fix this mistake once and for all. Let us begin right here today with, I hope, an overwhelming vote by postponing the implementation of it, and let us send a message to the FDA that we are not going to tolerate this type of overregulatory, heavy-handed administrative approach.

Mr. President, if I seem worked up on this, I am. I know that there are millions around this country who are even more worked up, as they see little health food stores raided by FDA inspectors, as they see FDA-inspired people going in there with flak vests and guns, taking away the doctors' equipment and the doctors' own properties.

It is time to stop this type of thing and get some reason into it, and if we have reason the American people will comply with the reason.

Mr. President, I have a lot more I would like to say about it, but I think we have talked long enough and I am prepared to go to a vote and yield back the time if my colleague on the other side is willing to.

Mr. HARKIN. Will the Senator yield me a couple minutes?

Mr. METZENBAUM. I yield what time the Senator from Iowa needs.

Mr. HARKIN. I appreciate that.

Mr. President, first of all, this is a very important issue, as you can tell by the debate that is taking place between two of my good friends, the Senator from Ohio and the Senator from Utah, both of whom labored long and hard on the nutrition labeling act.

I also feel that I had a part in that, too. I was interested in labeling requiring fat contents whether saturated or unsaturated fat and cholesterol contents; that is a part of the labeling bill. I think it is basically a very good piece of legislation that we passed here and very much in the consumer's interest.

I want to say about this amendment, however, first of all, I must make the point to my good friend from Utah that this amendment really ought to be on the agricultural appropriations bill, because it covers the Food and Drug Administration, and we have no jurisdiction over the Food and Drug Administration. That is agricultural appropriations. And I serve on that. And I know the distinguished Senator from Mississippi serves on that also, but that is really where it ought to be placed and not on this bill. But I understand a lot of times we have to take things that should not belong on this bill but I wanted to make that point. It should be made often.

Mr. HATCH. Mr. President, if the Senator will yield, the statute sets forth regulatory responsibilities to the Secretary of Health and Human Services. It is completely proper to be on this bill. We are talking about regulatory activities in FDA and delegated by statute to the Secretary of Health and Human Services, which this bill does, but the ultimate authority rests with the Secretary of Health and Human Services. It is his signature that will be on these regulations, not that of Mr. Kessler.

Mr. HARKIN. That could be argued on that, but this should go to the Food and Drug Administration to add regulations. And what the Food and Drug Administration does in terms of promulgation whether a vitamin is safe or not safe and that is up to the FDA and not the Secretary of Health and Human Services.

Mr. HATCH. That is true. But keep in mind we are staring at a November 8 due date. We are up against that deadline, and this is the only bill that we can do this on. It is appropriate on this bill, because the Secretary has the regulatory responsibility. We are talking about regulation here that could and

may very well be implemented by November 8, and this will delay that regulation and give us as thoughtful legislators a year to work out a satisfactory long-term solution. Maybe the FDA will work it out in their regulations, because of the message hopefully this debate will send.

Mr. HARKIN. I thank the Senator.

Having said that, Mr. President, I also state that I am a strong supporter of preventative health care and for a full choice for consumers to have in what type of health care or treatment or preventative health care they feel is best themselves. After all, it was this Senator who established the Office of Alternative Therapies in Medicine at the National Institutes of Health.

I feel very strongly about this, that in many cases we are not looking at alternative therapies and alternative interventions and alternative medicine that have been successful in the past or successful today. I do believe that the Food and Drug Administration should give special consideration to the unique features of vitamins and supplements in coming up with the final regulations. I hope that they do.

I would also point out, I think, as the Senator from Ohio pointed out, that if in fact they come up with a regulation we do not like, of course we can always come back legislatively. That is our pursuit here. If we do not like something we can come back a year later and change it. In this case it would not be a year later; it would be about 9 months later to change it. We do have that oversight responsibility here and that authority.

I understand the provisions and terms of the implementation on November 8. That has been taken out of the amendment. This is really the 1-year moratorium on the vitamins and supplements in terms of their efficacy or not.

So with that provision I certainly have no objections to the amendment whatsoever, and would hope that we could bring this to a final conclusion at this point.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will take only 1 minute.

I compliment the distinguished Senator from Iowa for his work on his alternative medicine research amendment yesterday. I felt that was long overdue, too, and this amendment is in the same nature of things. We want to give our American people every chance to help themselves and especially in areas that we know are safe.

Now, Mr. President, what is involved here is the FDA has proposed regulations that would treat dietary supplements such as vitamins, minerals, herbal preparations, and so forth, like drugs for purposes of making health claims. If they succeed in that I can see the cost of vitamins and minerals going off the chart. If that happens what they end up charging—the average person will not be able to afford.

The Hatch amendment imposes a 1-year moratorium on implementation of these regulations until a comprehensive long-term solution can be found, and that is what we want to do here.

But I would call all of my colleagues' attention to the Health Freedom Act of 1992, S. 2835. That is the legislation that we will pass later if we cannot get FDA to wake up and realize we are not going to put up with this type of heavy-handed oeverregulatory methodology. This legislation, the Health Freedom Act of 1992 will help to ensure the companies producing dietary supplements can do so without any unnecessary regulatory constraints.

Mr. President, I ask unanimous consent that a Dear Colleague letter signed by me be printed in the RECORD.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC, September 18, 1992.

DEAR COLLEAGUE: What do Time Magazine, the New York Times and the Public Health Service all have in common? The answer is that all three have recently acknowledged the important role that dietary supplements play in promoting human health and helping to prevent disease.

Just this week, Assistant Secretary for Health, Dr. James Mason, on behalf of the Public Health Service, recommended that all women of child bearing age increase their folic acid intake in order to decrease the chances of having a baby with a neural tube birth defect, such as spina bifada. Significant scientific agreement supports the benefits of other dietary supplements, such as anti-oxidant vitamins to help prevent cancer, omega-3 fatty acids to reduce the risk of heart attack, and calcium supplements to help prevent osteoporosis. In addition, the quick pace of scientific advancement in this area is likely to identify even more beneficial correlations.

Unfortunately, the present regulatory climate for these products is nearsighted to the point of being repressive. As evidenced by the proposed rules for implementing the Nutrition Labeling and Education Act (NLEA), the FDA has interpreted the standards for claiming benefits for dietary supplements at a drug efficacy level, contrary to congressional intent. By these proposed regulations, the FDA has failed to acknowledge the benefits of dietary supplements or to look with an open mind at either the science or the clear desire of the American public to have informed access to dietary supplements.

Clearly, the proper regulation of dietary supplements is a complex issue that should not be decided in haste at the end of a congressional session. However, the FDA regulation will go into effect before the new congress meets. As a result, I am offering an amendment to the Labor, HHS appropriation bill that will delay for one year the implementation of these regulations to the extent that they would impact the availability or labeling of safe dietary supplement products.

Dietary supplements are purchased for fundamentally different reasons than are conventional foods or drugs and we need to be sure that an appropriate regulatory model is used. A year's moratorium will permit us the opportunity to resolve this problem. We do not want Dr. Mason saying a dietary supplement is good for the public health and FDA regulations saying the manufacturer cannot put that information on the label.

I welcome your support when this amendment comes to the floor. If you have any questions or wish to be a cosponsor of the amendment, please call Ann LaBelle or Bruce Artim of my staff at extension 4-6770.

Sincerely,

ORRIN G. HATCH,
Ranking Minority Member.

Mr. HATCH. Mr. President, I am prepared to yield back the remainder of my time if the distinguished Senator from Ohio is prepared to do the same.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, very briefly, I just differ with my friend from Utah on the significance of this vote as being a message to the FDA. It will not be. There will be 100 votes for it or 98 or as many Members of the Senate as are present to vote. It is simply a message that the Senate wants to move on with important business at the conclusion of the Health and Human Services bill.

The Senator from Ohio will strongly oppose the amendment and feels that the amendment will be dropped as legislation on an appropriations bill in the conference committee and does not see any useful purpose in going through a whole hassle and whole legislative parliamentary procedure in order to defeat it. I think it could be defeated, but I have indicated to the Senator from Utah I will not oppose it and, therefore, I would urge everyone to vote in the affirmative, but it is certainly no message to the FDA as to the views of the Members of this body.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. HATCH. If I could take a second, Mr. President, those are nice statements but yesterday this very amendment was rejected by the distinguished Senator from Ohio when I talked with him about it. I have to say that we all know that it would pass overwhelmingly today and since it says, notwithstanding, any other provision of the law, no funds appropriated under this act, so it is very well written to be within the appropriations bill.

I believe that the distinguished chairman of the Appropriations Committee in the House is a supporter of the Health Freedom Act, and I believe it will be retained and even this would be passed overwhelmingly anyway.

So I am hopeful that this does send that message. If it does not, then I promise you, we will send it over the next year and very strongly.

The PRESIDING OFFICER. The Chair understands all time has been yielded back by the parties that control time. The Chair is so informed.

The Chair will also inform the distinguished Senator from Iowa that under

the previous order he has the right to be recognized for the purpose of moving to table the pending amendment.

Mr. HARKIN. Mr. President, I obviously will not do so.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have indeed.

Mr. HARKIN. Does the Senator still want the yeas and nays?

Mr. HATCH. Yes.

Mr. PELL. Mr. President, I strongly support the effort by Senator HATCH to clarify the application of the Nutrition Labeling and Education Act with respect to herbs, amino acids, and other nutritional and dietary supplements. There has been tremendous public confusion and anger over a perceived attempt by the FDA, either acting under its existing authority or pursuant to the Nutrition Labeling and Education Act, to limit access to vitamins, minerals, and nutritional supplements, and I think it is time for Congress to take action to make our intent clear.

I cosponsored and voted for the Nutrition Education and Labeling Act, and did so with the firm belief that it would help consumers make more intelligent and informed choices about the foods that they eat. I also believed that it would help guard against fraud and misrepresentation in the labeling of products, and strongly support its focus on ensuring that product claims are truthful.

I still support the Nutrition Labeling and Education Act, and the goals I have just described. But I am growing increasingly concerned about reports from many of my fellow Rhode Islanders that products that they use and value are being taken off store shelves by the FDA. I am not sure what is going on here, but I think a timeout is warranted so that we can sit down with officials of the FDA and make clear that it was never our intent, in passing the NLEA or in implementing it, to limit consumers' access to safe products simply because they may be considered alternative, holistic, or natural. Certainly this was never my intent in supporting the NLEA, as I share an interest and belief in the value and efficacy of many of these products.

I was very pleased to vote for Senator HATCH's amendment, because I think it will give us time to reach a sensible solution that strikes a reasonable balance between the consumer's right to know product ingredients and to exercise choice in purchasing a variety of products, including nutritional supplements, and the Government's responsibility to protect the public from false and misleading claims and dangerous products. I applaud the Senate's action in adopting this amendment.

Mr. MURKOWSKI. Mr. President, I rise to support the amendment offered by my colleague, Senator HATCH, because I believe that his amendment substantially redresses valid grievances of my constituents in Alaska.

In recent months, Mr. President, I have received literally hundreds of complaints from Alaskans—including a personal call from Mrs. IrmaLee Hickel, the wife of our Governor—concerned about pending changes in Government policy on vitamins, dietary nutrients, and food supplements. Despite the best of intentions of those who authored the Nutrition Labeling and Education Act, Mr. President, the bureaucrats have again used good legislation to overreach and involve themselves in the private decisions of individuals. In this case we are dealing with individuals who want simply to live health lives and to enhance their health by consuming certain safe and legal vitamins, minerals, and herbal and other nutrients. Who in this body is prepared to take away those rights? A vote against the Hatch amendment is a vote to take away health freedoms of our people.

Alaska is a unique land, Mr. President. People from all walks of life have settled in the Last Frontier, including a number of people who believe that alternatives to the traditional health and medical-care interventions offer them the best chance for long life and good health. I believe that the U.S. Congress has a responsibility to protect the rights of individuals to make such free choices, particularly when they harm no one and are in their own interests. The Food and Drug Administration, perhaps with all good intentions, Mr. President, is moving to restrict peoples' ability to use these alternative health solutions—choices that are safe, economical, and made freely by individuals interested only in promoting their own health.

I for one will not accept the premise that there is only one way to skin a cat, Mr. President. We do not know today why some illnesses occur, or what substance cures them. We do not know why some drugs work as they do, and, critically, we do not know whether vitamins, nutrients, food supplements, and herbal mixtures help people be more healthy. We do know they cause no harm. Until science answers many of these questions, Mr. President, I believe that there is absolutely no basis for Government to take away the rights of individuals to consume these nutrients and other legal substances.

Mr. President, I urge my colleagues to join me in supporting the amendment offered by our colleague from Utah.

The PRESIDING OFFICER. The question now occurs on the amendment offered by the Senator from Utah, amendment No. 3045. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from California [Mr. SEYMOUR] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. SEYMOUR], would vote "yea."

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—94

Adams	Fowler	Mikulski
Akaka	Garn	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Gorton	Murkowski
Biden	Graham	Nickles
Bond	Gramm	Nunn
Bradley	Grassley	Packwood
Breaux	Harkin	Pell
Brown	Hatch	Pressler
Bryan	Hatfield	Pryor
Bumpers	Heflin	Reid
Burdick, Jocelyn	Helms	Riegle
Burns	Hollings	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Sanford
Cochran	Kassebaum	Sarbanes
Cohen	Kasten	Sasser
Conrad	Kennedy	Shelby
Craig	Kerrey	Simon
Cranston	Kerry	Simpson
D'Amato	Kohl	Smith
Danforth	Lautenberg	Specter
Daschle	Leahy	Stevens
DeConcini	Levin	Symms
Dixon	Lieberman	Thurmond
Dodd	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	Wellstone
Durenberger	McCain	Wofford
Exon	McConnell	
Ford	Metzenbaum	

NAYS—1

Rudman

NOT VOTING—5

Bingaman	Gore	Wirth
Boren	Seymour	

So the amendment (No. 3045) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The committee amendment, as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, today we are taking action on the Labor, Health and Human Services, and Education appropriations for fiscal year 1993—a bill that provides funding for some of our Nation's most important programs—and, unfortunately, a bill that

contains some of Congress' most excessive spending.

While this bill may meet targets set by last year's budget agreement, excessive spending in the outyears will greatly contribute to the Nation's budget deficit. The fiscal irresponsibility of this bill does not demonstrate any ability to face the reality of our national debt. This bill provides $245 billion in new budget authority, a 12-percent increase over fiscal year 1992. Also, discretionary spending in the bill exceeds the administration request by $84.2 million.

How can we get our budget deficit under control when the Congress continues to appropriate at these fiscally irresponsible levels?

There are some excellent Federal programs that promote the welfare of our Nation—for example, the National Institutes of Health, Medicare and Medicaid, impact aid, Head Start, vocational education, trio programs, employment training, and the National Youth Sports Program. I do not oppose adequate funding for these sorts of programs. However, adequate funding does not mean double-digit percentage increases.

Mr. President, Congress continues to borrow and spend beyond this Nation's financial capability ever to repay. If we are going to continue to enjoy the kind of economic growth and stability that allows us to provide these important services to Americans, then we must work toward solving our budget problems. There are a number of rural friendly and other programs being funded in this bill, which I support. However, Mr. President, the overall excessive spending in this bill compels me to oppose it. Congress must be fiscally responsible.

This week, between this bill and the supplemental appropriation, H.R. 5620, passed 2 days ago, the Senate has also managed to combine fiscal profligacy with irresponsible policymaking. Twice, once in the supplemental and once today, the Senate has included significant substantive changes in Federal labor and procurement law—principally, the Davis-Bacon Act of 1931—in appropriations bills. Not only is this inappropriate procedurally, it also will increase the budget deficit still further.

The supplemental included a provision, section 301, inserted by the other body, to bar the Secretary of Labor from implementing or administering final regulations providing procedures for determining the locally prevailing wages of semi-skilled helpers for use in Federal and federally assisted construction, alteration, and repair projects. The same provision also would bar the Secretary from moving forward on merely proposed regulations that would update and upgrade standards for Bureau of Apprenticeship certified programs.

On Tuesday, I offered an amendment to strike this provision which, I am sorry to say, was not adopted by this body. By allowing the Secretary's helper regulations to take full effect, my amendment would have saved $735 million in budget authority and $162 million in outlays in fiscal year 1993, and $3.842 billion in budget authority and $2.658 billion in outlays over the first 5 years.

Now, remember, H.R. 5677, the Labor-HHS-Education appropriation considered today would increase discretionary spending above the President's recommended level by $84.2 million. The amendment I offered Tuesday to the supplemental would have saved almost twice that much in outlays—and almost nine times as much in appropriated budget authority—in the first year, in the Davis-Bacon regulatory program administered by the Department of Labor.

I still believe some of my colleagues thought that my amendment, in effect, would have changed the Davis-Bacon Act. It would not. Flawed as that act is, the section 301 of the supplemental made it worse, by prohibiting the Secretary of Labor from moving forward on regulatory reforms that 10 years of litigation and court decisions had shown were absolutely consistent with the letter and the intent of the Davis-Bacon Act. These changes in the operation of Davis-Bacon were proposed in the other body, and passed here as well, without the hearings and markup and full, fair floor debate to which Senators were entitled.

Today, we have been considering a bill which includes a provision barring another set of Davis-Bacon regulations and again ignoring 10 years of judicial results. This time, in its 1991 decision in the Midway Excavators case, the U.S. Court of Appeals for the D.C. Circuit struck down Department of Labor regulations and ruled that truck drivers who only deliver materials to a Davis-Bacon jobsite, and who do not perform other work directly on the jobsite, are not "laborers and mechanics" for the purpose of being covered by Davis-Bacon.

This is a matter of common sense, not to mention clear eyesight when reading the plain, black letter of the law. The Davis-Bacon Act applies, in its own words, to "mechanics and laborers employed directly upon the site of the work," the "work" being earlier defined in the act as "construction, alteration and/or repair, including painting and decorating, of public buildings or public works * * *".

Perplexingly, because it is worded as a funding limitation, the language in H.R. 5677 puts the Secretary of Labor in the position of being prohibited from carrying out regulations mandated by the courts, but does not allow the Secretary to carry out the old regulations, either, because H.R. 5677 does not change the fact that the court has invalidated the old regulations as conflicting with the Davis-Bacon Act, itself.

Not only is the anti-Midway language in H.R. 5677 another instance of inappropriate legislating in an appropriations bill, it is sloppy legislating, as well. This should tell us something about the wisdom and practicality of trying to rewrite substantive law in the form of funding limitations.

The chairman of the Labor and Human Resources Committee has a bill, S. 1689, that would overhaul and expand Davis-Bacon. I have a bill, S. 2868, that would repeal this outdated and counterproductive act. But this body chose to follow the other body's unfortunate lead and bypassed the regular legislative process. Twice this week, the Congress has begun trying to rewrite the Davis-Bacon Act, substantive labor and procurement law, one clause at a time, in a rushed fashion, in a series of appropriation bills. The Members of the greatest deliberative body in the world deserve better than this. Legislation this important deserves more thorough consideration. The American taxpayers, employers, and workers deserve more consideration than this process has allowed.

The President has stated his intent to veto appropriations bills that come in over his recommended amounts. H.R. 5677 would do so. The Secretary of Labor has stated unequivocally that she and the President's other senior advisers will recommend—and anticipate—a veto of H.R. 5620 if the anti-Davis-Bacon-helper language remains in. There still will be opportunities to correct these faults in conference. If the excess dollars are not cut, if the helper ban is not removed, then I join, too, in urging the President to veto these bills and I pledge my support in making sure we sustain those vetoes.

JUVENILE ARTHRITIS

Mr. SHELBY. I would like to take this opportunity to discuss with you a provision within the legislation before the Senate concerning arthritis in children. I commend the distinguished chairman for his attempt in the Labor, HHS, Education appropriations bill to provide some direction to the National Institute of Arthritis and Musculoskeletal and Skin Diseases [NIAMS] regarding research on arthritis and the training of researchers and health professionals in the field of juvenile arthritis. However, I do not believe that this legislation, though well intentioned, goes far enough.

Only limited funding has been provided to determine the causes of this chronic, disabling condition that affects hundreds of thousands of children. Dr. Shulman, the director of NIAMS, in his response to an inquiry of mine dated March 26, 1992, stated that NIAMS estimates that only $663,000 of the $107.6 million obligated in fiscal

year 1992 for arthritis is planned for juvenile arthritis. The estimated fiscal year 1993 funding level is $686,000. What is really needed is for Congress to earmark funding for juvenile arthritis research and for the training of researchers and health care professionals.

I say this because juvenile arthritis, which affects over 250,000, is the No. 1 chronic disease in children. More children have juvenile arthritis than juvenile diabetes. More children have juvenile arthritis than muscular dystrophy. More kids have juvenile arthritis than cystic fibrosis. At the same time 15 States have no practicing pediatric rheumatologists. It is common for children to travel hundreds of miles to receive adequate care.

Mr. Chairman, can I receive your assurance that you will make this issue a priority when your subcommittee confers with your House counterparts to iron out differences between your respective bills?

Mr. HARKIN. I understand the concerns of the Senator from Alabama. I would like to take this opportunity to assure you that juvenile arthritis will be a priority of mine when we confer with the House.

DENIAL OF FUNDING FOR DISABILITY RESOURCE CENTER

Mr. DOMENICI. Mr. President, I would like to bring the Senate's attention to what I consider to be an excellent program presently operating in my home State of New Mexico.

Each year, more than 2 million people in our country suffer traumatic brain injuries [TBI]. Because of tremendous advancement in emergency medicine and trauma services nearly half of these people will survive this tremendous injury. Sadly, however, two-thirds of these survivors will have a lifetime loss of function.

As the number of these traumatic injuries has increased health care and rehabilitation services providers have responded by developing programs that help survivors intensively in the time immediately following their injury. However, it typically takes 5 to 10 years of long-term rehabilitation to even come close to regaining their full capabilities.

There is an organization in Las Cruces, NM that for a long time has been led by an amazingly courageous woman who suffered a traumatic brain injury, Sherry Watson. The organization is known as the Disability Resource Center and they have worked very hard to establish community support networks for others who have suffered traumatic brain injuries. By establishing the community support networks it is easier for an individual to adjust to life in their community and also get the long-term rehabilitation they require for a full recovery.

However, there is one very unique aspect of this organization, they strive to have persons who have recovered from TBI's work with persons who are just beginning the recovery process. Thus providing a mentor of sorts to help each negotiate some of the pitfalls with someone who has already experienced many of them.

Recently, the Disability Resource Center applied for a major grant through the Rehabilitation Services Administration [RSA] that would have enabled them to develop what they have entitled the "National Survivor Center for Rehabilitation and Learning." This would be a resource center for rehabilitation programs for people with brain injuries operated by people with brain injuries.

The proposed center was designed to meet four key needs:

Fill a need for meaningful involvement of survivors in existing rehabilitation programs.

Develop methods to contain costs of rehabilitation and improve survivor productivity.

Extend the head injury continuum of services beyond current limits.

Improve the availability of resources across the United States that encourage survivor recovery.

These are much needed components in the rehabilitation of persons with TBI's.

Unfortunately, Mr. President, this project was not funded.

In their critique, the RSA pointed out many strengths in the Disability Resource Center's proposal. It is well-organized and provides opportunities for persons recovering from traumatic brain injuries. In fact the only major negative comment was that the proposal is not tied to any major rehabilitation organization either in the public or private sector.

Mr. President, I think this is exactly what makes this program so exciting. It is a community-based program designed to respond to the needs of communities on a specialized basis, rather than make the community fit into a program.

I think it is important for us to look for effective mechanisms to help survivors of TBI's obtain adequate rehabilitation that will allow them to recover fully. This can only be done in a community setting.

Mr. President, I applaud the efforts of the Disability Resource Center and hope that they will continue to pursue funding for this very worthwhile program.

Mr. LAUTENBERG. Mr. President, I rise in support of the Labor, Health and Human Services and Education appropriations bill for fiscal year 1993. I commend Senator HARKIN, the subcommittee chairman, for putting together this bill. Many worthy programs compete for limited funds in this appropriations bill and the Senator from Iowa had to make some very difficult choices in crafting this bill. These choices are particularly difficult because of the outmoded budget agreement that has limited our ability to transfer funds from defense spending to critical domestic needs in New Jersey and throughout the Nation. I regret that several amendments to transfer unnecessary funds from defense to programs contained in this bill failed.

I am pleased that the bill includes funding for a number of important programs which I requested that are designed to address critical domestic needs. One of the biggest health challenges of the last decade has been the AIDS epidemic. The AIDS epidemic now affects young and old, men and women, black and white, urban and rural. This epidemic, which is now growing at approximately 35 percent per year, has been crippling our public health system for the past few years.

In response to this epidemic and the tragic death of Ryan White, the Congress passed the Ryan White CARE Act in 1990. I was a cosponsor of this legislation that was designed to provide emergency funding for AIDS care, prevention and education. The bulk of the funding was designed to go to 16 original target areas, including Hudson County, NJ and the Newark, NJ metro area, and the 50 States.

The Labor-HHS appropriations bill includes $186 million for title I—target areas—of the Ryan White CARE Act, which is an increase of $64 million over last year's level. This increase is even more necessary because there are now 24 areas eligible for title I assistance. This bill also includes $116 million for title II of the same act which is reserved for State programs. I commend the subcommittee for including this increase even though the Labor and Health and Human Services allocation was below last year's level plus inflation and hope that we can work together in the future to provide the highest possible funding for this program.

The $186 million for title I programs will provide about a 26-percent increase in funding for AIDS care and education programs in Newark, NJ and Hudson County, NJ as well as other hard hit areas across the United States.

This bill also provides funding for the National Pediatric/Family Resource Center in Newark, NJ. This Center provides valuable medical treatment, foster and child care, drug treatment, clinical drug trials, transportation, nutrition and case management to families of victims of AIDS. The funding in this bill will ensure that this center continues to provide these valuable services in northern New Jersey.

Lead poisoning is also a major problem in my State and throughout the Nation. The U.S. Public Health Service estimates that 3 to 4 million children have blood levels high enough to cause health problems and impair cognitive development. The Centers for Disease

Control [CDC] has initiated a lead poisoning prevention program that provides grants to States and localities to establish community-based lead prevention programs. Last year, the Congress appropriated $21.3 million for this program. The House of Representatives only provided $20.8 million in their fiscal year 1993 bill. I strongly urged the Labor-HHS Subcommittee to drastically increase funding for this program. The committee has accommodated this request by providing $30 million. This will ensure that we will have greater resources to fight this major health problem.

This bill also restores a House cut in the domestic refugee and entrant assistance program by providing $405 million. The House cut $79 million from the Refugee Cash and Medical Assistance Program [RCMA] and the Senate Appropriations Committee restored most of these funds. The President proposed to cut this program by 50 percent. I commend the subcommittee for recognizing how critical the domestic refugee and entrant assistance program is to successful resettlement of refugees fleeing desperate situations in their home countries.

Mr. President, I have been extremely concerned about the increasing cost of higher education in our country today. In the past 11 years, the price of both public and private tuition has increased faster than the Consumer Price Index [CPI], in some years two to three times faster. This has had an adverse impact on the ability of American families to send their children to college. In an attempt to begin the process of reversing this trend, I was successful in creating a National Commission on the Cost of Higher Education in the Higher Education Act. I am pleased that the Labor-HHS Appropriations bill contains $1 million so that the Commission can begin its work of looking for solutions to hold down the increasing cost of college tuition. It is my expectation that the Commission will soon offer the Congress a series of proposals to achieve this goal and the Congress will closely consider these recommendations.

Mr. President, I have also been concerned about meeting the need for innovative elementary and secondary education programs to improve our Nation's schools. This bill includes $1.5 million for Model Community Education Employment Center [CEEC] authorized by the Carl D. Perkins Vocational and Applied Technology Act of 1990. I secured the authorization for the overall program because there is a great need for innovative school-based programs to help low income, disadvantaged children to graduate from high school and secure meaningful employment. I am pleased that the committee report which accompanies the bill encourages the Department of Education to test the success of this model in an urban school district in New Jersey.

This bill also includes $5.25 million for computer-based instruction programs funded through the Secretary's Fund for Education Innovation. I secured authorization for this program in 1988 and it has received appropriations since fiscal year 1989. The computer education program provides funds for special projects that expand and strengthen computer education resources in elementary and secondary schools. It is designed to increase opportunities for our young people to receive hands-on experience with computers and technology.

This legislation also includes $3 million to support Recording for the Blind, which is a nonprofit organization dedicated to making educational materials accessible to blind and print to disabled people, and is located in Princeton, NJ. Recording for the Blind raises almost 80 percent of its funds from private sources and has almost 5,000 volunteers working at all of its studios. Despite these outstanding efforts, Recording for the Blind needs a modest appropriation to meet the growing need for these materials. I am pleased that this bill provides a $1 million increase in this appropriation for fiscal year 1993.

I am also pleased that this bill provides funding for the construction of four new Job Corps centers. The Job Corps Program is one of the best investments that the Federal Government makes in our youth. The Job Corps returns $1.46 for every dollar invested. It also places more than 80 percent of its graduates into jobs, continued education or the military. Despite this strong record of success, Job Corps serves less than 1 percent of those eligible in my State. I will be working closely in the next few months to develop a proposal to have one of these new centers located in New Jersey.

Once again, I commend the distinguished chairman of the Labor-HHS Appropriations Subcommittee and I will work closely with him to ensure that all of these items are satisfactorily included in the fiscal year 1993 conference report accompanying this bill.

Mr. DODD. Mr. President, I want to commend the distinguished Chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, Senator HARKIN, and the distinguished ranking member, Senator SPECTER, for their hard work to produce an appropriations bill that makes the best of very difficult circumstances. Theirs was not an enviable task, but they have made the hard choices about how best to allocate very scarce resources. This legislation holds the line on, and even increases, funding for many programs critical to children and families in my own State of Connecticut and the rest of the Nation.

A few weeks ago, statistics were released that showed a growing number of children slipping into poverty—more than one in five American children is poor. We are increasingly aware of the importance of early intervention in the lives of these children. I am pleased that the appropriations bill before us recognizes this need.

In particular, two early childhood development programs that I have been closely associated with would receive increases totaling three-quarters of a billion dollars under this bill. The Child Care and Development Block Grant, which enables working parents to find care for their children, would receive an additional $150 million, an 18 percent increase over 1992. Head Start, which provides comprehensive education, health, nutrition, and social services for over 600,000 low-income preschoolers, would receive a $600 million increase. That would enable almost 100,000 additional youngsters—including over 800 in Connecticut—to participate.

Health care is a critical part of early intervention. We in Connecticut, where infant mortality rates in our inner cities exceed that of third world nations, are particularly aware of this. The Committee was able to give community health centers, the Maternal and Child Health Block Grant, and the Preventive Health Services Block Grant at least some increase. For Connecticut, that would mean an additional half a million dollars coming into the state for preventive and primary health care. The comprehensive care provision in the Ryan White Program also received a small, but important, increase. In addition, funding for the Lead Poisoning Screening Program and the Childhood Immunization Program, two preventive health programs that are particularly important for young children, would be increased by 41 percent and 16 percent, respectively.

The Substance Abuse Block Grant received a $60 million increase. In the ADAMHA Reorganization Act we passed earlier this year, we created a new allocation formula for the block grant and protected States, such as Connecticut, that would have lost money in 1993 under the old formula. With this increase, Connecticut would move very close to gaining funds. I confess some disappointment that my Children of Substance Abusers—or COSA—Program, enacted as part of that same act, received no funding this year. I note that funding for treatment for pregnant and postpartum women and their infants has been shifted away from outpatient and prevention programs and toward residential treatment. In view of this move, community-based programs for children and families such as COSA become even more important, and I hope we might find some money for it next year.

Finally, Mr. President, I want to note the committee's efforts in finding funds for the Low-Income Home En-

ergy Assistance Program [LIHEAP], which provides a lifeline for families, senior citizens, and disabled persons seeking to warm their homes in winter. LIHEAP would receive $1.35 billion in 1993 funds and an additional $143 million from funds allocated for 1994 under the forward funding provision that could be used for the cost of the 1993 program. Certainly, I would like to see more funds for LIHEAP, and I am very concerned that over half of LIHEAP's funds would not be available until the end of the year. Yet, in view of the House funding level, which cut the program by 40 percent, I appreciate the committee's efforts in seeking a way to hold the line. It is critical that we at least hold the Senate numbers in conference and, if we are able to do so, that the Department of Health and Human Services work with representatives of public utilities and the States to address the obstacles posed by the delayed funding and continue to meet clients' needs.

Mr. President, I regret I was unable to support the transfer amendment offered by Senator HARKIN. It is never easy to oppose the distinguished chairman of the subcommittee, particularly when he has done such an admirable job of crafting a bill under such difficult circumstances.

Addressing the Federal deficit must be a national priority. In 1990, we took a step in the right direction by enacting a budget agreement. A centerpiece of the plan was the series of firewalls set up between the three discretionary spending categories for 1991, 1992, and 1993.

I do not believe we should prematurely repeal a proposal aimed at deficit reduction, and my concern is that wholesale demolition of the firewalls would mark the disintegration of the 1990 agreement. I could consider proposals to poke smaller holes in the firewalls, but only if they specify from whence the money comes, and on what it would be spent.

The Harkin amendment clearly met the latter test. The programs it would augment are all worthy, and all could desperately use additional money. Indeed, I strongly support funding increases for Head Start, LIHEAP, childhood immunizations, education, Job Corps, and the host of other programs covered by the amendment.

But the Harkin amendment did not meet the first test. It was vague when it came to the source of the money to be transferred. As Senator NUNN noted in his comments on the amendment, it did not identify which weapons systems would be affected by its proposed reductions in unobligated defense monies.

Unfortunately, this lack of specificity would have had the effect of allowing the President a de facto line-item veto over whatever weapons he opposes. I cannot support authorizing anyone such a blank check, and I was forced to oppose the Harkin amendment for this reason. Similarly, I was not able to support the amendment offered by Senator D'AMATO that sought additional funds for research on breast cancer, a purpose I wholeheartedly agree with, because it suffered from the same shortcomings.

In many ways, the debate over the Harkin amendment replicated the budget walls debate. I argued then that we had an opportunity to identify new funding priorities when the budget walls come down in 1994. I still believe that to be the case, and I hope we will use that opportunity next year to boost the allocations for the programs which would have been covered by the Harkin amendment.

In closing, Mr. President, we live in a time when the need is great, the resources fall short, and the choices are hard. My distinguished colleagues, Senator HARKIN and Senator SPECTER, have done a commendable job of working within those constraints and making difficult decisions. The key programs for children have been protected and even boosted in many cases. States such as my own will see critical early intervention funds continue to flow, at higher levels for some programs. In this environment, that is an important accomplishment, and I hope my colleagues will support this bill.

DAVIS BACON AND DELIVERY TRUCK DRIVERS

Mr. SYMMS. Mr. President, section 516 of this bill would prohibit the Department of Labor [DOL] from implementing or administering certain regulations relating to enforcement of the Davis Bacon Act. I strongly object to this section of the bill and regret that time has not permitted me an opportunity to offer a motion to strike it.

The issue is just this simple: in 1991, the U.S. Circuit Court of Appeals for the District of Columbia issued its decision in a case commonly known as Midway Excavators. The circuit court invalidated portions of a DOL rule which would have extended coverage of the Davis Bacon Act to truck drivers carrying materials to and from a construction site.

The circuit court found that the statutory language "unambiguously restricts the coverage of the act to the geographical confines of the Federal project's jobsite * * *." Consequently, the court determined the act could not be construed to cover employees, such as delivery truck drivers, "who work off-site most of the time * * *." In my view, the circuit court has properly construed the statute and acted appropriately by invalidating the pertinent portions of the DOL rule.

On May 4, 1992, DOL published an interim final rule and a proposed rulemaking in an effort to implement the court's Midway Excavators holding. Section 516 of this appropriations bill would prohibit the enforcement of those or any other regulations promulgated pursuant to the Midway Excavators decision.

The Secretary of Labor recently wrote to the Republican leader indicating her strong objections to section 516. In her words, this section would "inappropriately micromanage the rulemaking processes of the Department * * *." I completely agree, and I urge my colleagues to eliminate this language in conference with the House.

I ask unanimous consent that Secretary Martin's letter to Senator DOLE be printed in the RECORD following my remarks.

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

DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, DC.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: The Senate is currently considering H.R. 5677, the FY 1993 appropriation for the Departments of Labor, Health and Human Services, and Education. In Subcommittee, amendments were adopted which inappropriately micro-manage the rulemaking processes of the Department and its financial management practices. I urge you to oppose these amendments and to attempt to have them stricken from the bill.

Specifically, the Department opposes: section 516, which would prohibit the enforcement of rule changes under the Davis-Bacon Act made as a result of the decision in *Building and Construction Trades Department, AFL-CIO, v. United States Department of Labor Wage Appeals Board (Midway Excavators, Inc.)*, 932 F.2d 985 (D.C. Cir. 1991); and section 517, which would prohibit the Department from filling 50 percent of the full-time FTE vacancies which occur.

I strongly object to the language of section 516, which would prohibit the Department from enforcing the revisions made to the Davis-Bacon Act regulations, required to comply with a decision by the U.S. Court of Appeals for the D.C. Circuit regarding coverage of truck drivers in the *Midway Excavators* case. This decision partially invalidated a section of the regulations (not the Act) that declared that employees of contractors or subcontractors who haul materials and supplies to or from construction sites are covered by the Davis-Bacon Act, when they spent only minimal time employed on the site of work. The court declared the existing regulatory provision invalid and beyond the authority of the statute. The provision in section 516 of the bill would not change the Davis-Bacon statute, nor would it change the court decision or its nullifying effect on the former rules. As a consequence, section 516 would not restore the status quo of coverage of truck drivers affected by the court ruling that existed before the court decision, in that the pre-existing regulations would remain invalid. Thus, the Department would be without authority under the terms of the appropriations rider to implement a corrective rule as required by the court decision. It appears that we would be unable to administer any aspect of the Davis-Bacon Act with respect to truck drivers hauling materials and supplies to and from covered construction sites. This situation would certainly lead to confusion in the

regulated community that could only be resolved through additional lengthy and costly litigation.

Moreover, the Administration strongly opposes the inclusion of substantive legislation in an appropriations bill. For the foregoing reasons, the Administration strongly opposes the enactment of section 516.

Section 517 of the bill imposes reductions in salaries and expenses of the Departments of Labor, Health and Human Services, and Education. It also mandates that as vacancies occur in full-time permanent positions, no more than 50 percent shall be filled, except in those cases where the Congress has specifically added full-time equivalents over the actual fiscal year 1992 usage levels. It is highly inappropriate for the Congress to mandate in statutory language the method in which Departments are to achieve savings. I require the flexibility to achieve the savings in a manner best suited to the programmatic needs of the Department. As written, even if the savings accrue, but are not achieved in the way set forth by this amendment, the Department would be in violation of the appropriations bill. This surely cannot be what Congress intends. Additionally, to take reductions in the manner imposed by this section would have an adverse programmatic impact on the Department because of the resulting reduced staff levels. For these reasons the Administration is opposed to section 517 of the bill.

The Office of Management and Budget advises that there is no objection to the submission of this letter and that enactment of the aforementioned amendments to H.R. 5677 would not be in accord with the program of the President.

Sincerely,

LYNN MARTIN.

FISCAL YEAR 1993 FUNDING FOR LIHEAP

Mr. MITCHELL. Mr. President, I regret that again this year the Appropriations Committee has reduced funds for the Low-Income Home Energy Assistance Program. LIHEAP, as the program is called, has been reduced each year for the last 7 years.

Given budget constraints this year and the inability throughout the year, including today, to transfer funding from defense programs to domestic programs, I understand that many difficult decisions must be made with regard to domestic priorities.

Nevertheless, I remain concerned about the treatment of LIHEAP in the pending legislation. Under the committee bill, LIHEAP funding would essentially be held constant, but about 55 percent of the funding for LIHEAP will be delayed until next year.

In Maine, this means that of the 60,000 families who may receive LIHEAP benefits, over 30,000 will not receive financial assistance until next year. The Maine State Housing Authority, the agency that administers LIHEAP in my State, has informed me a State loan may not be possible to cover this shortfall given the State's own budget problems. This means that either the oil companies, the electric companies, or the gas companies carry their low-income clients' arrearages or it could be a very cold winter for thousands of Maine families.

The State may be able to loan the housing authority the $11 million necessary to run the LIHEAP Program as intended. But, equally possible, the State may not be able to provide such a loan. With the Nation's current unemployment rate, AFDC and food stamp caseloads increasing, and a cold winter approaching, I do not believe it is good public policy to delay spending for a program that is primarily beneficial in the winter months.

I have been informed by the housing authority that it's likely that an additional 10,000 families may apply for assistance this year beyond the 60,000 already estimated. The housing authority has told me that at this point, it's not clear whether or not they will be able to assist these families, or if they can assist them, the housing authority isn't clear how much assistance they will be able to offer. The housing authority has made clear, however, that assistance is not likely until next fall, about a year after they've incurred their utility expenses.

I disagree with the committee's decision to delay the obligation of over half of the funds for LIHEAP. Given the economies among the States, particularly small States, it simply may not be possible for States to loan the Federal Government money this year to run LIHEAP until the Federal funds for the program are released.

I urge the chairman and the other members of the committee to review the release of LIHEAP funding and the ability of States to absorb this funding shortfall in conference.

The PRESIDING OFFICER. Do the managers yield back any time that they control that remains on the bill?

Mr. HARKIN. Mr. President, we yield back all remaining time on this side.

Mr. HATFIELD. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from California [Mr. SEYMOUR] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. SEYMOUR] would vote "yea."

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

The result was announced—yeas 82, nays 13, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—82

Adams	Fowler	Mikulski
Akaka	Glenn	Mitchell
Bentsen	Gorton	Moynihan
Biden	Graham	Murkowski
Bond	Grassley	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pryor
Burdick, Jocelyn	Hollings	Reid
Burns	Inouye	Riegle
Byrd	Jeffords	Robb
Chafee	Johnston	Rockefeller
Coats	Kassebaum	Rudman
Cochran	Kasten	Sanford
Cohen	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dixon	Levin	Stevens
Dodd	Lieberman	Thurmond
Dole	Lugar	Warner
Domenici	Mack	Wellstone
Durenberger	McCain	Wofford
Exon	McConnell	
Ford	Metzenbaum	

NAYS—13

Baucus	Gramm	Smith
Brown	Helms	Symms
Conrad	Lott	Wallop
Craig	Pressler	
Garn	Roth	

NOT VOTING—5

Bingaman	Gore	Wirth
Boren	Seymour	

So the bill (H.R. 5677), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate will insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees on the part of the Senate: Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. ADAMS, Mr. CONRAD, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. RUDMAN, Mr. COCHRAN, Mr. GRAMM, and Mr. GORTON.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, I will yield to the distinguished chairman of the Appropriations Committee without losing my right to the floor.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore, Senator BYRD.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

I ask unanimous consent to move the following amendments, the Lautenberg amendment No. 3001, Helms amendment No. 3022, and Hatch amendment No. 3045 in the Labor-HHS appropriation bills to "general provisions."

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. That is agreeable to this side of the aisle.

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

Mr. BYRD. Mr. President, I congratulate the distinguished Senator from Iowa, the chairman of the subcommittee, Mr. HARKIN, and the distinguished Senator from Pennsylvania, the ranking member, Mr. SPECTER, for their diligent work on this difficult bill. The Labor, HHS, Education appropriation bill funds very important programs for our human infrastructure and both Senators have done a commendable job in their efforts to balance the many competing priorities among these necessary activities. I have spoken many times about our third deficit, the infrastructure deficit, and this bill funds the human capital programs that are a part of this country's infrastructure.

This bill is within the subcommittee's 602(b) allocation and deserves the support of all Senators.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, I yield to the Senator from Pennsylvania for the purpose of making a brief statement on the bill just passed.

Mr. SPECTER. Mr. President, we had a long, laborious bill, and I think it appropriate to commend the majority staff: Mike Hall, Jim Sourwine, Carol Mitchell, Amy Schultz, Margaret Stuart, Gladys Clearwaters, and Susan McGovern; and the minority staff: Craig Higgins, Bettilou Taylor, Meg Snyder; and the chairman, Senator HARKIN.

Mr. MITCHELL. Mr. President, I thank Senators SPECTER and HARKIN for their diligence and cooperation in seeing that the Labor-HHS appropriation bill was passed.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I call for the regular order.

NATIONAL DEFENSE AUTHORIZATION ACT

The PRESIDING OFFICER. The Senate returns to consideration of S. 3114, the DOD authorization bill which the clerk will report.

The assistant legislation clerk read as follows:

A bill (S. 3114) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, we now return to consideration of the defense authorization bill. I would inquire of the distinguished chairman of the committee as to whether or not he and the ranking member are now prepared to proceed and, hopefully, complete action on this measure as soon as possible.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. NUNN].

Mr. NUNN. Mr. President, I say to the majority leader with his great help, we have made substantial progress since starting this bill lasting evening. We have handled three major topics, three of our most difficult topics—SDI, B-2, and nuclear testing. We have had a 2-hour break for the Labor-HHS and at this point in time the amendments that are now what I call significant amendments, that is amendments that have significant opposition—there are a lot of significant amendments that will be cleared, but these amendments may have opposition and, therefore, will require debate and rollcall vote in all likelihood and there is no set order for these:

A Coats amendment to strike the committee abortion provision. I have been told that both sides have agreed or will agree to a 1-hour time agreement, equally divided.

We have a Sasser amendment on humanitarian aid, and I have been told there that both sides will agree to a 1½-hour time agreement, equally divided.

A Bumpers amendment on cutting the D-5 Program, and I have been told there that Senator BUMPERS is agreeable to a 1½-hour time agreement to be equally divided with the committee floor managers.

We have an amendment that I have not had a chance to talk to my friend from Virginia about and, therefore, I do not know what his view would be on a time agreement.

But we have the Senator from New Mexico [Mr. DOMENICI] on an amendment related to military spouses. He has indicated to me that he would be agreeable to 1 hour, equally divided, on that amendment, and I understand that will be opposed.

Then we have a Graham Cuban democracy amendment, and I know the Senator from Florida is on the floor and would like to make comments about that. I would hope we could get a time agreement on that; that is, both Senators from Florida, Senator GRAHAM and Senator MACK, and Senator DODD from Connecticut has an interest in that one. I would hope we could reach some kind of time agreement on that.

And Senator METZENBAUM has two amendments.

Mr. WARNER. Mr. President, if the Chair will allow me to observe on that amendment relating to Cuba, in my judgment, that is the single, biggest question mark that we have, and as soon as the distinguished chairman can inquire of Senator DODD as to his desires—my understanding is the two Senators from Florida are quite amenable to a reasonable time agreement. If we could isolate that one major question mark, I think we could roll on this bill.

Mr. MACK. If I may, I say to my good friend, Senator GRAHAM, and I are fully prepared to enter into a time agreement. We thought we entered into a time agreement when this bill was up for discussion. We have no difficulty whatsoever to a time agreement and hope we can move it.

Mr. WARNER. If the Senator from Florida would indicate to the managers what the parameter of a reasonable time agreement on this is.

Mr. GRAHAM. I will say to my distinguished friend, in July or August when this matter was first before us, we were talking of a time agreement in the range of 1 to 1½ hours, equally divided, or with more than equal time for the opponents of the amendment.

Mr. WARNER. Mr. President, might I inquire——

Mr. NUNN. Who has the floor?

The PRESIDING OFFICER. The Senator from Georgia retains the floor.

Mr. NUNN. I yield to the Senator from Virginia.

Mr. WARNER. I inquire further of the two Senators from Florida for the benefit of the Senate as a whole, has not this issue been before this body before? And if I am correct, how has this body responded?

Mr. MACK. If I may respond to that.

Mr. NUNN. I yield to the Senator from Florida to respond to the Senator from Virginia.

Mr. MACK. The Senator is correct. We have in fact dealt with this issue now on a couple of occasions. There is no question there is a broader approach with the amendment that is being offered by my colleague from Florida, Senator GRAHAM. But we have dealt with what I believe is considered the most contentious part of it, that is, the economic embargo. It passed the Senate, I think it was 2 years ago, with a vote of something like 84 to 14 or 13.

So I do not understand why we find ourselves having to go through this contentious debate again. We have I think settled the issue. There are a few additions that my colleague wants to add and which I am totally in support

of. I think we ought to be able to go forward.

I thank him for raising the question and giving me the opportunity to respond.

Mr. NUNN. Mr. President, I would cetainly hope we can hear from the Senator from Connecticut on this and I know he is interested. He told me that, I would like to see if he can work out some time agreement.

I understand the Senator from Ohio [Mr. METZENBAUM], also on the floor, has an amendment on contractor indemnification, and I have asked Senator DIXON, who is our subcommittee chairman, to work with Senator METZENBAUM on that amendment to see, first of all, if it can be worked out; second, if it cannot be worked out, to see if we can reach some reasonable time agreement.

I am not familiar with that particular amendment and I have asked my staff to work with Senator DIXON and the Senator's staff, and I hope our staffs are already meeting but that has not been ascertained yet.

And I also understand the Senator from Ohio has an amendment on discrimination which he is prepared to bring up now that would not take a long time.

And then I understand also Senator LEAHY has an amendment on a 1-year export ban on land mines.

In addition to that, we have approximately 20 amendments, including an amendment the Senator from Pennsylvania plans to offer that I hope we can accept relating to troop strength in Europe. That one I do not believe would take a long time, and then we have several amendments that are still being worked on.

I do not know yet whether they will require rollcall votes or whether they will be accepted. Those are being worked out and I hope all parties listening could let us know about the status of these amendments and work with the staff to see if they can indeed be cleared or at least clarified and we can reach some time agreement.

That would be a Byrd amendment changes to the Exon-Florio process; Inouye amendment on endowment on industrial cooperation, Smith amendment on POW stamp, Smith amendment on naval expedition medal for Doolittle raiders and there are several MilCon amendments which I understand will be incorporated in a single amendment. These are the amendments that I have. I have heard other amendments mentioned but not in a definitive way.

Mr. President, I would just say in answer to the majority leader's question that we can finish this bill tonight, in my view the way I assess it there is no need for a Saturday session if we get cooperation from the parties. If we do not get cooperation from the people who are involved in this and others who may have amendments in working out time agreements, if we get bogged down on any amendment, we will be in Saturday and we will be in Sunday.

Mr. REID. Mr. President, will the Senator yield?

Mr. NUNN. I am happy to yield for a question from the Senator from Nevada.

Mr. REID. I would explain to the manager of the bill that I have informed Senator KENNEDY of the amendment I spoke to the managers of the bill about. I would ask the Senator to keep my amendment on the list and we will try to work something out convenient to the Senate.

Mr. NUNN. I will put that on the list.

I understand that amendment has to do with the minimum wage.

Mr. REID. Yes; it does.

Mr. NUNN. Mr. President, on this type of amendment, as I have told my friend from Nevada, it clearly is in the jurisdiction of another committee. I would appreciate it, as he indicated he will talk to Senator KENNEDY about that, because I would have to know what his view was, the view of his committee, before we could determine what to do, including even a time agreement on it.

So I would look forward to hearing back from him on that.

Mr. REID. I have spoke to the Senator from Massachusetts.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia [Mr. WARNER].

AMENDMENT NO. 3046

Mr. WARNER. 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 Virginia [Mr. WARNER] proposes an amendment numbered 3046.

Mr. WARNER. 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 49, between lines 14 and 15, insert the following:

SEC. 171. In addition to the funds authorized to be appropriated by section 106, the following funds are authorized to be appropriated:

(a) For the Army National Guard—

(1) for 3 P-180 aircraft, $12,000,000.

(2) for night vision goggles, $20,000,000.

(3) for single channel ground airborne radio system, $10,000,000.

(4) for 6 C-26 aircraft, $23,000,000.

(5) for medium truck service life extension program, $15,000,000.

(6) for M113A3 conversion program, $15,000,000.

(b) For the Air National Guard—

(1) for night vision goggles, $5,000,000.

(c) For the Army Reserve—

(1) for medium truck service life extension program, $25,000,000.

(2) for 12 C-12J aircraft, $42,000,000.

(3) for night vision goggles, $20,000,000.

(4) for single channel ground airborne radio system, $10,000,000.

(d) For the Marine Corps Reserve—

(1) for night vision goggles, $10,000,000.

(2) for single channel ground airborne radio system, $5,000,000.

(e) For the Air Force Reserve—

(1) for night vision goggles, $5,000,000.

Mr. WARNER. Mr. President, during the markup of the Armed Services Committee, we provided funds for additional equipment for the National Guard and Reserve components, as has been our practice since I have had the privilege of serving on this committee.

In this year's markup, however, the committee departed somewhat from its usual practice. We did not identify specifically, by line item, the equipment we intended that the National Guard and the Reserves should buy.

Further, the committee indicated that the Guard and Reserve components should give special consideration to procuring equipment that would have a dual use—for military as well as support for civil missions. Thus, in our bill this year we identified funds under general and broad categories primarily oriented toward the dual civil/military use.

As a result, Mr. President, there were a number of items of equipment which we would have funded specifically this year for the National Guard and the Reserves which are not now funded in our bill and which I consider sufficiently important to our Reserve components to address in an amendment.

These items include such high-priority items for the National Guard and Reserves as night vision devices, radios, several types of aircraft and a service life extension program for medium trucks. I should note that, within the $25 million we have identified for the Army Reserves for the medium truck service life extension program, there is included $5 million for the Navy Reserves and $5 million for the Marine Corps Reserves within this truck rebuild program.

When the committee, in markup, considered how we might address these items more specifically for the National Guard and Reserves, our chairman agreed that we should address the matter with an amendment on the floor.

Therefore, Mr. President, I am introducing this amendment to continue the modernization program for our National Guard and Reserves, which our committee and this body has always supported so strongly and so consistently. I know this hasn't been finally approved by the chairman, but I am hopeful that by introducing this amendment now we can soon get final agreement on both sides.

Mr. NUNN. Mr. President, I thank the Senator from Virginia. I appreciate his expression of not pushing this to a vote at this point, because this is an amendment we are working on. We

have not had a chance to go through it in any great detail. We are looking at it now, and I have asked the staff to take a look at it.

So I hope this amendment could be set aside so that we could take up other matters.

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

Mr. NUNN. Mr. President, reserving the right to object, I believe the Senator from Ohio would like to bring up his amendment.

Which amendment is that?

Mr. METZENBAUM. Discrimination against homosexuals.

Mr. NUNN. I would ask that the Senator from Ohio be recognized and the amendment of the Senator from Virginia be set aside for the purpose of taking up the Metzenbaum amendment on discrimination, and following the disposition of that amendment the amendment of the Senator from Virginia be the pending amendment.

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

The Senator from Ohio [Mr. METZENBAUM] is recognized.

AMENDMENT NO. 3047

(Purpose: To prohibit discrimination by the Armed Forces on the basis of sexual orientation)

Mr. METZENBAUM. Mr. President, on behalf of Senators KENNEDY, WELLSTONE, AKAKA, CRANSTON, HARKIN, and myself, 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 Ohio [Mr. METZENBAUM], for himself, Mr. KENNEDY, Mr. WELLSTONE, Mr. AKAKA, Mr. CRANSTON, and Mr. HARKIN, proposes an amendment numbered 3047.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

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

SEC. . PROHIBITION ON DISCRIMINATION IN THE MILITARY ON THE BASIS OF SEXUAL ORIENTATION.

(a) IN GENERAL.—No member of the Armed Forces, or person seeking to become a member of the Armed Forces, may be discriminated against by the Armed Forces on the basis of sexual orientation.

(b) PRESERVATION OF RULES AND POLICIES REGARDING SEXUAL MISCONDUCT.—Nothing in subsection (a) may be construed as requiring the Armed Forces to modify any rule or policy regarding sexual misconduct or otherwise to sanction or condone sexual misconduct, but such rules and policies may not be applied in a manner that discriminates on the basis of sexual orientation.

Mr. METZENBAUM. Mr. President, this amendment is identical to the bill I introduced on July 28, cosponsored by Senators KENNEDY, HARKIN, WIRTH, CRANSTON, KERRY of Massachusetts, AKAKA, ADAMS, and WELLSTONE.

The amendment would overturn the Pentagon's ban on homosexuals serving in the military.

Mr. President, the time has come to overturn one of the last bastions of Government-sponsored discrimination in this country.

The Pentagon's prohibition of gay men and lesbians serving in the military is completely outdated. It is senseless and it is cruel. It is a policy based on fear and ignorance.

It is discrimination against a distinct group of individuals who repeatedly and throughout history have shown that they are every bit as capable, hardworking, brave and patriotic as their heterosexual counterparts.

The job performance of homosexuals in the military has been superb. I know that to be true because every time a gay man or lesbian is discharged from the service for reason of being a homosexual, his or her service record becomes part of the official investigative process. In nearly every instance, the job performance of these individuals is above average.

Several months ago, I stood here on the Senate floor, and spoke about the incredible cost of the military's prejudice against homosexuals. I mentioned the case of Lt. Tracy Thorne, the 25-year-old navigator-bombardier who finished first in his flight training classes, received top honors from the Navy, and then was busted out of the service for being gay.

Did he do anything wrong? Did he sexually assault or harass somebody?

No. He merely said he was gay.

Two months ago, the Army dismissed Col. Margarethe Cammermeyer, one of the finest nurses in the military.

Colonel Cammermeyer served 14 months in Vietnam. She won a Bronze Star. She was named the Veterans' Aministration's Nurse of the Year in 1985. Her only crime was to acknowledge during an interview that she is a lesbian.

Lieutenant Thorne and Colonel Cammermeyer are just the most recent casualties of a policy that has destroyed thousands of careers and lives.

The Pentagon's argument used to be that you could not have homosexuals in the military because they presented a security risk that they were vulnerable to blackmail.

Two of the Pentagon's own studies debunked that old canard—the Navy's 1957 Crittendon Report and DOD's 1991 Perserec Report. Neither study found any statistical data that homosexuals present a security risk.

Today the administration uses a new rationale for discriminating against homosexuals. Now they say simply that, "homosexuality is incompatible with military service," and that homosexuals, "adversely affect the ability of the military services to maintain discipline, good order, and morale. * * *"

Those claims are totally and completely unsubstantiated. There is not a scintilla of evidence to that effect. There is no data, none whatsoever, and no evidence to support that point of view.

In fact, administration officials freely admit that there is no evidence. They say the policy is based on "considered, professional military judgment based on years of experience."

I call it baseless prejudice founded on fear and ignorance.

How does the military explain the tens of thousands of homosexuals in the military right now excelling in their jobs? They are the pilots, the ship's gunners, the foot soldiers. Gay people serve in the military, just like they serve in every other Government agency and walk of life. They do their jobs just like everyone else.

Mr. President, the military does not advertise the fact that its ban against gays is applied much more ruthlessly against women, particularly women enlisted personnel.

According to the GAO, women constituted 23 percent of all discharges for homosexuality, yet they represent just 10 percent of all military personnel. Officers constituted 14 percent of all those serving in the military, yet they represent just 1 percent of those discharged for homosexuality.

Does anyone really believe that there is a lesser amount of homosexuality in the office corps than there is in the service corps? Of course not. It is a situation that effects people regardless of rank, regardless of position, regardless of male or female.

Many servicewomen have come forward with stories of how they were investigated after having refused the romantic or sexual advances of their commanders or colleagues in arms.

It is sexual harassment, plain and simple.

Mr. President, the American public does not support the Pentagon's policy of discrimination against homosexuals.

According to a Penn and Schoen 1991 public opinion poll, 8 in 10 Americans believe that homosexuals should not be discharged from the military solely because of their sexual orientation.

Here is another aspect of this issue that not many people know about. It costs money to investigate and discharge homosexuals from the military. It is important money, significant dollars.

According to the General Accounting Office, the military wasted $490 million that they spent recruiting and training the homosexuals that they subsequently kicked out over the past 10 years.

Let's be frank, Mr. President.

This is a political issue for the administration.

This administration is too afraid of the far right to change its antigay policy—even though it knows it is wrong.

This administration pays constant homage to a group of small, narrow-minded people who insist that everyone must look, think, and live his or her life as they do.

It is the same mindset that resulted in the exclusion of millions of black Americans, and millions of women and other minorities from serving their country in the military for so many years.

In the 1940's, conservatives used all the same arguments—they said that admitting black Americans into the military would be bad for morale—that whites would not serve alongside blacks.

Compare this 1941 Navy memorandum outlining the basis of the military's exclusion of African-Americans with the Pentagon's exclusion of homosexuals today.

> The close and intimate conditions of life aboard ship, the necessity for the highest possible degree of unity and esprit de corps; the requirement of morale—all these demand that nothing be done which may adversely affect the situation. Past experience has shown irrefutably that the enlistment of Negroes (other than for mess attendants) leads to disruptive and undermining conditions.

Here are excerpts from the antigay policy today:

> The presence of (homosexuals) adversely affects the ability * * * to maintain discipline, good order * * * (and) to facilitate assignment and worldwide deployment of members who frequently must live and worked under close conditions affording minimal privacy. * * *

It is very similar. The words are practically the same.

President Truman knew the military leadership had misread the public. He integrated the military, and our Armed Forces took the lead in welcoming minorities and promoting equal opportunity ever since—save for one small exception—homosexuals.

President Bush claims the mantle of Harry Truman. It is sort of an absurd claim, in the opinion of this Senator. But the fact is, President Bush does not have the courage of Harry Truman. Harry Truman had the courage to say that blacks would be treated equally in the military. George Bush should do the same with respect to the treatment of homosexuals in the military.

So, let us stop obfuscating the issue by talking about discipline and morale.

Nothing is better for morale than a military that knows how to get the job done. What is important when the bullets are flying is whether the soldier or sailor or officer is brave, smart, and well trained. Heroes come from every race, gender, and sexual orientation.

So I say it is time to put an end to the administration's discrimination against gay men and lesbians.

If President Bush is unable to do the right thing, then it is up to the Congress.

I urge my colleagues to support the amendment which is pending at the desk.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, I rise in support of this amendment introduced by Senator METZENBAUM to ban discrimination in the military on the basis of sexual orientation. I am proud to be a cosponsor.

I would like to speak for a few moments about basic human dignity. Dignity carries us through the most difficult times, and it has always been our best weapon against oppression.

I am a Jew. Jews have experienced anti-Semitism throughout our history. But dignity carried us through it.

White supremacists founded their basic philosophy in the dehumanization of blacks and Hispanics and Southeast Asians and people of color. But people of color have carried themselves through it with dignity.

Over and over and over again, dignity has sustained people. It sustained the Jews in Russia against Stalin. And it sustained Rosa Parks and many other people of color who rose up and took on a system of apartheid in the South.

Today in Minnesota, Pam Mindt is standing up to oppression with a great deal of pride and dignity. Pamela Mindt is a captain in the 204th Medical Battalion of the Minnesota Army National Guard. She has a distinguished record in the military, both in the Army Reserve and the National Guard. She has received 10 medals, has been featured in National Guard recruitment advertisements, and has been described as an excellent soldier by her commanding officer.

But Captain Mindt's military career may soon come to an end. An investigation is underway that will lead to her discharge; not an investigation of any misconduct on her part, but an investigation of her personal life. Captain Pamela Mindt is a lesbian. When she brought the truth about her sexual orientation to the attention of her commanding officer in late July, she knew what she had to look forward to. Captain Mindt has no desire to leave the military, and she has expressed great pride in her unit and great pride in her spotless service record.

Yet, she is also proud of her identity as a lesbian, and she could no longer bear the indignity of silence.

Over the years, Captain Mindt has seen many gays and lesbians and bisexuals discharged from the military simply because of their sexual orientation, not because of allegations of misconduct.

But when Col. Margarethe Cammermeyer, chief nurse of the National Guard, was dismissed in June for being a lesbian, Captain Mindt, like Rosa Parks, decided that she could not stand by idly; that silence would be betrayal. She stepped forward. Her pride demanded that she be honest, and the price she will pay will be the end of a service career, a career that she has loved.

But Captain Mindt's life will go on. She enjoys a civilian career as a therapist in private practice, and is the director of sex offender services at the Minnesota Department of Corrections. She and her partner, Irene Greene, own a home in Minneapolis.

It is not she who will be lessened by this tragedy of discrimination; she has been true to herself and she has been true to her uniform. It is the United States of America; it is the Minnesota National Guard; it is her fellow officers who will pay the price for Captain Mindt's discharge, because we will have lost a very, very fine officer, not to mention the many, many dollars that we invested in her training.

And just as important, by continuing this pattern of discrimination, we will have leveled yet another blow at the dignity of so many gays and lesbians who serve in our armed services today.

Senator METZENBAUM has illustrated many reasons why we should abandon this discriminatory policy. Like what was once—and is now unthinkable—the ban on African-Americans serving in the armed services; or the now unthinkable idea that women cannot serve alongside men; so it is that we must now end this discrimination in the military toward men and women according to their sexual orientation.

Perhaps the most compelling argument of all is the dignity with which Captain Mindt and other lesbian, bisexual, and gay members of the armed services have faced discriminatory treatment—and will continue to face it, unless we do something to change this policy.

In increasing numbers, Captain Mindt and other lesbians and gays and bisexuals are standing up for their rights, and they are forcing us to choose. We can accept them with their skills and with their dedication and with their desire to serve our country, or we can continue our ill-conceived policy of discrimination, which wastes our resources and insults our soldiers.

Mr. President, I hope that we will move forward. I know, at the very minimum, there must be hearings before the Armed Services Committee. I hope that Captain Mindt will be able to testify at those hearings. I would like to see this amendment move forward. I would like to see this policy of discrimination ended now. At the very minimum, I hope the Pentagon will halt these investigations and other forms of harassment until the Congress can address the matter in Armed Services Committee hearings early next year. I think that is a very fair request.

Mr. President, finally, let me thank C. Scott Cooper, a gay member of my staff in Minnesota, one of the best constituent advocates that we have, who wrote this statement for me and is sit-

ting in the Chamber of the U.S. Senate today. It is my honor to speak in behalf of this amendment. It is my honor to represent Pam Mindt and many other citizens in the State of Minnesota who hope for the day when we will end this pattern of discrimination in the military services. I yield back the remainder of my time.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I know the sincerity with which the Senator from Ohio and the Senator from Minnesota addressed this subject. I know the sensitivity of this subject and the degree of care that all of us owe this subject in terms of examining it very carefully. It is my belief that we should encourage every American to serve his or her country in some capacity, and I applaud the patriotism of all persons, including homosexuals, who desire to serve our Nation in whatever capacity, including the military.

I have no doubt that homosexuals have served, and I am sure in many cases are still serving, our Nation with distinction. But I also believe we need to give very careful consideration to the advice of our military commanders and those in uniform on this subject. Recently, Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, offered the following observation in testimony before the Congress:

> It is just my judgment and the judgment of the chiefs that homosexual behavior is inconsistent with maintaining good order and discipline.

He goes on to say:

> What do I mean by that? I mean it is difficult in a military setting where there is no privacy, where you don't get a choice of association, where you don't get a choice of where you live and introduce a group of individuals who are proud, who are brave, who are loyal, who are good Americans, but who favor a homosexual lifestyle and put them in with heterosexuals who would prefer not to have someone of the same sex find them sexually attractive, put them in close proximity and ask them to share the most private facilities together—the bedrooms, the barracks, the latrines and the showers.

Continuing the quote:

> I think it is a very difficult problem to give the military. I think it would be prejudicial to good order and discipline to try to integrate that into the current military structure.

Mr. President, I am in agreement with General Powell's position on this subject. I also know there is another side, and I know that side needs to be considered. I have heard from people who feel deeply on this subject in my own State and many States. I have had conversations with them. I have talked with people who continue to serve with distinction in the military who are homosexuals. I think that this subject deserves the greatest care and sensitivity, and I think it deserves a hearing before our committee or other committees.

I can say to my friends from Ohio and Minnesota that I discussed this with the Manpower Subcommittee members. I talked about it with Senator GLENN and others, and we will be getting into this next year. We will have hearings on the subject next year. We will hear from all viewpoints, and we will take into consideration the viewpoints of our military commanders, the viewpoints of those in the homosexual community, the viewpoints of those who are in uniform today who may be homosexual, gay, and we will also consider the men and women in the military who are not in that category and their feelings and the effect it would have on military morale.

In the final analysis, our military is here to protect our Nation. We must consider the morale of the military force, we must consider the cohesiveness, we must consider all of those factors as well as the rights of individuals, all individuals, in the military.

So I can assure my friends that we will have this kind of comprehensive and, hopefully, thoughtful and, hopefully, sensitive hearing on this subject sometime next year.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the chairman has stated the seriousness of this issue. I respect the viewpoints as expressed by the Senator from Ohio and the Senator from Minnesota. I think at an appropriate place in the RECORD I shall also insert statements made by the Secretary of Defense at various times when this issue has been brought to his attention so that the RECORD at this point reflects the views of both the civilian commanding control and that of the uniform.

I share the view that we should have hearings next year and that they be full and fair and objective, and it may well be that we will reach a decision that this issue—for the moment I believe—this issue is in every respect as important to our security and to the human rights of individuals in the Armed Forces as that of women in combat. That issue is being handled, in my judgment, very carefully today by a competent commission, and it may well be following or during the course of our hearings that we might consider that as a means by which to gather in an objective and fair way that body of information that would be required for this U.S. Senate to reach a conclusion on that.

So, I will participate in the hearings with the chairman and other Members of the Senate in a very serious and objective manner.

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

DOD MILITARY POLICY ON HOMOSEXUALITY—SECRETARY OF DEFENSE DICK CHENEY

DoD policy is that homosexuality is incompatible with military service. There are many reasons for this longtime policy, including the necessity to maintain good order, morale, and discipline; foster mutual trust and confidence among Service members; recruit and retain members of the Military Services; and maintain public acceptance of military service.

This policy means that DoD neither enlists nor commissions homosexuals, and discharges all those found to be homosexuals. Those discharged receive either honorable or general discharges, based on the character of their service, unless they committed certain aggravating acts (such as engaging in homosexual acts with a minor) in which case they can receive other than honorable discharges. Service members being discharged on the basis of homosexuality may request a hearing in all cases.

Federal courts have upheld DoD's homosexual exclusion policy and accepted its rational relationship to legitimate military purposes. In fact, since the current DoD policy on homosexuality became effective in 1981, every court that has ruled finally on the issue has upheld the policy.

Several recent news items have reported that DoD has changed its policies to allow retention of homosexuals for the duration of Operation Desert Storm, with mandatory discharge to follow when the Operation ends. These reports are erroneous. DoD has neither changed nor suspended its homosexual policy due to Operation Desert Storm. Homosexual military personnel will continue to be separated from the Military Services as promptly as circumstances allow.

Mr. NUNN. Mr. President, I hope we can await these hearings for the Senators to be called on to render a judgment on this with any kind of vote. But that, of course, is up to our friends who have an amendment pending.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I am frank to say I prefer to go to a vote. I think it is an issue that deserves to be put before the U.S. Senate and Members have an opportunity to vote up or down. I also respect the leadership of the chairman and ranking member of the Armed Services Committee. I appreciate their willingness to conduct a hearing next year. My concern—and I am frank to share it with them—is what does next year mean? Does that mean in the first 3 months, the first 6 months, or does it mean next December? And if we can be assured that it will be in the early part of the session—and I am not suggesting in February as we get into session, but I am saying that there is sufficient urgency on this matter that I hope that the chairman and the ranking member can give some assurance to the six or seven Members who are sponsoring this amendment that the hearing would be held in the very early part of the year. Under those circumstances, I would be prepared to take the amendment down.

Mr. NUNN. I say to my friend from Ohio that I do not want to give a precise date. I say, though, I think the subject ought to be heard before we complete our markup on the bill. That

markup is completed in either May or June of next year. I think before that time we ought to have hearings because this ought to be the subject of that. I assure him we will have hearings on the subject before we mark up our bill.

Mr. METZENBAUM. Mr. President, before May, June, I think that is a reasonable period of time. I look forward to working with the chairman and the ranking member. I am sure I speak for Senator WELLSTONE as well and the other cosponsors.

Under those circumstances, Mr. President, I am prepared to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 3047) was withdrawn.

AMENDMENT NO. 3048 TO AMENDMENT NO. 3046

Mr. NUNN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending question is amendment 3046.

Mr. NUNN. Mr. President, I propose a second-degree amendment to the Warner amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment 3048 to amendment 3046.

Mr. NUNN. 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:

In the pending amendment, strike out all after "Sec. 171." and insert the following in lieu thereof:

In addition to the funds authorized to be appropriated by section 106, the following funds are authorized to be appropriated:

(a) For the Army National Guard—

(1) for 3 P–180 aircraft, $12,000,000.

(2) for night vision goggles, $20,000,000.

(3) for single channel ground airborne radio system, $10,000,000.

(4) for 6 C–26 aircraft, $23,000,000.

(5) for medium truck service life extension program, $15,000,000.

(6) for M113A3 conversion program, $15,000,000.

(b) For the Air National Guard—

(1) for night vision goggles, $5,000,000.

(c) For the Army Reserve—

(1) for medium truck service life extension program, $25,000,000.

(2) for 12 C–12J aircraft, $42,000,000.

(3) for night vision goggles, $20,000,000.

(4) for single channel ground airborne radio system, $10,000,000.

(d) For the Marine Corps Reserve—

(1) for night vision goggles, $10,000,000.

(2) for single channel ground airborne radio system, $5,000,000.

(e) For the Air Force Reserve—

(1) for night vision goggles, $5,000,000.

Mr. NUNN. Mr. President, this is a subject matter we discussed a few minutes ago relating to the National Guard. We are still working on this. But it is my hope we can work out this amendment.

This is an amendment to the Warner amendment. I would suggest, if it is agreeable to my friend from Virginia, that we set this amendment aside. I know the Senator from Pennsylvania and I have been working on an amendment relating to NATO, and I would like to bring that amendment up next.

Mr. President, I ask that the second-degree amendment I have just forwarded to the desk and the first-degree amendment be set aside for the purpose of taking up the Nunn-Wofford-Warner amendment on NATO.

The PRESIDING OFFICER. Amendment 3048 will be set aside.

The Senator from Pennsylvania is recognized.

Mr. NUNN. Mr. President, I would like to propound on this one—I believe it would be agreeable to the Senator from Virginia and the Senator from Pennsylvania—that there be a 30-minute time limitation to be equally divided between myself and the Senator from Virginia.

Mr. WARNER. Quite agreeable, Mr. President.

Mr. NUNN. And, Mr. President, no amendment to be in order to this amendment.

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

Mr. WOFFORD. I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, in the conference report on last year's Defense Authorization Act, Congress declared that—

Barring unforeseen developments which result in a substantial increase in the threat to the national security of the United States, the Armed Forces should plan for an end strength level of members of the Armed Forces assigned to permanent duty ashore in European member nations of NATO that should not exceed approximately 100,000 members by the end of fiscal year 1995.

In setting this planning target, Congress specifically cited—

The reduction in the threat of attack on Western Europe and the improved ability of other member nations of NATO to carry a greater share of the common NATO defense burden.

The sense of Congress on this issue as expressed in last year's act was consistent with the views of a wide range of former U.S. officials with distinguished careers in European security affairs. For example, a Johns Hopkins Foreign Policy Institute report issued in 1991 by a working group that included former NATO Ambassador David Abshire, former Defense Secretary Harold Brown, former National Security Adviser Zbigniew Brzezinski, former SACEUR Andrew Goodpaster, former SAC Comdr. Russell Dougherty, and former Army Chief of Staff Edward Meyer recommended that—

U.S. forces deployed ashore in Europe should be reduced during the next 5 years to less than 100,000.

Mr. President, the Johns Hopkins study was in no way a pro-isolationist report. It did not urge our Government to bring all the boys home. It did not recommend fortress America. To the contrary, the report reflected the views of American men and women who believe strongly in NATO, in the necessity of America remaining firmly engaged in Europe, and in the importance of our Armed Forces remaining in Europe in strength.

Where they disagreed with the Bush administration—and where I believe most Members of Congress disagree with the administration—is with regard to the mission of those forces that will remain in Europe. From this difference in mission definition flows a difference in the number of troops that need remain.

On March 3, Gen. John Galvin, commander in chief, U.S. European Command [EUCOM], testified before the Armed Services Committee on the administration's views regarding the purpose and mission of our European-based forces. General Galvin informed the committee that EUCOM had developed a European base force under which approximately 150,000 U.S. servicemen and servicewomen would remain assigned to permanent duty ashore in Europe from the end of fiscal year 1995 onward. Under the EUCOM plan, the lionshare of this force would be constituted in a full-up combat corps with three or four associated air wings. Particular emphasis was placed on the availability of this corps for redevelopment to other regions.

Mr. President, I agree with the view expressed by General Galvin and other senior Defense Department officials that the currently planned pace of post cold war U.S. troop withdrawals from Europe could not be increased without inflicting undue and unfair hardships and distress on EUCOM military personnel. In this fiscal year alone, EUCOM is returning over 70,000 U.S. servicemen and 90,000 family members from Europe. That is the equivalent of a 747 airliner full of GI's and dependents taking off every day, or of moving the entire population of Savannah, GA, in 1 year. These are the men and women who helped win the cold war, and we must take their well-being into account as we build down our military establishment.

While I agree with the pace of withdrawals planned by the administration, I do not agree with its contention that U.S. forces in Europe cannot be reduced below the level of 150,000 without vitiating U.S. political influence in NATO or undercutting EUCOM's capability to carry out its essential military missions.

At a level of 100,000, the United States can maintain what Gen. Shy Meyer has termed "reception forces"—that is, forces needed to support a large-scale reinforcement of Europe should a future contingency so require. According to current intelligence estimates, NATO would have months, if not years, warning of any hypothetical

Russian effort to reestablish a credible invasion threat to Western Europe, so there is no need to keep an entire U.S. corps stationed in Europe in peacetime to guard against this remote eventuality.

At a level of 100,000, the United States can maintain those forces needed to perform such noncombat functions as logistics, transportation, intelligence, and command, control, and communications. It can fully staff U.S. billets at NATO headquarters and planning staffs. It can keep the 6th Fleet in the Mediterranean, organized around an aircraft carrier task group. At the 100,000 level, the United States can also maintain land and air combat units of considerable strength and flexibility, including armored cavalry regiments and Air Force units equipped with tactical nuclear weapons.

What cannot be sustained at the 100,000 level, though, is the full-time deployment in Europe of an entire Army corps, with two-plus divisions, and three or four associated tactical air wings. Instead, the United States would most likely need to make maximum possible utilization of rotational deployments for those Army brigades and Air Force squadrons which are part of the divisions and air wings which EUCOM has assigned to NATO multinational formations but which cannot be based in Europe under this ceiling.

Rotating units need not undermine the efficacy of our forward presence. As noted in General Powell's January 1992 report on U.S. national military strategy:

> In addition to forces stationed overseas and afloat, forward presence includes periodic and rotational deployments, access and storage agreements, combined exercises, security and humanitarian assistance, port visits, and military-to-military contacts.

Moreover, as noted in a more recent Johns Hopkins report by an another, equally distinguished panel of security experts: a new policy of unit rotation—

> Would lower the cost of stationing U.S. forces in Europe, reduce the problems associated with environmental protests in Germany, and enhance acceptance of the continuing presence of U.S. Forces by public opinion in the United States and Europe.

In sum, the main difference between 150,000 and 100,000 is that under normal circumstances the United States would not plan to use Europe as a launching pad for redeploying a corps sized expeditionary force to some other part of the world to deal with a regional contingency. This does not mean that the United States could not respond to regional contingencies or that it would necessarily take longer to respond to regional crises. Most quick reaction elements of the U.S. Armed Forces, including our airborne and air mobile divisions, are stationed in the United States.

Reducing U.S. troop strength to a level of 100,000 would also not result in the loss of America's potential influence in Europe. America's ability to maintain political leadership and influence in Europe is not simply a function of the number of forward-deployed troops we have on the ground there at any one time. Rather, it reflects a broad array of military, economic, and political factors, including our force projection and reinforcement capabilities, our strategic nuclear superiority, our economic strength and vitality, and perhaps above all, the vision, logic, dynamism, and innate morality of our ideas and policies.

The amendment which Senators COHEN, LEVIN, WARNER, CONRAD, and WOFFORD, have joined with me in offering amends the congressionally mandated European troop strength [ETS] ceiling established in the National Defense Authorization Act of 1985 to require a reduction in the number of members of the Armed Forces assigned to permanent duty ashore in Europe from the current ceiling of 235,700 to a level not to exceed 100,000 by the end of fiscal year 1996. The amendment would allow EUCOM to remain on course to reach the 150,000 level by the end of fiscal year 1995, and thus would not force a greater pace of reductions than now planned. However, once the 150,000 level was attained in 1995, it would require a further increment of 50,000 withdrawals during the following year.

Mr. President, this amendment basically allows the pace of the withdrawals to continue as the pace is now set forth. This would not put additional burdens on our military in terms of the pace. It would have a final point at a lower level in the outyears.

AMENDMENT NO. 3049

(Purpose: To reduce to 100,000 the number of members of the Armed Forces of the United States assigned to permanent duty ashore in NATO countries of Europe by the end of fiscal year 1996)

Mr. NUNN. 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 Georgia [Mr. NUNN], for himself, Mr. COHEN, Mr. LEVIN, Mr. WOFFORD, Mr. CONRAD, and Mr. WARNER, proposes an amendment numbered 3049.

Mr. NUNN. 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 487, between lines 12 and 13, insert the following:

SEC. 1064. REDUCTION IN THE AUTHORIZED END STRENGTH FOR MILITARY PERSONNEL IN EUROPE.

(a) REDUCED END STRENGTH.—Subsection (c)(1) of section 1002 of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by striking out "235,700" in the first sentence and all that follows and inserting in lieu thereof "100,000.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1995.

Mr. NUNN. Mr. President, this is the amendment that I am alluding to. This is an amendment by myself and Senators COHEN, LEVIN, WOFFORD, CONRAD, and Senator WARNER who has had a major role in drawing up this amendment. The long and short of it is this amendment continues the present pace but it has a different final arrival point in terms of 1996.

We all recognize there are contingencies that could arise, there are changes that could take place, there are disruptions that could occur. Congress would be in session every year from now until 1996 if we saw a need to adjust this one way or the other. It cannot be done, of course. But this would at least point in the clear direction of where we will expect to arrive, if we give our forces and our planners an opportunity to make force structure plans and strategy plans in accordance with this overall direction.

Mr. President, the Senator from Pennsylvania has played a major role in this. He came to me with certain suggestions about this policy. We have had a long dialog and a close cooperative effort on this.

I now yield the floor for his remarks and the remarks of others.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. WOFFORD] is recognized.

Mr. WOFFORD. First, I want to thank Senator NUNN for his leadership in redefining our national security needs and this amendment.

I thank Senator WARNER for his good leadership.

Through more than four decades of the cold war, the American people have been prepared, as President John Kennedy said, to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe" to fend off threats to liberty posed by the Soviet Union. The Soviet threat persuaded America to spend trillions of dollars on nuclear arms and conventional forces stationed around the world.

Nowhere have we paid a greater price or borne a greater share of the burden than in Europe. Throughout the cold war, roughly 40 percent of our defense budget was spent to defend Western Europe.

When hundreds of thousands of Soviet troops were lined up along the Iron Curtain—there was a strong case for stationing a large number of troops in Western Europe. But the Warsaw Pact has dissolved. The Berlin Wall has fallen. The Soviet Union has crumbled. The threat of a major, surprise ground attack no longer exists. As the times are new, Lincoln said, so we must think anew and act anew. We have to adjust our military to meet these new realities.

Our allies are already doing so. Great Britain is cutting its armed services by 20 percent in 3 years. Germany is committed to a 30-percent cut over 2 years.

They see the necessity of shifting military spending to meet domestic needs. And while our share of troops in Germany is growing—from 62 to 70 percent by the mid-1990's—our allies role is shrinking. While we discuss burden-sharing, our allies are in the process of burden-shedding.

While we subsidize their defense, they are investing their tax dollars in educating their children, rebuilding their infrastructure, upgrading their industrial base and improving their trade balances.

During consideration of last year's Defense authorization bill, Congress recognized that we need to change course. We included a provision that expressed the sense of the Congress that we should reduce our burden in Europe by reducing our troop levels there. The amendment we're offering moves one step further: it requires these troop reductions. Our amendment bars the deployment in Europe of more than 100,000 U.S. military personnel after fiscal year 1996.

The administration already plans to reduce the number of troops stationed in Europe—from 210,000 to 150,000 by the end of 1995. The Department of Defense believes that 150,000 represents a robust force. I believe that this robust force is an obsolete force—still designed with the great European land war in mind.

But now the greatest threats to European peace are ethnic conflicts within states or clashes between neighboring countries.

The crisis in Bosnia highlights the need to restructure our European defense system. It reinforces the fact that American forces have a new mission in the post-cold war world—peacekeeping, humanitarian relief and protection of minorities. To do this, we must maintain a flexible, mobile force in Europe that is integrated with the forces of our European allies. Of course we must be prepared to confront threats from resurgent elements in the Soviet Republics or from instability in Eastern or Central Europe. But 100,000 American troops is more than sufficient to perform the light combat operations that these threats may require.

Recent studies confirm this conclusion. Just last month, the Carnegie Endowment National Commission concluded that the U.S. military presence in Europe should be substantially reduced, and "should consist primarily of naval and air forces and a modest ground element including the logistical and administrative resources necessary for rapid reinforcement." Participants in the study include former Secretary of Defense Frank Carlucci and Adm. William Crowe Jr., former Chairman of the Joint Chiefs of Staff.

A 1991 study by Johns Hopkins University recommended that "the U.S. forces deployed in Europe should be reduced during the next 5 years to less than 100,000."

And a study by the Project on Defense Alternatives concluded that reducing our European troop level at least by an additional 50,000 is a "vital step toward an appropriate and sustainable U.S. defense posture for the new era."

As the gulf war taught us, the instability of the post-cold-war world will require an efficient, mobile flexible American military capacity that is equal to any new test—not just the old test of war between two superpowers. The 1993 Defense authorization bill addresses this need by focusing on our airlift and sealift capabilities.

Mr. President, I hope that fewer overseas deployments will enable us to take up Senator NUNN'S proposals to use the talents of our armed forces to assist civilian efforts in areas of critical domestic need, where it is consistent with their military mission. The men and women of our military have the skills we need to train our young people and rebuild our cities, roads, and bridges.

Members of our armed services can serve as role models. In schools, in our communities, and in youth service programs, we can use the talents of our soldiers to fight the war against drugs, hunger, homelessness, and despair.

The imaginative chairman of the Armed Services Committee has included a military community service program in the defense authorization bill for fiscal year 1993. Both he and Senator WARNER have worked hard to show the important and constructive role the military can play in meeting the needs of our families and communities here at home and I salute them for their efforts.

The democratic revolution in the Soviet block has turned our old assumptions about the world upside-down. We have a golden opportunity to turn our national priorities right side-up by reinvesting in our schools and our workers, in our health and transportation system and rebuilding our economy.

But first, we must acknowledge that real strength in this post-cold war world will come less from the barrels of our guns than from the health of our economy, less from our ability to build smart bombs and more from our success in training sharp minds. What Europe—and the rest of the world—need most from the United States is that we succeed in solving our own most critical economic, educational and environmental problems. And as we do regain our strength at home, we will be even better prepared to be a strong leader in the world abroad. I therefore urge my colleagues to support this amendment.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. Mr. President, a number of Senators have worked on this particular amendment, primarily the distinguished chairman and the junior Senator from Pennsylvania.

My participation has been that of trying to see if a greater period can be incorporated to accommodate what I and others believe is the need for more time in which to achieve the 100,000 level.

I wish to thank both of the distinguished Senators for their cooperation. I also wish to thank the Senator from Maine, who has participated in the series of studies which indeed are the foundation for the amendment now before the Senate.

I am hopeful that the Senator from Maine [Mr. COHEN] will soon address that. For that purpose, Mr. President, if I could be reminded at the conclusion of 10 minutes of the 15 that I have under my control.

Mr. President, I also wonder if the sponsors of the amendment at this time could indicate for the benefit of the Senate if a vote is desired; that is, a record vote. I would think not. I will let them speak for themselves.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment offered by the chairman of the Armed Services Committee to reduce troop strength in Europe.

The United States is currently in the process of reducing our forces in Europe by 50 percent. Under this reduction, our forces in Europe will reach an end strength of 150,000 by the end of 1995. General Powell, the Chairman of the Joint Chiefs of Staff, has stated in hearings before the Armed Services Committee, that in 1995, the Department of Defense will review the size of the Base Force, including the size of our forward deployed forces in Europe. Mr. President, through this legislation we would undermine the judgment of our military leadership and predetermine the political and military situation in Europe 4 years into the future. A review of events of the past 24 months should tell us that this is imprudent.

Mr. President, our senior military leaders have testified that a force of 150,000, consisting of one Army Corps with associated air wings and support personnel is the minimum force needed to fulfill our commitment to NATO and to retain a minimum operational capability. This sentiment was echoed before the Senate Armed Services Committee by a panel of experts on European security. They all urged the committee not to accelerate the pace of the drawdown currently planned by the administration.

Mr. President, to ignore the judgment of these experts could jeopardize our position in Europe and the military leadership of the United States. I urge the Senate to reject this amendment.

Mr. CONRAD. Mr. President, I am very pleased to be an original cosponsor of this amendment which will limit

the number of U.S. troops stationed in Europe to no more than 100,000 by 1996.

This is a goal I have pursued for several years. In 1990 and 1991, I offered amendments similar to this one. I have great respect for the leadership the chairman of the Armed Services Committee has shown on this issue, and it is a real privilege to join him on this amendment today.

We have seen historic changes in the world in the past few years. In 1989 and 1990, a democratic revolution swept across Eastern Europe. In 1991, this revolution reached all the way to Moscow, and the Soviet Empire was no more. Even before last year's dramatic revolution in the Soviet Union, it was clear that the military threat to Europe was greatly reduced.

The world has changed, and it is time for our defense policy to change as well. For almost 50 years, the United States has guaranteed the security of Western Europe by stationing hundreds of thousands of troops there. At the height of the cold war, this made sense. The Soviet Union kept almost half a million of its own troops in East Germany alone, armed with tens of thousands of tanks and planes and guns. We had to guard against the very real threat of a Warsaw Pact attack.

But that threat is now gone. Where is the threat to the security of Western Europe? Does anyone really believe that the security of Europe or the United States is threatened by a potential Russian attack? Instead of threatening European security, Russians and Ukrainians are instead courting European investment.

Furthermore, our Nato allies in Europe are now fully capable of guaranteeing their own security. Western European forces alone, without United States troops, are now stronger than those of Eastern Europe. The European Community has over 300 million people and a GNP greater than that of the United States. Surely these countries are able to bear the costs of defending themselves.

Mr. President, if the threat to our security has diminished, and our allies ability to defend themselves has grown, then clearly, it is time to bring a large number of the U.S. troops home from Europe. We currently have over 200,000 troops on the continent. The President has proposed reducing that number to 150,000 by the end of 1995. That does not go far enough.

Our NATO allies are in the process of reducing their own troop deployments at such a rate that by 1995 the U.S. share of troops deployed forward in Germany will actually increase from 62 percent to 70 percent. In addition, the United States will continue to make up 31 percent of all NATO-committed divisions. In short, our allies are reducing at a greater rate than we are.

While we continue to pour billions of dollars into defending our allies, they are taking their defense dollars and investing them in their economy, in their infrastructure, in their health care systems. In other words, they are doing exactly what we here in the United States should be doing. The greatest threat to our national security does not come from foreign militaries—it comes from our declining economy, from our soaring deficits, and from our refusal to address the domestic problems that our country faces.

Mr. President, I believe that the United States has a part to play in the defense of the free world. There is certainly a need to station some U.S. troops overseas. However, we can reduce the number of troops without reducing our security. We can bring our men and women home and save the cost of maintaining them overseas. They will still be defending our country, but they will be doing it on our shores, and they will be able to spend their hard-earned salaries in American stores, helping American businesses, and not those of an allied country.

This amendment is a small but significant step in recognizing the changes that have occurred in the world. It will save us money, and it will require our allies to take greater responsibility for their own defense. That's good for America and good for our allies.

Mr. NUNN. Mr. President, I hope we would just have a voice vote on this amendment. That would be my preference. We have about 24 other amendments that have been worked out, and I would hope that right after this amendment is hopefully accepted by the Senate, we will return to those amendments.

Mr. WARNER. Mr. President, I thank the distinguished chairman and the Senator from Pennsylvania and others. I wanted to clarify that for the benefit of other Senators.

Originally, the President, in his submission, after consultation with the Secretary of Defense and the other NATO nations, was of the opinion that 150,000 troops were needed in Europe, and, quite frankly, this Senator, and I believe others, shared the view of the President. But the realities are that the Armed Services Committee, having reviewed this, and the House of Representatives, likewise having reviewed it, the reality is that the figure of 100,000 will be the sense of the Congress. I am hopeful that the House will accept this additional year as reflected in the Nunn-Wofford amendment.

Mr. President, at the present time, the right of men and women departing the NATO command and coming back to the United States is at such limits—approximately 500 a day, several thousand a month—is stretching the capacity to logistically perform this in a manner that I think is consistent with the dignity of the men and women in the Armed Forces and their need to provide not only for themselves but their families. This additional year will help the planners in the Department of Defense achieve those goals for the men and women in the Armed Forces.

Mr. President, I think there is an ancillary issue to this amendment—and I will provide an amendment later on which is now being drawn—and that goes to the need, in my judgment, for the United States and the other members of NATO to sit down and review the charter, as drawn in 1949, review it in the light of the dramatic events that have occurred in Europe, namely, the demise of communism—and also in light of such predictions as we can make in looking toward the future. Two specific examples: Elements of the NATO forces played a pivotal role during the gulf war.

Their presence in Europe, the presence also of the strategic support to get those elements to the gulf region were key to the allied success in the gulf operation.

And now the tragic events that are taking place in the former nation of Yugoslavia, primarily in Bosnia, have once again raised the issue of the extent to which NATO should become involved in the growing number of unstable situations in the Balkans, Eastern Europe, and indeed in the former Soviet Union.

I think it is incumbent upon the NATO ministers with their respective heads of state in the government to begin to sit down and say with greater specificity what should be done.

My amendment will call upon the executive branch to work this issue and to report back to Congress, because were elements of the NATO forces to be employed, say, in the situation in Bosnia, a situation that really raises the passions and the concerns of every Member of this body. The violation of human rights there is unparalleled, almost since the closing days or indeed the period of World War II. Therefore, I think it is imperative that we move along and address this issue, and in the coming year we wish to address it.

I had the privilege in the last few weeks to visit with the Supreme Allied Commander in Europe, as well as the Allied Forces South Commander.

Both of these leaders are concerned about the troop levels in Europe. They will do, of course, the best they can to comply with whatever laws are adopted by our country with respect to our forces. But they pointed out to me very clearly the stability that the U.S. contribution, at whatever level, provides Europe; that that level has to be credible in the eyes of our European partners in NATO. It has to be credible, and the size and configuration and equipment of our Armed Forces must project an unquestioned signal to that area of the world that we mean business, and we are there as their partners to bring

about peace and stability within the current framework of the NATO charter.

We will be studying later this year the report of the Chairman of the Joint Chiefs, together with the comments of the Secretary of Defense, on the roles and mission of the U.S. Armed Forces. I think that will provide a very helpful foundation of an ensuing study as to the roles and missions of the future of our NATO forces. Indeed, one is integral to the other, in my judgment.

Twice, our Nation has been called upon to return to European soil to help our allies and friends bring about peace and stability. We withdrew rapidly at the end of World War I, learned our lessons, and had to return in the 1940's. We withdrew rapidly at the end of World War II, but then again had to return. It is that return that led to the formulation of NATO and perhaps the single most significant coalition of forces under a common treaty in the history of mankind. In terms of its success, the efforts of this country, succession of our Presidents, and our contribution to NATO were integral to the demise of communism worldwide.

So, regrettably, this figure is below what I would like to have had, and I think that of our President, the Secretary of Defense, and the Chairman of the Joint Chiefs. But recognizing that this will be the figure agreed upon by the Congress, I will support this amendment. But, at the same time, I wish to make two additional observations, and that is that I hope that sufficient flexibility is within this amendment to allow the Secretary of Defense and the Chairman to provide for the men and women in uniform—the current pace of the drawdown in Europe is being achieved only at a very high personal cost to the individual service members.

Fortunately, this amendment would increase the pace of reductions somewhat. Again, if the reductions continue to have enormous human costs, I will seek to stretch out the time for reaching the 100,000 level beyond the fiscal year 1996 timeframe contained in this amendment at some subsequent time for our legislative calendar.

Further, this body will be facing its support for this amendment and the eventual law on the belief that the positive trends we have witnessed over the past years in Europe, with the demise of the former Soviet Union, will continue. Given the situation, as I mentioned, in Yugoslavia, the former nation of Yugoslavia, that assessment could well now be changing.

I shall continue for a minute and then yield the floor.

Continuing, I would like to put the Senate on notice that if the security situation in Europe between now and 1996 represents an increased threat to our U.S. interests or those of our allies, I would join others in seeking to amend this legislation accordingly.

Mr. President, I hope that my colleague from Maine will have the opportunity to address the Senate on this and I, therefore, yield the remainder of my time to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 4 minutes.

Mr. COHEN. I thank the Senator for yielding.

Mr. President, I will be very brief. I think it is important that the Senator from Virginia made the statement that he just delivered. There is a notion in this country, and I believe it is a false notion, that the United States is engaged in Europe solely to defend the Europeans. Nothing could be further from the truth. We are there in Europe to help defend not only the Europeans, our friends and allies, but also to defend U.S. interests in a stable Europe—and I want to place emphasis on the word "stable."

Why should we be concerned about a stable Europe? Why be concerned about Britain, or Germany, or France, or Italy, or Czechoslovakia or Hungary or Poland? What is it to us? Well, the Senator from Virginia has just pointed out what it means to us, that a small brush fire that starts as an ethnic conflict can suddenly surge into a major conflagration which in turn can consume the United States in its flames. I think that we have to always be concerned about a stable Europe. It is in our interest.

As a matter of fact, the word "stable" reminds me of something that Larry Eagleburger, our Acting Secretary of State, said some years ago. Nearly 4 years ago, he pointed out that with the end of the cold war we were likely to see a spread of nationalism and a great deal of instability generated by ethnic hatreds. Almost immediately he was attacked by a number of leading members of the Democratic Party as being "nostalgic for the cold war."

That is not at all what Larry Eagleburger said at that time. What he did say was something of a variation of what Lincoln Steffens said years ago. Steffens said he had "seen the future, and it works" after having visited Russia. Larry Eagleburger said, "I have looked into the future, and I am not sure it is going to work." We have to be cautious, he said, because we, just by virtue of the significance of the end of the cold war, cannot guarantee to our citizens that it is going to be a more peaceful and a more stable world environment.

So I think the Senator from Virginia has raised some valid points, and that is exactly why we have built into the amendment sufficient flexibility.

The Senator from Pennsylvania has talked about the conflicts of the future, saying there will likely be ethnic conflicts. We are now witnessing an ethnic conflict, indeed ethnic cleansing.

Let me suggest to you that ethnic conflicts will be no less violent than any other type of conflict, no less dangerous to human life, no less horrible in the consequences to human life, and it may require forces of considerable magnitudes.

Frankly, I was stunned with the rapidity with which this body acted to encourage the use of military force in order to ensure the delivery of humanitarian assistance to those people caught in that horrible war over in what used to be Yugoslavia after we had received military testimony that it might require as many as 75,000, possibly 150,000 troops just to ensure delivery of humanitarian assistance to the single city of Sarajevo.

That was brushed aside, saying, so be it, we will make the commitment, though not U.S. troops. But somebody has to commit the troops. The fact remains that if we do not commit the troops, it is not going to happen. Yet this body went on record in overwhelming numbers to say let us guarantee safe passage for those forces trying to deliver humanitarian assistance.

I think the Senator from Virginia raises a proper note of caution. I worked with Senator NUNN and others to develop this amendment. We have been a part of the Johns Hopkins study groups. I believe that we can and should strive to get down to a figure roughly between 75,000 and 100,000 troops in Europe. I think that we can achieve that. But we also want to be cautious that if events and the current trends should reverse themselves, we have enough flexibility to restore the troops that are currently being removed.

EUROPEAN TROOP STRENGTH LIMITS

Mr. President, in 1984 the Senate adopted an amendment I sponsored that wrote into law a cap on the number of American military personnel that could be permanently stationed ashore in Europe at 326,414. This was the outcome of the debate on the Nunn amendment, which sought to link U.S. troop levels to European efforts to improve conventional forces.

In the years since then, Congress has reduced this European troop strength ceiling to correspond to the troop withdrawals the United States has made in response to the changing situation in Europe. The legal ETS ceiling currently is 235,700. This exceeds the number of troops we have in Europe, and we are of course continuing to withdraw personnel from Europe.

Last year, Congress adopted a sense-of-Congress provision pointing toward further reductions in U.S. troop levels. This provision cited "the reduction in the threat of attack on western Europe" and "the improved ability of other member nations of NATO to carry a greater share of the common NATO defense burden." Based on this, the provision stated that "barring un-

foreseen developments which result in a substantial increase in the threat to the national security of the United States, the Armed Forces should plan for an end strength level" in Europe of "approximately 100,000 by the end of fiscal year 1995."

Since that time, a number of events have transpired that are directly relevant to this issue:

With the conclusion of Operation Desert Storm, the United States proceeded with a massive drawdown of European based-forces. This includes such fundamental realignments as the disestablishment of the VII Corps, which was a bulwark of both our European and Desert Storm forces. This real world experience has taught us what is feasible and what is not as we draw down our forces. In particular, we have learned that large, rapid cuts were attainable for forces that were already on the move for Desert Storm, but that such rapid reductions are far less attainable for the rest of the military community in Europe including dependents and forces that remained in Europe during the gulf war.

Second, since last year, there has been notable movement by West European nations in the effort to develop a European security and defense identity, although this movement has not all been forward. In October, London and Rome put forward a proposal regarding these matters which was quickly matched by a proposal from Bonn and Paris. In Maastricht, a somewhat murky compromise was crafted between these proposals, with key decisions put off until 1996, when a review is to begin of the relationship among the European Community, the Western European Union, and NATO. Subsequently, however, the fate of the Maastricht agreements has been called into question by a general unease among European publics with Maastricht, as reflected in the Danish referendum, challenges in the German Bundesrat, and serious doubts about approval of the Maastricht referendum in France, which has contributed to the recent financial and political turmoil in Britain, Italy, and elsewhere in Europe.

Third, since last year, General Powell and General Galvin have laid out a more detailed description of and justification for the proposed European Base Force of 150,000 U.S. personnel in Europe. While I do not accept that this 150,000 force level is required if positive trends in Europe continue, we are now in a better position to understand the implications of possible reductions below 150,000.

Finally, a hot war has erupted in Europe over the last year. The war in the Balkans highlights both the new threats that exist in Europe and the fact that we simply cannot predict with certainly what the future holds, which should lead us to act with caution in reducing our force structure in Europe and, indeed, in general.

Primarily based on the first of these considerations, the real world experience of drawing down our forces in Europe, it is clear that we cannot reduce our European forces to 100,000 personnel by fiscal year 1995 without causing undue harm to our forces both in terms of their professional capabilities and their personal situations, especially for those with families.

Accordingly, we are proposing to reduce the ETS ceiling to 100,000, but to make it effective in fiscal year 1996. This will still strain our forces and lead to considerable disruption, but it should be much more manageable than an effort to accomplish these reductions by fiscal year 1995.

Mr. President, it is important to note that this recommendation to reduce to 100,000 troops in Europe is based on certain assumptions and is valid only to the extent that those assumptions are valid. During consideration of this matter at the time of the Armed Services Committee's markup of the defense bill, there was agreement between majority and minority:

That this recommendation assumes the continuation of favorable trends with regard to both the threat and continued European efforts to move toward development of a genuine European security and defense identity, while also strengthening the European pillar of NATO; and

That given the rapid and unexpected changes witnessed in Europe of the past several years, the committee reserves the right to revisit this issue prior to the effective date of the new end strengths if future developments call into question either of these assumptions.

Clearly, Mr. President, our decisions on troop strengths in Europe cannot be made outside the context of the politico-military situation and changes in that situation could affect our decisions. That cannot be prejudged, and this amendment does not seek to prejudge the matter.

The PRESIDING OFFICER. The Senator from Georgia has 7 minutes remaining.

Mr. NUNN. Mr. President, I yield 2 additional minutes to the Senator from Maine so he may complete his statement, or 3 minutes; whatever he desires.

Mr. President, the Senator from Maine has worked on this subject I think more than anyone in the U.S. Senate in the last 5 or 6 years on the whole question of NATO. He has led delegations year after year to the annual conference. He has been our leading person on that time after time. He has been on the Johns Hopkins study panel. I have been on that with him. He had a large input into that. He has a tremendous amount of knowledge about this area. He also has tremendous respect in Europe from people there in NATO circles, military and civilians alike.

I was very interested in his remarks and thank him for his leadership. I believe we are on the right course here and I thank the Senator from Pennsylvania for his leadership in stimulating this discussion and this amendment and in basically taking the lead on it.

Mr. President, I am prepared to yield back the remainder of my time unless someone wants to be heard on the amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to join the distinguished chairman in recognizing the contributions that the Senator from Maine has made. Indeed he does speak with many, many years of experience in this area and I think he would also agree with me that one other aspect of our participation in NATO, injecting credibility, is our own economic interest. I know in the area of allied forces in the south, no less than seven nations under the jurisdiction of Admiral Border have a positive trade balance with the United States of America. And that does not happen just by coincidence. Our presence there in many forms means a great deal to our own economic security.

I thank the Senator from Maine.

Mr. NUNN. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 3049) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3048 TO AMENDMENT NO. 3046

Mr. NUNN. Mr. President, what is the pending business at this point?

The PRESIDING OFFICER. The pending business is amendment 3048 to amendment 3046.

Mr. NUNN. Mr. President, at this time, I would propose that we handle approximately 24 amendments that we have gone over very carefully on both sides of the aisle. We have worked for several days with the authors of these amendments and these amendments are all cleared on both sides. I will be explaining these amendments briefly, so I ask unanimous consent that the pending amendments be temporarily laid aside for the purpose of considering 24 cleared amendments and that during the pendency of these amendments no other amendments be in order.

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

AMENDMENT NO. 3050

(Purpose: To increase funding for the Army Environmental Policy Institute)

Mr. NUNN. Mr. President, on behalf of Senator DIXON, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DIXON, proposes an amendment numbered 3050.

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

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

The amendment is as follows:

On page 15, line 25, strike "$3,033,720,000" and insert in lieu thereof "$3,032,220,000".

On page 66, line 3, strike "$14,191,715,000" and insert in lieu thereof "$14,193,215,000".

Mr. NUNN. Mr. President, this amendment has been cleared on both sides. It will increase the funding of the Army Environmental Policy Institute from $3 to $4.5 million, and I urge adoption.

Mr. DIXON. Mr. President, this amendment would increase the funding authorized in the committee bill for the Army's Environmental Policy Institute in fiscal year 1993 from $3 to $4.5 million. This increase is necessary to maintain the funding for this important Institute at the current level during fiscal year 1993.

The Army's Environmental Policy Institute was established in 1990 by the Secretary of the Army. In essence, this Institute is an environmental policy think tank for the Army. The Institute is developing long-term management strategies for environmental issues associated with base closings, hazardous and solid waste management, and protection of natural and cultural resources. Experience has shown that the development of proactive, coordinated environmental strategies is the key to successful, cost-effective environmental programs.

This amendment does not increase the overall funding level of the bill reported by the committee. The increase of $1.5 million for the Army Environmental Policy Institute is offset by a reduction to the Other Procurement, Army account. This reduction can be accommodated by lower purchases of secondary item inventories.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. If there is no objection, the question is on agreeing to the amendment.

The amendment (No. 3050) was agreed to.

AMENDMENT NO. 3051

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senators ADAMS and GORTON and ask it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ADAMS (for himself and Mr. GORTON) proposes an amendment numbered 3051.

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

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

The amendment is as follows:

Of the funds authorized to be appropriated by title III for Operation and Maintenance, Army, $150,000 is authorized to be used for a program design and feasibility study to provide a residential program for military dependents with severe behavior disorders at Madigan Army Medical Center.

Mr. ADAMS. Mr. President, I rise today to offer an amendment to the National Defense Authorization Act, S. 3114. The amendment would authorize funds for a program design and feasibility study to provide a residential program for military dependents with severe behavior disorders at Madigan Army Medical Center.

Currently, military dependents who have behavior disorders, are sent to out-of-State facilities because Madigan is unable to provide residential treatment. Ten military dependents have been placed in out-of-State residential centers, some as far away as Texas. The cost per child for out-of-State care is approximately $17,000 to $20,000 per month. Virtually none of those facilities, however, accept Civilian Health and Medical Program of the Uniformed Services [CHAMPUS].

In order to keep families together, Madigan and the school district located adjacent to it, Clover Park, are eager to provide residential and day treatment as well as educational services for these military dependents.

Madigan, in cooperation with Clover Park, proposes to develop a model program to serve military dependents through residential, day treatment, home-based and in-school services. The program would provide facilities, services, and staff for the treatment of these students. The program would be similar to the child study model which is accredited by the Joint Commission for the Accreditation of Hospitals.

Such a program would be extremely cost-effective. The Madigan program would support itself through the annual State institutional support apportionment of $10,500 per student, Medicaid for eligible students, and CHAMPUS.

I thank the committee for its acceptance of this important amendment.

Mr. GORTON. Mr. President, local school districts near the Madigan Army Medical Center in Washington State have a number of military dependents designated as severely behavior disordered. Washington State's Child Study and Treatment Center [CSTC] is used for midterm psychiatric care, but is currently faced with long waiting lists. As a result, military dependents are being sent away to schools outside the State at a cost of approximately $17,000 a month per student.

In order to ease the financial and emotional strain placed on both the local school districts and military families, Madigan Hospital has proposed to set up a program model to serve military dependents with severe mental disorders. The placement options would include residential, day treatment, home base, and in-school programs and would allow military dependents to live with or near their families.

The new Madigan Hospital has just been completed. Once the equipment and staff move to the new hospital, the psychiatric school will be located in the old Madigan facilities. The amendment offered by Senator ADAMS will provide $150,000 for a program design and feasibility study.

Mr. President, this program will ease the financial and emotional burden for many military parents and their children. As a cosponsor of the amendment, I strongly support this program and urge its immediate adoption.

Mr. NUNN. Mr. President, this amendment would authorize $150,000 within amounts authorized to be appropriated by title III for O&M Army, for a program design and feasibility study to provide a residential program for military dependents with severe medical disorders at Madigan Army Medical Center.

I urge the amendment be adopted.

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

The amendment (No. 3051) was agreed to.

AMENDMENT NO. 3052

(Purpose: To permit the purchase of Angolan petroleum products after fair, free, and democratic elections have taken place in Angola)

Mr. WARNER. 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 Virginia [Mr. WARNER], for Mr. ROTH, proposes an amendment numbered 3052.

Mr. WARNER. 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 370, between lines 18 and 19, insert the following:

SEC. 836. PURCHASE OF ANGOLAN PETROLEUM PRODUCTS.

The prohibition in section 316 of the National Defense Authorization Act for Fiscal Year 1987 (100 Stat. 3855; 10 U.S.C. 2304 note) shall cease to be effective on the date on which the President certifies to Congress that free, fair, and democratic elections have taken place in Angola after September 1, 1992.

Mr. ROTH. Mr. President, the amendment which I have sent to the desk is designed to terminate certain restrictions on the Armed Forces' purchase of petroleum products originating in Angola.

In 1986 Congressman Jim Courter proposed that the United States Armed Forces purchase no petroleum products from any United States company operating in Angola. He made this proposal because Angola, at that time, was host to more than 40,000 Cuban troops who were assisting the Marxist government of Angola in its fight with a United States-supported anti-government movement.

The House of Representatives adopted the Courter amendment but, subsequently, House-Senate conferees decided that the Courter amendment was too all-encompassing and would have a deleterious effect on our naval operations in the Pacific. Consequently, the conferees decided simply to forbid the Armed Forces' purchase of Angolan-origin petroleum products.

I supported Congressman Courter's efforts at the time. However, the situation now has changed drastically. The Cuban troops have left Angola. More importantly, after 17 years of nonelected Marxist government, Angola will see its first multiparty national elections in September.

Under these circumstances, I see no rationale for maintaining the Courter amendment in law. My amendment, therefore, would repeal the Courter amendment.

I am aware that some members may have concerns that the Angolan elections scheduled for next month could yet be derailed. However, I should point out two important facts in this regard. First, the conference on this bill will doubtless not be complete by the scheduled election date and, second, there is no matching legislation on the House side. Consequently, if by some freak of chance, the scheduled elections do not materialize, the conferees can feel free to delete this provision.

Mr. WARNER. Mr. President, I ask that the amendment be adopted.

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

The amendment (No. 3052) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3053

Mr. NUNN. Mr. President, on behalf of Senator DECONCINI, 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 Georgia [Mr. NUNN], for Mr. DECONCINI, proposes an amendment numbered 3053.

Mr. NUNN. 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:

SEC. . REPORT ON THE SELECTIVE SERVICE SYSTEM.

The Secretary of Defense, in consultation with the Director of the Selective Service System, shall submit, by April 30, 1993, a report to the President on the continued requirement for registration under the Selective Service System. The report shall contain, at a minimum, analyses on the effect of suspension of the requirement for registration on: (1) projected mobilization requirements, including the effect on the time it would take to increase the size of the armed forces in a national emergency; (2) recruiting in the armed forces; and (3) the organization and staffing of the selective service system. The report shall also contain the Secretary's recommendations based on the analyses. The President shall transmit the report to the Congress, by May 31, 1993, along with his advice on what actions, if any he plans to take on the report.

Mr. NUNN. Mr. President, Senator DECONCINI has proposed an amendment that would require the Secretary of Defense to report to the President on the continued requirement for registration under the Selective Service System. The report would include analyses on the effect of suspension of registration on mobilization capability, recruiting, and the structure of the Selective Service System.

Mr. President, I believe this report would be useful. I think we have to consider this subject, and I urge this amendment be adopted.

Mr. DECONCINI. Mr. President, every one of my distinguished colleagues in this body has commented at least once on this floor about the remarkable changes which we have witnessed around the world in the past 3 years. The fall of the Berlin Wall, the collapse of the Warsaw pact, the disintegration of the Soviet Union, the unprecedented levels of cooperation developing between the United States and the Commonwealth of Independent States [CIS] have all been the subjects of lengthy debate in this Chamber.

Our defense posture and force levels have also been the subjects of debate. The distinguished chairman of the Armed Services Committee, Senator NUNN, has been a leader of this studied and much needed public discourse. Clearly, the changes abroad have necessitated changes here at home. Many of those changes have already been initiated. We have begun to significantly reduce the size of our defense budget. We have modified our strategic planning and made major cuts in nuclear weapons. Even deeper cuts are planned under the START agreement. The overall size of our Nation's Armed Forces is being significantly reduced to reflect the absence of the cold war race for military supremacy.

One area, however, appears to have been overlooked. Today, our missiles have been taken off of alert, but what about our men? The laws governing registration for the Selective Service remain in effect, but has anyone asked whether or not we need to maintain draft registration in this more peaceful world environment?

It is a good question and one which was initially raised by one of my constituents who sits on the local Tucson draft board. Without going into great detail, my constituent contacted the regional official about the general issue of a continued need for draft registration and the costs involved in maintaining the process. The response he received was one of a complete refusal to even discuss the issue and so he contacted me.

The points he raised are valid.

The reinstatement of draft registration was essentially a symbolic reaction taken by President Carter in response to the Soviet invasion of Afghanistan at the height of the cold war. Since that time, the United States has involved itself in several military operations: Beirut, Grenada, Libya, Panama, and most recently, the Persian Gulf. None of these instances required activation of the Selective Service System, even when we deployed tens of thousands of troops for Operation Desert Storm. Our existing—volunteer—Active and Reserve Force structure was more than equal to the task.

Now that the threat from our cold war adversary has diminished, and we have proven that we can quickly and conclusively respond to regional threats, do we need to maintain an independent draft registration bureaucracy at cost to the taxpayers of nearly $30 million annually? And if registering 18–25-year-olds for the draft is unnecessary, cannot the basic functions of the Selective Service recordkeeping be returned to the Pentagon, from which it came in 1947?

Finally, if we determine that this cold war relic—draft registration—can be suspended, should not we remove the Federal penalties against those men who do not register for the draft—such as a prohibition against getting Federal student loans or a job with the Federal Government?

My hunch is that we can take this step without any adverse impact on our defense readiness. The Defense Department will not come to a grinding halt if we stop the registration process. We will not become defenseless overnight if 18 to 25-year-old men stop registering for the draft and instead spend their time worrying about finding a job or getting into college.

But, instead of jumping into this issue head first, and instead of tying up

the Senate's time debating the issue without all of the available information, I am offering a moderate alternative as a first step to addressing this issue. My amendment merely calls upon the Secretary of Defense, in consultation with the Director of the Selective Service System, to provide Congress with a report by the end of April of the impact on our Nation's defense of a suspension of draft registration. That is all. There may be other issues which have not come to mind which might have a dramatic, but unforeseen, impact on our effective fighting machine. This report should assist us in wisely and judiciously addressing this issue next year, if it is determined that the issue needs to be addressed at all.

I am pleased that the managers have agreed to accept my modest amendment and I want to thank the distinguished chairman of the Armed Services Committee for his guidance, courtesy, and leadership on this small, but important, issue. I look forward to working with him next year when the report called for by my amendment is received by the Congress.

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

The amendment (No. 3053) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3054

(Purpose: To require that military equipment that is shown at international trade shows and exhibitions be leased from the Department of Defense)

Mr. NUNN. Mr. President, on behalf of Mr. BIDEN, 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 Georgia [Mr. NUNN], for Mr. BIDEN, proposes an amendment numbered 3054.

Mr. NUNN. 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 525, line 7, strike out "Section 2667(b)(4)" and insert in lieu thereof "(a) CLARIFICATION.—Subsection (b)(4) of section 2667".

On page 525, between line 9 and line 10, insert the following:

(b) REQUIREMENTS RELATING TO LEASE OF CERTAIN EQUIPMENT.—Such section is further amended by adding at the end the following new subsection:

"(g)(1) A weapons system or other equipment of the armed forces may not be exhibited at an international trade show or similar exhibition, and may not be transported to such show or exhibition for that purpose, unless the system or equipment is leased to the manufacturer of that system or equipment for that purpose. Each such lease shall provide for the payment by the lessee of consideration in an amount that is not less than the fair market value of the lease interest (including the costs incurred by the United States for transportation), as determined by the Secretary of the military department concerned.

"(2) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may waive the application of paragraph (1) to the exhibition of a weapon system or other equipment at an international trade show or similar exhibition if the Secretary of that military department determines that the exhibition of that system or equipment at that trade show or other exhibition is in the national security interests of the United States."

Mr. NUNN. Mr. President, this amendment by Senator BIDEN requires that any DOD equipment displayed at an overseas trade show must be leased by a defense company at a fair market rate—rather than displayed by DOD free of charge. It authorizes a service Secretary to waive this requirement.

I urge the adoption of the amendment.

Mr. BIDEN. Mr. President, this amendment is straightforward, and I will not take much time to explain it.

My amendment would prohibit the Defense Department from sending weapons and equipment to international air shows and defense exhibitions unless that equipment is leased, at fair market value, by the military contractors that produced the equipment. The amendment provides a national security waiver to the Secretary of the relevant military department.

Mr. President, this provision was prompted by revelations that the Pentagon is underwriting the appearance of military equipment at international air shows, to the benefit of U.S. military contractors.

The policy, in my view, reflects the Bush administration's schizophrenia on conventional arms control. While on one hand the administration seeks restraints on the global arms trade, on the other it is actively promoting American arms exports. Indeed, despite its rhetorical commitment to limit arms sales, the United States is now far and away the leading arms merchant in the developing world.

According to a report released earlier this summer by the Congressional Research Service [CRS], in 1991 the United States was the leading purveyor of weapons in the Third World, selling 57 percent of the arms sold to developing nations.

Of course, tremendous changes in the geopolitical order have contributed to this development. But the realignment in global politics is not solely responsible for America's new-found dominance. With the advice and encouragement of U.S. defense contractors, the Bush administration has embarked on a clear strategy to sell.

The enhanced participation by the Pentagon at air shows is just one element of this strategy.

The Department of Defense contends that it has appeared at international trade shows for years to "advance U.S. national security and foreign policy interests." This is true, although I believe that the foreign policy interests that are advanced by sending U.S. military equipment to an international air show are minimal at best.

However, after the gulf war, the Pentagon stepped up its participation in air shows. At the Paris air show in 1991, for instance, rather than sending just a handful of items of military equipment—as in the past—the Pentagon flew in just about every major piece of equipment in our arsenal.

In an internal memorandum, the general counsel of the Defense Department put it this way, in what can only be called an understatement: "The Deputy Secretary of Defense has approved a greater degree of DOD participation in the 1991 Paris air show than has been customary."

The prime beneficiaries of this policy? The military contractors that produced the equipment. Previously, if an American military firm wanted its airplane or equipment to appear at an air show, and the Defense Department wasn't already planning to send that plane or weapons system, then the American firm would lease the item from the Pentagon. Under the policy of what the Pentagon has called enhanced participation, no lease is required, because the Defense Department has been sending most of its major hardware to the leading trade shows.

Last spring, I requested the General Accounting Office [GAO] to review this policy, and to provide a precise cost accounting to the taxpayers of U.S. participation in international air shows. Although the GAO has not yet completed its report, I have received enough information to convince me that Congress should direct the Pentagon to limit its participation in air shows.

For instance, one costly consequence of this policy has been that if the U.S. military equipment is not leased by the contractors, the taxpayers foot the bill if the equipment crashes while in transit to or from the air show. That occurred earlier this year, when an AV-8B Harrier crashed while returning to its home base from an air show in Singapore.

Because the Harrier was not leased, the taxpayers—rather than the contractor's insurance company—will pay the estimated $30 million to replace the aircraft. Requiring the Defense Department to lease the equipment to the contractors will protect the taxpayers in the future from such an expenditure.

In providing a waiver for national security interest, I am prepared to ac-

knowledge that there is some benefit to direct U.S. participation at military trade shows. I do not expect that the waiver will be invoked in a cursory fashion. If I discover that the Waiver has become merely a minor bureaucratic obstacle, then I will introduce additional legislation as necessary.

Mr. President, I would like to express my appreciation to the chairman and ranking member of the committee, who have agreed to accept the amendment. I am grateful for their cooperation and assistance.

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

The amendment (No. 3054) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3055

(Purpose: To urge the President to initiate negotiations with the heads of State of the membership of the North Atlantic Treaty Organization with a view to broadening the mission of that alliance)

Mr. WARNER. 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 Virginia [Mr. WARNER], for Mr. ROTH (for himself and Mr. LIEBERMAN), proposes an amendment numbered 3055.

Mr. WARNER. 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 an appropriate place in the bill, add the following new section:

SEC. . The North Atlantic Treaty Organization has, for more than forty years, successfully deterred aggression against Western Europe and North America by the armed forces of the Soviet Union and the Warsaw Pact.

The Warsaw Pact no longer exists;

The Soviet Union has devolved into a commonwealth of sovereign, independent republics;

The members of the North Atlantic Treaty Organization share many common interests in deterring aggression, conflict and economic dislocation both within and beyond the geographic boundaries of Europe and North America: Now, therefore,

It is the Sense of the Senate that the threat of East-West military confrontation has radically receded and, if the North Atlantic Treaty Organization is to continue to be relevant to the security interests of Western Europe and North America through the 1990's and beyond, the alliance's mission must be recrafted in order to enable it to address common transatlantic security concerns, including those beyond NATO's geographic boundaries. Therefore, the President of the United States is requested to open discussions with the heads of state of NATO's various member states, with a view to adapting the alliance to current realities.

Mr. WARNER. Mr. President, the purpose of this amendment is to express the sense of the Senate that in light of fundamental changes in the global security environment, NATO should reexamine its mission. Therefore, the President is requested to open discussions with our NATO Allies with a view to adapting the alliance to current realities.

Mr. ROTH. Mr. President, I send an amendment to the desk on behalf of myself and the junior Senator from Connecticut [Mr. LIEBERMAN]. This amendment attempts to address what I sincerely believe will prove, in retrospect, the most important security question of this decade. That question is; will the nations of North America and Western Europe continue to address their common security concerns on a collective basis, or will our transatlantic alliance collapse?

Since 1949, this Nation, Canada, and our allies in Western Europe have faced up to the most serious threat to our security on a collective basis. We have done this by formally committing ourselves to our mutual defense in the North Atlantic Treaty Organization.

The chief threat to the members of the North Atlantic Treaty Organization, the chief reason for its coming together was, of course, the Soviet Union and its satellites in the Warsaw Pact.

As we all know, the Warsaw Pact no longer exists and the Soviet Union has devolved into its constituent Republics. Consequently, the question almost immediately arises—is there any purpose in maintaining NATO in a world in which the Soviet Union no longer exists?

I believe that this question can be answered in the affirmative but that that affirmative must be qualified—and the qualification is all important. There is a purpose in maintaining, and even strengthening NATO, in the post-cold-war world, but only if the alliance proves capable of and willing to adapt itself to the massive changes which have taken place in the global security environment in recent years.

Consequently, Senator LIEBERMAN and I are placing before the Senate an amendment congratulating NATO on its past successes, pointing out the need for change, and calling upon the President to initiate negotiations with NATO's heads of state with a view to recrafting the alliance to make it relevant to the new world in which we live.

I believe that this should be viewed as a matter of some urgency. While it is true that the great East-West confrontation has come to an end, we still do not live in a perfect world. To the contrary, serious security problems abound in the post-cold-war world. We have just passed the second anniversary of Iraq's invasion of Kuwait, an event which ultimately necessitated a huge international military countereffort. Nor are the world's security problems confined to the Middle East. Even as we speak, Slobodan Milosevic and the Serbian Armed Forces are devastating Bosnia, killing civilians and engendering a flood of refugees into Western Europe.

These are the great security problems of our age and these are the problems which NATO must be both able and willing to address if it is to be relvant to future security needs.

I ask my colleagues to consider the benefits of an enhanced NATO with a broader mandate. How often have Members of the Senate come to the floor to assert that they are tired of the United States playing the part of global policemen? I have considerable sympathy for these complaints. Simultaneously, I am obliged to note that this country has vital interests around the globe, interest which will, on occasion, have to be protected. Under these circumstances, an obvious answer suggests itself, namely, Western nations, acting together, under the aegis of NATO, should work collectively to protect those interests which are common to all of them.

Consider the situation in the Middle East. Virtually every Western nation depends heavily upon the region for imported energy supplies but, tragically, much of the region hovers semipermanently on the brink of conflict and political dissolution. Consider the benefits to us all if NATO were to indicate that the Middle East constituted a zone of vital interest to all of its members and that aggression in the region could prompt a swift alliance response. I would submit that this NATO doctrine of deterrence successfully discouraged Joseph Stalin and Leonid Brezhnev from undertaking aggressive military action against the West. Why would this doctrine not similarly deter smaller-scale operators such as Saddam Hussein?

Similarly, Eastern Europe stands in serious need of the stability which NATO can bring if it could offer some minimal security guarantees to the region's emerging democracies. We must remember that, for much of this century, the history of Eastern Europe has repeatedly been the scene of invasion, repression, and occupation, from both East and West. This history has left Eastern Europe with fragile, shallow-rooted political institutions, institutions which are further weakened by internal and cross border ethnic tensions.

In short, Mr. President, the Yugoslav situation is not unique and the tragic situation which now pertains in Bosnia could quickly spread if NATO fails to demonstrate its close interest in the inviolability of Eastern Europe's bor-

ders and the safety of its ethnic minorities.

I must stress that, in my opinion, NATO is the only multilateral institution which can effectively address common Western problems in regions such as the Middle East and Eastern Europe. Who else could address this task? As I have already mentioned, there is no reason why the United States should, or should be expected to, act unilaterally to address situations which are of interest to most Western nations. Problems common to the West should be addressed on a collective, Western basis.

I am aware that some other multilateral institutions have claimed the ability to keep the peace, but these claims must be viewed skeptically in view of their recent failures. The European Community sought to calm the Yugoslav situation but quickly learned that it is impossible to halt a determined aggressor unless you have the substantive capability to threaten him with countermeasures.

Similarly, the United Nations, when it sought to launch peacekeeping operations in Yugoslavia, learned that there was no peace to be kept. I am sure that there will be a role for peacekeeping forces in our future but I would point out that our experiences in Kuwait, Cambodia, and Yugoslavia strongly suggest we are more likely to require multilateral peacemaking forces capable of deterring aggression before it begins.

That said, Mr. President, I must admit to my colleagues that there are those within NATO who assert that the alliance cannot follow the course which I have laid down today. They assert that NATO cannot take on responsibilities in Eastern Europe or the Middle East because the alliance's 1949 charter restricts it to operating in the North Atlantic area and that it cannot operate out of area.

I reject this interpretation of the charter. I have studied it closely and can find no justification for such a narrow interpretation. Moreover, in the modern world, distinctions between in-area and out-of-area problems are wholly anachronistic. Our world is an economically integrated whole. Distant developments can have immediate, drastic impacts upon our domestic economies. Ballistic missiles can fly immense distances, carrying nuclear or chemical warheads; such weapons render in-area and out-of-area distinctions meaningless. Yesterday's out-of-area problem is in-area today.

Moreover, I would ask those who insist upon a narrow interpretation of the NATO charter, What does the alliance intend to do for the rest of this decade? Does it intend to keep watch for the Red army? Is the United States expected to maintain its membership in the alliance, its support for it and its military presence in Europe in order to address yesterday's security problems, to deter a threat from the East which appears increasingly less threatening.

I must stress to my colleagues that neither Senator LIEBERMAN nor I are advocating a course which would oblige this Nation to embroil itself in many overseas conflicts. Rather, we are asserting that though the cold war has ended, North America and Western Europe still have security interests in common and NATO's traditional doctrine of deterrence should be broadened to cover these interests. NATO contained the Soviet Union and prevented world war III without firing a shot. There is every reason to believe that NATO can similarly deter aggression and bloodshed in Eastern Europe and the Middle East without launching military operations.

In closing, Mr. President, let me say that the need for a reinvigorated and recrafted NATO is clear but the purpose of a NATO which fails to adapt to new realities is far from clear. Consequently, I ask that my colleagues support the Roth-Lieberman amendment and send a clear call for change to the Executive and to our allies in Canada and Europe.

Mr. LIEBERMAN. Mr. President, I am gratified that the Senate Armed Services Committee has accepted the Roth-Lieberman amendment. This amendment calls on the President to open discussions with the heads of state of NATO's various member states, with a view to adapting the alliance to current realities.

Such an initiative is needed because, with the end of the cold war, the foundations of NATO may well erode as Americans and Europeans call into question the necessity of the Atlantic alliance. To ward off this danger, NATO must adapt to the post-cold-war era by expanding its mission and making adjustments in its organizational structure.

This is not to say that NATO's original mission, protecting Western Europe from a military threat from the East, has entirely disappeared. Even with the collapse of the U.S.S.R., Russia's nuclear arsenal is much larger than NATO's European arsenal and Russia's population is nearly as large as that of NATO's military core nations, Germany, France, and Britain. Given the fragility of democracy in the former Soviet Union, we should be cautious about dismissing entirely NATO's continued defensive mission in Western Europe.

NATO also continues to serve important purposes by institutionalizing ties between the United States and Western Europe and firmly anchoring Germany to the West. These links are particularly important when trade frictions are fraying United States-European relations and Germany is becoming a more assertive power. The greatest risk to the future security of Europe is a return to nationalistic policies of the past, and a U.S. presence lessens the chances of that happening. Finally, a U.S. presence in Europe also gives the United States added influence in nonmilitary areas, such as trade.

Nonetheless, NATO and America must adapt to the post-cold-war world. The American people will not want to continue to keep 150,000 troops in Europe indefinitely, as the Pentagon has stated it wants to. The United States must maintain a presence that leaves no doubt that it is firmly committed to European security, but further reductions can be made to less than 100,000.

Adapting to a new era also means that the Europeans should take on a greater role in the alliance's decision-making processes. Such a transfer of responsibility could induce the French to play a greater role in the alliance's military activities, thereby lightening the burden for the United States. Greater French participation in NATO could also reduce Paris' attempts to set up a European defense structure outside of NATO.

NATO's missions, as well as its organization, must also adapt to new realities. To date, NATO has interpreted its founding treaty as limiting joint military operations to the defense of NATO's territory. This danger has receded, but other problems have emerged. NATO must be willing to use its forces outside of Western Europe, in such crisis areas as Bosnia.

NATO must also make clear that it considers political or military pressure on Poland, Hungary, and Czechoslovakia as a challenge to Western Security. NATO and the United States should increase their cooperation with the military forces of these countries, including training, the exchange of military personnel, intelligence, and perhaps the sale and leasing of military equipment. The eventual modernization of Eastern European Armed Forces with Western military equipment, particularly communications and air defenses, would in turn help facilitate their coordination with NATO in any future crisis.

Finally, NATO should also promote policies that facilitate the commitment of forces to the Third World in the event of a major crisis. While the proliferation of weapons of mass destruction will represent the most serious security threat in future years, NATO has no mandate and, therefore, no contingency plans to deal with these challenges. This failing was underlined by NATO's unwillingness to act as a united organization in the gulf war; if it had, America would not have had to shoulder such a heavy burden. NATO should, therefore, begin to reorient its military equipment, training, and doctrine for possible engagements outside of Europe. This should include, for example, conducting more joint

training exercises in the desert areas of the United States, as opposed to Europe's northern climate.

In the new era, NATO's European members should make a larger contribution to their own security interests; the role of the United States should be less dominant and more supportive. A more flexible and less costly deployment of U.S. forces in Europe will encourage the Europeans to do more and reduce unhappiness among the U.S. public about excessive military commitments. At the same time, NATO must be willing to act to defend its vital interests outside of Europe, where more dangerous threats to its security now lie. This will lighten the burden of the United States if NATO can successfully adapt to the post-cold-war era, it will be as influential and effective in the next century as it has been in the present one.

Mr. President, I hope that this amendment puts the Senate on record as requesting the President to take up these important issues with his counterparts.

The PRESIDING OFFICER (Mr. WOFFORD). The question is on agreeing to the amendment.

The amendment (No. 3055) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3056

(Purpose: To provide $10,000,000 for the Technical Support Working Group on Counter-Terrorism)

Mr. NUNN. Mr. President, on behalf of Mr. LIEBERMAN, 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 Georgia [Mr. NUNN], for Mr. LIEBERMAN, proposes an amendment numbered 3056.

Mr. NUNN. 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 65, between lines 17 and 18, insert the following:

SEC. 232. FUNDING FOR TECHNICAL SUPPORT WORKING GROUP ON COUNTER-TERRORISM.

(a) TOTAL AMOUNT.—Of the funds authorized to be appropriated for fiscal year 1993 under section 201, $10,000,000 shall be available for activities of the Technical Support Working Group on Counter-Terrorism.

(b) AMOUNT FOR ALLIED COOPERATION.—Of the amount available for the activities referred to in subsection (a), $3,000,000 shall be available for cooperation with other member nations of the North Atlantic Treaty Organization (NATO) and with major non-NATO allies (as defined in section 2350a(i)(3) of title 10, United States Code).

Mr. NUNN. Mr. President, this adds $3 million to the $7 million authorized in the Senate Armed Services Committee bill for counterterrorism research sponsored by the Technical Support Working Group [TSWG]. The additional $3 million would be used for joint counterterrorism research projects with NATO and major non-NATO allies Israel, Egypt, Japan, South Korea, and Australia.

Mr. LIEBERMAN. Mr. President, I want to thank the distinguished Senators from Georgia and Virginia for accepting my amendment that provides $10 million for the Technical Support Working Group [TSWG]. The Department of State and the Department of Defense established the TSWG, an interagency body that cooordinates counterterrorism research and development efforts, in response to the bombing of Pan Am 103. The TSWG has made a valuable contribution to enhancing the security of persons and properties both inside and outside the United States by supporting the development of innovative security technologies. The TSWG, for exmaple, has already bolstered aviation security by developing a chemical marker for preblast detection of chemical explosives.

This amendment also provides $3 million for additional counterterrorism cooperative research and development projects between the TSWG and NATO and non-NATO allies. This will permit the TSWG to maximize its counterterrorist activities by utilizing technologies already developed by these countries.

Mr. President, with the end of the cold war, we must turn our attention to new national security challenges, such as terrorism. This amendment will help to provide adequate funding for a key new national security program. It goes without saying that we can never have a world that is free of terrorism. But we make our best effort to ensure that terrorists are placed on the defensive and deterred from launching heinous attacks, such as the destruction of Pan Am 103.

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

The amendment (No. 3056) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3057

(Purpose: To amend sections 311 and 312 dealing with chlorofluorocarbons and halons)

Mr. WARNER. Mr. President, on behalf of Senator CHAFFEE, 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 Virginia [Mr. WARNER], for Mr. CHAFEE, proposes an amendment numbered 3057.

Mr. WARNER. 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 75, line 11, strike "CHLOROFLUOROCARBONS AND HALONS" and insert in lieu thereof, "OZONE-DEPLETING SUBSTANCES".

On page 75, line 13, after "EVALUATION" insert "OF USE OF CLASS I SUBSTANCES".

On page 76, line 15, after "such" strike "substances" and insert in lieu thereof "substances, including the availability of use, reclaimed, or recycled class I substances".

On page 77, line 3, insert the following new subsection:

"(b) EVALUATION OF USE OF CLASS II SUBSTANCES.—The Director of the Defense Logistics Agency shall evaluate the use of class II substances by the military departments and Defense Agencies. In carrying out the evaluation, the Director shall—

(1) determine the quantity of each class II substances that—

(A) is held in the inventory of each military department and Defense Agency on December 31, 1992;

(B) will be used by each military department and Defense Agency during 1992; and

(C) will be used by each military department and Defense Agency in each of 1993, 1994, and 1995; and

(2) determine the quantity of each class II substance in the inventory of the military departments and Defense Agencies in each of 1993, 1994, and 1995 that can be reclaimed or recycled and reused by the military departments and Defense Agencies.

On page 77, line 3, strike "(b)" and insert in lieu thereof "(c) REPORTS.—(1)".

On page 77, line 5, after "evaluation" insert "required under subsection (a)".

On page 77, line 7, insert the following new paragraph:

"(2) The Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the status of the evaluation required under subsection (b) not later than October 1, 1993."

On page 77, line 7, strike "(c)" and insert in lieu thereof "(d)".

On page 77, line 7, strike "section," and insert in lieu thereof "section: (1)".

On page 77, line 10, insert the following new paragraph:

"(2) the term "class II substance" means any substance listed under section 602(b) of the Clean Air Act (42 U.S.C. 7671a(b)).".

On page 77, line 11, before "OZONE-DEPLETING" insert "CLASS I".

On page 77, line 14, after "OF" insert "CLASS I".

On page 77, line 17, after "of" strike "an" and insert in lieu thereof "a class I".

On page 78, line 2, after "the" insert "class I".

On Page 78, line 24, after "for" strike "an" and insert in lieu thereof "a class I".

On page 79, line 1, after "of" strike "an" and insert in lieu thereof "a class I".

On page 79, line 3, strike "and indirect".

On page 79, line 5, strike "research and development costs,".

On page 79, line 7, after "waiver" strike the comma.

On page 79, line 12, after "term" strike "'ozone-" and insert in lieu thereof "'class I ozone-".

On page 79, line 13, after "any" strike "class I".

Mr. WARNER. Mr. President, this amendment would direct the Secretary of Defense to assess and report on the projected future uses of Clean Air Act class II substances—hydrochlorofluorocarbons [HCFC's]. Under the amendment the report would be due on or before October 1, 1993. The analysis and report required by this amendment will assist the DOD in anticipating and planning for the use of HCFC's in the near future and to plan for the eventual HCFC production phaseout by January 1, 2015.

Mr. CHAFEE. Mr. President, I am today offering an amendment to S. 3114, the Department of Defense authorization bill for fiscal year 1993. This amendment has been accepted by both managers of the bill. Specifically, the amendment expands the provisions of S. 3114 to require a comprehensive evaluation of the use by the Department of Defense of ozone-depleting substances and a report to Congress concerning such evaluation.

As one of the principal authors of the provisions dealing with ozone-depleting substances in the Clean Air Act Amendments of 1990, I have a deep interest in ensuring that all entities using CFCS and other ozone-depleting substances—including the Department of Defense—do everything possible to meet the accelerated phase-out deadline that the President has chosen to make operative. The evaluation required by section 311 will cause the Department of Defense to focus on this deadline and on what actions need to be taken to meet it. At the same time, the report required by section 311 will provide the Congress with vital information concerning progress toward meeting the deadline being made by the Department of Defense.

I thank the managers for their consideration and support of this amendment.

Mr. WARNER. I ask that the amendment be agreed to.

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

The amendment (No. 3057) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3058

(Purpose: To provide, with respect to certain contracts awarded under section 8(a) of the Small Business Act for the Department of Defense, for follow-on contracts to be awarded in accordance with requirements and authority provided for attaining a Department of Defense contract goal for disadvantaged small businesses and certain institutions of higher education)

Mr. NUNN. Mr. President, on behalf of Senator SHELBY, 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 Georgia [Mr. NUNN], for Mr. SHELBY, proposes an amendment numbered 3058.

Mr. NUNN. 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 337, between lines 20 and 21, insert the following:

(c) CONTINUED ACCESS TO BUSINESS OPPORTUNITIES.—(1) Notwithstanding the regulations implementing section 806 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (10 U.S.C. 2301 note), a contract to furnish products or services to the Department of Defense shall be entered into in accordance with the requirements and the authority provided in section 1207(e) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) if—

(A) there is a reasonable expectation of receiving offers from 2 or more eligible small business concerns that have the capability to perform the contract; and

(B) on the date of the issuance of the solicitation for such contract, a graduate of the minority small business and capital ownership development program authorized under section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)) is furnishing the same (or substantially similar) products or services to the Department of Defense under a contract awarded pursuant to section 8(a) of that Act (15 U.S.C. 637(a)).

(2) The amendment made by paragraph (1) shall apply with respect to solicitations for contracts that are issued on or after the date 90 days after the date of the enactment of this Act.

On page 337, line 21, strike out "(c)" and insert in lieu thereof "(d)".

On page 338, line 4, strike out "(d)" and insert in lieu thereof "(e)".

Mr. NUNN. Mr. President, this amendment would allow contractors that graduate from the Small Business Administration 8(a)—minority business development—program while performing a DOD contract to compete for follow-on contracts to such contracts.

Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 3058) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3059

(Purpose: To increase the amount of the transfer authority for the demilitarization of the former Soviet Union)

Mr. WARNER. Mr. President, on behalf of Senator LUGAR, 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 Virginia [Mr. WARNER], for Mr. LUGAR for himself and Mr. NUNN, proposes an amendment numbered 3059.

Mr. WARNER. 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 491, line 23, strike out "$650,000,000", and insert in lieu thereof "$800,000,000".

Mr. NUNN. Mr. President, I believe this amendment is on behalf of Senator LUGAR and myself.

Mr. WARNER. Yes, I failed to note that.

Mr. NUNN. Mr. President, this amendment adds $150 million to Nunn-Lugar funding authority. The current amount is $400 million, which will be totally obligated on or about the end of this fiscal year. We increased Nunn-Luga transfer authority by $250 million on our bill, as did the House on theirs. When the authorization bill is finally passed, the transfer authority will be $650. This would, in effect, bring the fiscal year 1993 transfer authority to $400 million, that is, $400 plus $250 plus $150 minus the $400 million that will be obligated shortly.

This is a very, very important area, and we have made enormous progress in getting the nuclear weapons of the Russians and other former Soviet Republics—including the Ukraine, Kazakhstan, and Byelorussia—under control. I think everyone now believes this is one of our most important nonproliferation initiatives.

So I urge the adoption of the amendment.

Mr. LUGAR. Mr. President, the amendment that I have offered with the chairman of the Committee on Armed Services to the DOD authorization bill has a very simple yet compelling purpose. It increases the amount of the transfer authority for the demilitarization of the former Soviet Union from $650 to $800 million in order to insure that the Department of Defense possesses sufficient discretionary authority to assist the states of the former U.S.S.R. in carrying out their denuclearization efforts—the thrust of the Nunn-Lugar amendment last November.

In the bill reported out of committee, the Committee on Armed Services expanded the Nunn-Lugar amendment by authorizing United States assistance for defense conversion in the former Soviet Union and for expanded military-to-military contacts. It also increased DOD transfer authority for Nunn-Lugar funding from $400 to $650 million. Our amendment today increases that authority by another $150 million to provide DOD with additional capability to respond to requests for assistance in furthering demilitarization efforts in the former Soviet Union.

The breakup of the Soviet Union has posed new challenges and opportunities in the area of national security. President Bush responded to these challenges and opportunities with his September 1991, initiative in which he proposed, among other things, to explore cooperation on the safety and security of nuclear weapons and on their safe and environmentally responsible storage, transportation, and destruction.

The United States objective has been to enhance the security of nuclear weapons in the former Soviet Union, especially those nuclear weapons slated for elimination under commitments made by Presidents Gorbachev and Yeltsin. Tactical nuclear weapons, in particular because of their relatively small size and transportability, posed the greatest risk of loss of control or seizure by third parties. The United States wanted to take steps to insure that these weapons were quickly disabled and consolidated at sites where they could be securely controlled. In addition, the United States wanted to put in motion a process of dismantling them.

For its part, the Congress responded as well to these challenges and opportunities, passing the Nunn-Lugar Act in November 1991. The efforts of both branches of government paid off at the June 1992, summit in Washington when four agreements were signed by Russia and the United States. The first, an umbrella agreement providing an international legal framework for the transfer of up to $400 million as authorized under the Nunn-Lugar Act, was signed by the two Presidents. Under the other three agreements, the United States will provide Russia with armoured blankets for the safe, secure transport and storage of nuclear weapons, nuclear accident response equipment and storage containers for fissile material from dismantled warheads.

More work remains to be done in other areas. The United States is close to an agreement on a program of assistance to modify Russian rail cars for the safe, secure transport of nuclear weapons. The same is true for a cooperative effort to identify requirements to design and build a facility for the safe and secure storage of fissile material. Discussions with officials of the former Soviet Union on the disposition fissile material, focusing on options for disposing of highly enriched uranium, have proven productive and will likely be consumated shortly. Finally, the United States is continuing discussions with the Russians on improving their system for nuclear materials control and accounting.

But, Mr. President, it is also important to note how the scope of the U.S. approach to the problems of safety, security and destruction of nuclear and other weapons of mass destruction has expanded. With the dissolution of the Soviet Union in December 1991, the United States is now dealing—in addition to Russia—with three other states with nuclear weapons on their soil. Ukraine, Belarus, and Kazakhstan have agreed to abide by the provisions of the Nuclear Nonproliferation Treaty as nonuclear states. The United States has opened negotiations with these three countries to determine how the United States can assist them in removing all these weapons from their soil quickly and safely.

It is the expanded scope of the United States approach to the problems of safety, security and disposition of these weapons of mass destruction, along with the need to enhance the security of nuclear weapons slated from elimination under commitments made by the leaders of Russia, Ukraine, Belarus, and Kazakhstan, that necessitates the increased transfer authority called for in our amendment.

Mr. President, the administration has arranged with the four nuclear successor states of the Soviet Union to preserve the strategic benefits of START and to get real reductions of strategic arsenals. More importantly, the President succeeded in the even more important objective of obtaining pledges from Ukraine, Belarus, and Kazakstan that they will satisfy START obligations in a way that eliminates all strategic nuclear forces outside Russia and affirms the status of these three republics as nuclear free states.

The problem is that the operational timetable for such elimination efforts in Ukraine, Belarus, and Kazakhstan stretches out over a decade. Thus, one defining question is what operational value should be assigned to agreements whose timetables for implementation, established by the START negotiators in the 1980's, stretch into the next decade.

Mr. President, what was done to facilitate the implementation of the September 1991 initiative with regard to tactical nuclear weapons might be done with respect to strategic nuclear weapons, with the aim of complementing existing START implementation plans in a way that could return some or all strategic nuclear warheads back to Russia within a relatively short period of time—that is, shorter than the 7-year START reduction period. Those nuclear warheads carried by the launchers—heavy bombers, ICBM's and SLBM's—slated for deactivation under START could be removed from these launchers and taken to central storage facilities within a finite, but limited period of time. Warhead removal—that is, separating the warheads in the near term from the systems scheduled to be retired under the START Treaty and any follow-on treaty—2000 and/or 2003—would contribute immeasurably to the United States objective of enhancing the safety and security of nuclear weapons in the former Soviet Union and their safe and environmentally responsible storage, transportation and destruction.

The increased transfer authority in this amendment for the demilitarization of the former Soviet Union will permit the United States to explore, inter alia, the feasibility and acceptability of assistance for accelerate warhead removal from the systems in the former Soviet Union scheduled to be retired under the START Treaty and other unilateral or mutual commitments.

Like the initial Nunn-Lugar funding of November 1991, that was predicated on the need to assist in the removal of tactical nuclear weapons from the Republics to Russian soil, this increased transfer authority would be discretionary and might in fact not be utilized exclusively for this purpose. Nonetheless, it would serve as an incentive to those in the former Soviet Union who may wish to accelerate the warhead removal process rather than await implementation of the formal START elimination schedule—a removal process that might anticipate but that would be consistent with the START schedule. Moreover, it would complement the growing interest among the non-Russian nuclear signatories to START in receiving United States assistance for silo dismantlement and the destruction of ballistic missile delivery systems.

Mr. President, the situation today would have been dramatically different if, last fall, rather than motivating concrete actions, the Administration and the Congress had been content to sign and consent to agreements with three new nuclear republics to the effect that the 6,000 tactical nuclear weapons outside Russia would be returned to Russia in 6 years rather than 6 months. The momentum generated by the President's September 1991, initiative and congressional action through the Nunn-Lugar Act of November 1991, must be maintained. The signatures to the modified START accord must be supplemented by concrete deeds in the short term if the most urgent nuclear proliferation dangers are to be addressed.

Mr. President, current and near-term programs undertaken or envisaged by

the U.S. Government pursuant to the Nunn-Lugar Act of last year will likely consume the original $400 million before this calendar year is out. The authorization bill reported out by the Committee on Armed Services recognized the need to increase transfer authority for demilitarization efforts in the former Soviet Union, with special emphasis on defense conversion and military-to-military contacts. This amendment that I have offered along with Senator NUNN further augments that transfer authority and suggests some additional areas wherein United States assistance to the successor states of the former Soviet Union can contribute to the United States objective of enhancing the security of nuclear weapons in those states, particularly those slated for eventual elimination.

Mr. WARNER. Mr. President, I join many other Senators in commending the distinguished chairman, Mr. NUNN, and Mr. LUGAR, for the initiative they took in this legislation, and for their continuing oversight, and the need to supplement it from time to time.

Indeed, in my judgment, it is the very foundation of this piece of legislation, or that subsequent piece introduced by the President on behalf of this Nation, by which we hope, this session, to act on the greater package. But it was the ground that was broken by these two Senators, joined with others—and I had the privilege to work with them, as did, I believe, the Senator from Maine, in drafting certain portions of this.

Mr. NUNN. Mr. President, the Senator from Virginia played a vital part in this legislation, and supported it in the very beginning.

Without his assistance, it could not have happened. I am grateful to him for his support.

So I am grateful to him for his support and for his comments.

Mr. WARNER. My recollection, Mr. President, is the Senator from Oklahoma [Mr. BOREN] was also——

Mr. NUNN. Mr. BOREN was very involved. Senator COHEN, from Maine, was very involved in this. They took a real leadership position at a time when it was rough sledding.

I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3059) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3060

(Purpose: To set aside $20,000,000 for military-to-military contacts under the authority to provide assistance for the demilitarization of the former Soviet Union)

Mr. NUNN. 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 Georgia [Mr. NUNN], for himself and Mr. WARNER, proposes an amendment numbered 3060.

On page 491, line 16, insert after the period the following: "Of the amount available to carry out such subtitle, not more than $20,000,000 may be made available for programs referred to in section 1112(b)(6), relating to military-to-military contacts.".

Mr. NUNN. Mr. President, this amendment, again, is a followup on a subject that I have worked on for years and years and years and most particularly in the last few years, but even beginning back in 1978. I believe it was 1978, 1977—that timeframe—after a trip to the Soviet Union. I concluded at that time, and I have certainly concluded many times since, that we needed to increase our military/military contacts. I think it is more imperative now than ever before, not just with Russia, but Ukraine, Kazakhstan, Byelorussia, and the other republics. This amendment makes $22 of the $400 million of the Nunn-Lugar transfer authority available for military/military contacts between the United States and the new countries of the former Soviet Union. So this, again, I think is an enormously important amendment.

One of the most dangerous parts of the equation in those parts of the former Soviet Union now is the intense pressure in the military and from the military. They have a very difficult time with housing. They have a difficult time with family support. They have a difficult time in moving people back from the Baltics, where we want them to move back as rapidly as possible. The same case for Eastern Europe, because of inadequate housing. It is a time of intense frustration. There are a lot of those problems we cannot do much of anything about, but what we can do is intensify our contact, intensify our visits back and forth, intensify the visitation that we have going on with them.

Right now, one university in this country, Harvard University, I am told, has more military-to-military type contacts than our entire U.S. Government with the Russians and with others. They have, in fact, a visiting delegation now of Russian officers at Harvard. This is the kind of thing we ought to be encouraging in our other units in this country and in our contacts here in this country at military bases. I cannot think of anything that would be of more help to alleviate the pressure that is inevitable and is building within military circles in Russia and other republics than having a chance to come to the United States to visit with our military, to see how they work and particularly to see the American people, to perhaps go in a supermarket or go to a church service or synagogue, and basically understand a little bit more about democracy and about our basic concept of human rights.

I think this is an enormously important initiative, and Senator WARNER has worked hand in hand, and he has been very much for this since the very beginning, as has Senator LUGAR. I am sure Senator LUGAR—his name is not on this amendment, but it should be. I ask his name also be included.

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

Mr. WARNER. I thank the distinguished chairman. Indeed, he has taken the lead on this. I have had the opportunity, together with other members of our committee and Senators, to work along with him. My interest in this subject, like the chairman's, originated many years ago when I had the opportunity to go to the Soviet Union, in 1971 and 1972, in connection with my responsibilities with the Incidents at Sea Agreement. At that time I met with Admiral Gorshkoff and a series of high-ranking military leaders and have likewise fostered military-to-military contacts throughout the years as I have had an opportunity to do so.

I certainly agree with the chairman. The Iron Curtain may well have been rolled back, but to the extent that we can allow more and more light to fall in and a greater understanding of our Nation and, indeed, the Western World, it will contribute to peace and stability.

The military in the Soviet Union, having grown up with high-technology weapons, like our military and other militaries, are highly intelligent people. They suddenly find themselves in a predicament that, fortunately for the world, their services in uniform are no longer needed. Or those that are remaining, they should take a different perspective than the perspective that has been drilled into their heads for many, many years prior to this evolution in the former Soviet Union.

So I think the chairman has taken a very dramatic initiative here. I am delighted to support it.

Mr. NUNN. I thank the Senator from Virginia. I might add, I have just been informed—I had heard about it, but I did not know that it was occurring now; the Senator from Virginia, a former marine, former Secretary of Navy, will be interested—General Mundy, our Commandant of the Marine Corps, is now in the Soviet Union with a contingent of Marine officers, visiting and making contact with his counterparts there. I am sure that is a fas-

cinating visit for the marines and will be of interest to an outstanding former marine here on the floor.

Mr. WARNER. Mr. President, I ask my chairman to refresh my recollection, but I think Admiral Crowe was the highest ranking officer that first initiated, at that level, the uniform-to-uniform contacts, and then, subsequent thereto, our current Chairman, Colin Powell. Am I not correct in that?

Mr. NUNN. Yes, Admiral Crowe had, I believe, the first visit, at the Chairman of Joint Chiefs level, with his counterpart, and that was reciprocated. He took his counterpart Akhromeyev around this country, took him around and spent several weeks with him and then in the Soviet Union. So that was a real breakthrough. And I think one of the most impressive briefings I ever received—I remember it well. It was a breakfast meeting with Admiral Crowe right after he returned, telling us about his experiences going on ships, going on submarines, being exposed to people and the information which for years we had spent literally billions of dollars in intelligence circles trying to find out about. It was a fascinating experience, one that he felt keenly about. And he did take a real lead in that respect.

Mr. WARNER. Mr. President, I remember the breakfast well myself. I say this with no bias, but I believe the Navy has been very active in this area. I know that a succession of high-ranking naval officers have gone. I am very pleased to learn of General Mundy's visit.

I hope the Department of the Army and Department of the Air Force would view this as an opportunity and perhaps increase the numbers from their respective Departments who make, in the future, trips to the former Soviet Union.

Mr. NUNN. I think the Senator makes a good observation there. I also add, the Senator, then Secretary of the Navy, led the delegation, I believe it was to Moscow, to sign the Incidents at Sea Agreement in 1971.

Mr. WARNER. In 1972, Mr. President.

Mr. NUNN. In 1972, which was a real breakthrough. That agreement is still in effect and has worked on most occasions extremely well. We probably never will be able to recount the number of possible incidents that have been avoided because of that. The Senator has been very much involved in that. I know he looks back on that as a very important part of his career.

Mr. WARNER. I thank my good friend.

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3060) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3061

(Purpose: To amend the National Defense Authorization Act for Fiscal Year 1993 by $4,000,000)

Mr. NUNN. 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 Georgia [Mr. NUNN], for Mr. DIXON, proposes an amendment numbered 3061.

On page 49, line 22, strike out $5,303,744,000 and insert in lieu thereof $5,307,744,000.

Mr. NUNN. Mr. President, on behalf of Senator DIXON, this amendment has been submitted. This amendment provides for an additional $4 million for a new type of tank ammunition called the smart target activated fire and forget round, or STAFF. I assure all my colleagues, this is not a bonus for our staff. That is the initials of the weapons system. I did read the amendment before it was sent to the desk since we have to be very careful about those things.

Mr. WARNER. Mr. President, I fully support the amendment. I only wish the Senator from Illinois had come over and presented it himself.

The consideration of this bill by the Senate will be the last opportunity for our good friend and colleague from Illinois to participate here with an authorization.

And I know the chairman and I have had great pleasure many times in the past that he has taken the floor and with great commitment and eloquence and, I might add respectfully, color, presented his views on a wide variety of defense issues. He has been a most valued member of the Senate Armed Services Committee. Speaking for myself and I think many others, he will be dearly missed.

Mr. NUNN. Mr. President, I certainly concur in that. Senator DIXON will probably be handling several amendments before this bill is over. I know one that is coming up in a few minutes that I have asked him to handle. He has taken the lead on the committee. He has been an outstanding member of the committee. He has been a dedicated and effective subcommittee chairman. He had worked very closely and effectively with both sides of the aisle. He has been a team supporter of national security, many times perhaps at his own peril, but he is a deep believer in the security of our country. He is a wonderful patriot. He is going to be sorely missed on our committee from the point of view of his leadership and from the point of view of the sheer enjoyment of being with him. I am sure we will hear further from him this evening. I concur and echo the remarks of my friend from Virginia.

Mr. DIXON. Mr. President, this is a little amendment, and I do not believe it will take long.

Mr. President, the Army is developing a new type of tank ammunition called the smart target activated fire and forget round, or STAFF. Most tank bullets pierce the armor of an enemy tank head on. This kind of a bullet flies over the target and fires a warhead down into the vulnerable top of the turret where the armor is thinnest.

The STAFF program is fully funded in the budget. All the funds required for development and production are included in the budget.

Since the program was put in the budget, however, the Army has identified a series of design changes that would lower the production cost of the STAFF round. According to the Army, the initial cost of the STAFF round could be reduced by as much as 25 percent if we incorporate these design changes early. It would take a total of $4 million to pay for these changes. These modifications would pay for themselves almost immediately upon production of the round. I cannot discuss all the details because the STAFF program is classified.

The committee took an identical approach in the bill on the so-called Javelin program, adding $10 million for design changes that could save as much as $400 million over the life of the program.

Mr. President, spending $4 million today could save 10 times that amount in future years. The tight budgets today are keeping the services from making these sensible changes. I do not believe we should deny ourselves the chance to save funds in the future, so I offer this amendment for a one-time expenditure that will more than pay for itself in future years.

Mr. WARNER. Parliamentary inquiry. Has the previous amendment now been adopted?

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 3061) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3062

(Purpose: To prohibit the Secretary of Defense from limiting the counter-drug requirements for which Department of Defense support may be provided)

Mr. WARNER. Mr. President, on behalf of Mr. MCCONNELL, 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 Virginia [Mr. WARNER], for Mr. MCCONNELL, proposes an amendment numbered 3062.

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

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

The amendment is as follows:

On page 395, line 10, strike out "and".

On page 395, line 17, strike out the period at the end and insert in lieu thereof a semicolon and the following:

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively;

(4) by inserting after subsection (b) the following new subsection (c):

"(c) The Secretary of Defense may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements."; and

(5) in subsection (g)(2), as redesignated by paragraph (3), by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

Mr. WARNER. Mr. President, the description of the amendment is that it will require that the Secretary of Defense may not, and I underline may not, limit support for law enforcement agencies only to critical emergent or unanticipated requirements.

In December 1991, the Department of Defense adopted a new policy whereby support to law enforcement agencies would be restricted to critical, emergent or unanticipated requirements. The committee's report noted this change and pointed out its lack of consistency with congressional intent and urged the Secretary of Defense to reconsider the policy. This amendment would legislatively change that policy.

Mr. MCCONNELL. Mr. President, I appreciate the fact that the managers of the bill have agreed to take a look at this amendment. As they know from the committee's careful review of the problems associated with section 1004 authorities, the Defense Department has chosen a substantially more restrictive interpretation of the law than Congress intended. The committee's report speaks specifically and clearly on this matter. The report states:

The congressional intent was to encourage the provision of such support in recognition of the limited budgets of civilian agencies, the critical need to address the illegal drug problem that was and is ravaging our nation; the various capabilities, expertise and "can-do" attitude that were already resident in the Department and could be applied to assist such agencies; and the desire to free scarce resources of those agencies to accelerate and strengthen the national drug effort.

Now let me draw my colleagues attention to the section of the committee's report which compels me to offer this amendment. After review of the Department of Defense performance in support of civilian narcotics enforcement activities, "the committee believes that the Department's policy is not entirely consistent with that intent."

There is little doubt about the enormous problem the civilian narcotics enforcement agencies face as they battle the cartels in South American and traffickers around the world. Recently, I listened with great interest recently in the Foreign Relations Committee to the testimony of General Joulwan, chief of Central Command in Panama. In unequivocal terms, he identified the primary threat and priority of Central Command as the narcotics problem. All I am asking in this amendment is that the entire Department of Defense recognize this threat and offer the important skills, resources and capabilities uniquely available at DOD to support this vital mission.

I appreciate the committee's consideration of my amendment.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3062) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3063

(Purpose: To require a report relating to continuing health benefits coverage of employees of Department of Defense contractors who are involuntarily separated from such employment by reason of the termination of defense contracts)

Mr. NUNN. Mr. President, on behalf of Senator Pell, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. PELL, proposes an amendment numbered 3063.

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

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

The amendment is as follows:

On page 122, between lines 3 and 4, insert the following new section:

SEC. 349. REPORT RELATING TO CONTINUING HEALTH BENEFITS COVERAGE OF CERTAIN TERMINATED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) REPORT REQUIRED.—Not later than March 1, 1993, the Under Secretary of Defense for Acquisition shall submit to Congress a report on matters relating to the provision by contractors of the Department of Defense of continuing health benefits coverage to employees of such contractors who are involuntarily separated from such employment by reason of the termination or curtailment of defense contracts.

(b) CONTENT OF REPORT.—The report shall contain—

(1) an estimate of the number of employees referred to in subsection (a) who will be involuntarily separated from employment referred to in that subsection for the reason referred to in that subsection during each of fiscal years 1993 and 1994;

(2) an estimate of the number of such employees who will elect in each such fiscal year to receive continuation coverage under section 4980B of the Internal Revenue Code of 1986, and an estimate of the aggregate monthly costs that will be incurred during such fiscal years by such employees who make the elections;

(3) an estimate of the cost to the Department of Defense of providing continuing health benefits coverage to such employees in the same manner as continuing health benefits are provided to individuals under paragraph (4) to section 8905a(d) of title 5, United States Code, as added by section 346(a);

(4) an assessment of the capability of the employers of such employees to bear a portion or all of the costs estimated under paragraph (3) and a description of any current efforts by such employers to bear such costs; and

(5) recommendations relating to the optimal allocation of such costs between the Federal Government and such employers.

In section 2(b), amend the table of contents by inserting after the item relating to section 348 the following new item:

Sec. 369. Report relating to continuing health benefits coverage of certain terminated employees of defense contractors.

Mr. NUNN. Mr. President, this amendment by Senator PELL requires the Under Secretary of Defense for Acquisition to submit a report to Congress on the number of employees likely to be terminated by defense contractors in fiscal 1993 and 1994 and the estimate of the cost of providing health benefits to them.

Mr. PELL. Mr. President, this amendment would require the Department of Defense to submit a report by next March 1 on one of the most vexing and so far unaddressed problems involved in the defense build-down, and that is the question of continuity of medical insurance for defense industrial workers who are involuntarily separated from employment because of the termination or curtailment of defense contracts.

I note with interest that the bill as reported from committee provides for temporary continuity of the Government's contribution to health insurance plans for two other important categories of defense personnel, namely civilian employees of the Department of Defense and for members of the uniformed services who have been separated because of cutbacks in defense spending.

It seems to me that the justification for providing assistance in extending insurance to these two categories applies equally to the men and women who have been providing the industrial

sinew which helped us to win the cold war.

While industrial workers are employees of the private sector, they do comprise a unique category of people whose employment is determined by public policy and by world events.

In southeastern New England, where thousands of industrial workers are facing the prospect of unemployment as a result of the curtailment of the *Seawolf* submarine program, we find that the continuity of health insurance is the largest single problem awaiting them when they receive their pink slips.

It is to be sure a very expensive problem, both in terms of family budgets and in terms of any comprehensive assistance programs which might be devised.

I have proposed two legislative remedies in this Congress, both of which pose admittedly large fiscal burdens. S. 2690 which I introduced last May, would provide a Federal subsidy of 75 percent of an employee's premium for health insurance continued after separation under the so-called COBRA provisions, for a period of up to 36 months.

A slightly different approach was suggested in S. 2906, the Defense Industrial Diversification and Adjustment Act, which I introduced on June 29. It provided for a subsidy of 50 percent of the COBRA premium for 1 year, to be paid from a trust supported by contractor contributions.

I would be the first to acknowledge that both bills posed fiscal burdens of unknown dimensions. Unlike the uniformed services or the civilian work force of DOD, the magnitude of the problem as it effects the private sector defense industrial work force is simply not clearly defined.

The amendment I am offering today would provide the necessary clarification. It would require the Under Secretary of Defense for Acquisitions to report by March 1, 1993, on the matter of continuity of medical insurance coverage for employees of contractors to the Department of Defense whose employment has been or will be terminated involuntarily due to the curtailment or termination of a defense contract. The report would address:

(1) An estimate of the number of such employees to be terminated for such reasons during fiscal year 1993 and fiscal year 1994;

(2) The estimated monthly cost of premiums for such employees who may elect to continue coverage under section 4980B of the Internal Revenue Code of 1986;

(3) The estimated cost of underwriting half such costs on a basis comparable to that provided civilian employees of the Department of Defense by section 346 of S. 3114;

(4) An estimate of the ability of defense contractors to underwrite all or a portion of the cost estimated by item (3) and a description of any existing efforts by contractors to underwrite such costs; and

(5) Recommendation of a possible cost sharing formula between the Federal Government and contractors of the costs estimated by item (3).

Mr. President, the report required by this amendment will do much to clarify the issues involved in providing a solution to one of the most painful and nagging problems involved in defense transition. I urge its acceptance and I urge that it be supported in conference.

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 3063) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that during the consideration of the DOD bill that the only amendment in order to section 716 of S. 3114 or on the subject of abortion be an amendment to strike that section by Senator COATS; that debate thereon be limited to 1 hour equally divided in the usual form; and that following the conclusion or the yielding back of time, the Senate proceed to vote on the Coats amendment.

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

AMENDMENT NO. 3064

Mr. NUNN. Mr. President, on behalf of Senator PELL, 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 Georgia [Mr. NUNN], for Mr. PELL, proposes an amendment numbered 3064.

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

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

The amendment is as follows:

On page 333, between lines 13 and 14 insert the following new section:

SEC. 808. INDUSTRIAL DIVERSIFICATION PLANNING FOR DEFENSE CONTRACTORS.

(a) INCENTIVES.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to encourage defense contractors to engage in industrial diversification planning.

(2) Such regulations shall include—

(A) treatment of industrial diversification planning expenditures as allowable costs under Department of Defense contracts,

(B) treatment of industrial diversification research and development activities as permissible independent research and development expenditures, and

(C) such other incentives as the Secretary of Defense deems appropriate to encourage defense contractors to engage in industrial diversification planning.

(b) DEFINITION.—For purposes of this section, the term "industrial diversification" means conversion from government-oriented management, production, training, and marketing practices to practices that are compatible with the commercial marketplace.

Mr. PELL. Mr. President, this amendment achieves a long sought objective in helping to sustain and preserve our defense industrial base.

It would provide very attractive incentives to defense contractors to plan ahead for inevitable reductions in business from the Department of Defense.

Instead of waiting for the ax to fall and then being forced to throw skilled workers out on the street and perhaps ultimately shutting down a vital segment of our defense industrial base, contractors would plan now, encouraged by the incentives offered in this amendment, for diversified commercial production which could help keep their facilities in operation.

The amendment simply directs the Secretary of Defense to prescribe regulations which will encourage such advance planning. The incentives would include:

Treatment of expenditures for planning for diversification as allowable costs under future contracts;

Treatment of R&D for industrial diversification as permissible independent R&D expenditures; and

Other incentives deemed appropriate by the Secretary to encourage planning for diversification.

In return, I would hope that contractors will be required to respond with very specific plans for utilizing their facilities constructively in ways that will be rewarding to themselves and to the public interest. Such plans, I believe, should cover the following points at a minimum, without requiring disclosure of proprietary information:

First, identification of specific technologies unique to the contractor's facilities and operations;

Second, identification of potential nondefense commercial applications utilizing the contractor's unique technologies;

Third, a summary report of commercial applications being undertaken or contemplated;

Fourth, a statement of actual or estimated costs of converting or modifying the contractor's defense industrial facility or facilities for the production of goods and services not produced under defense contracts;

Fifth, a statement or estimate of the amount and type of retraining that the employees of the contractor's defense industrial facilities will require in order to produce nondefense goods and services; and

Sixth, an estimate of the impact that implementation of the plan will have

on the labor force in the area or areas in which the defense industrial facility or facilities of the contractor are located.

Mr. President, in my view I believe this amendment could do much to achieve the underlying purposes of the bill, which as I understand them, are to facilitate adjustment to lower defense spending and at the same time preserve a healthy defense industrial base. I urge its acceptance and urge that it be supported in conference.

Mr. NUNN. Mr. President, this amendment I have submitted on behalf of Senator PELL requires the Secretary of Defense to authorize incentives to encourage defense contractors to engage in industrial diversification planning.

I urge the adoption of the amendment.

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

The amendment (No. 3064) was agreed to.

Mr. MACK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3065

(Purpose: To establish a Federal Defense Laboratory Diversification Program)

Mr. NUNN. Mr. President, on behalf of Senators LIEBERMAN and PRYOR, 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 Georgia [Mr. NUNN], for Mr. LIEBERMAN, for himself and Mr. PRYOR, proposes an amendment numbered 3065.

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

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

The amendment is as follows:

On page 370, between lines 18 and 19, insert the following new section:

SEC. 836. PROGRAM TO ENCOURAGE DIVERSIFICATION OF DEFENSE LABORATORIES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense, acting through the Director of Defense Research and Engineering, shall establish and implement a program to be known as the Federal Defense Laboratory Diversification Program (hereafter in this section referred to as the "Program"). The purpose of the Program shall be to encourage greater cooperation in research and production activities carried out by defense laboratories and by private industry of the United States in order to enhance and improve the products of such research and production activities.

(b) PROGRAM GOALS.—Under the Program, the defense laboratories shall carry out cooperative activities with private industry in order to promote the transfer (by the use or exchange of patents, licenses, cooperative research and development agreements and other cooperative agreements, and the use of symposia, meetings, and other similar mechanisms) of defense or dual-use technologies from the defense laboratories to private industry for the purpose of the commercial utilization of such technologies by private industry.

(c) DEVELOPMENT OF PLANS FOR PROGRAM.—The Director of Defense Research and Engineering shall develop and annually update a plan for each defense laboratory that participates in the Program under which plan the laboratory shall carry out cooperative activities with private industry to promote the transfers described in subsection (b).

(d) REPORTS ON SURVEY OF LABS AND IMPLEMENTATION OF PROGRAM.—(1) Not later than September 30, 1993, the Director of Research and Engineering shall submit to Congress a report containing the following:

(A) An assessment of the potential of each such laboratory to promote the transfers described in subsection (b).

(B) Recommendations on the manner in which each such laboratory might better promote such transfers.

(C) A description of the extent to which each such laboratory has implemented effectively the plan established for the laboratory under subsection (c) during the year preceding the date of the report.

(D) Recommendations of the Director for the improvement of the Program.

(e) DEFINITION.—In this section, the term "defense laboratory" means any laboratory owned or operated by the Department of Defense that carries out research in fiscal year 1993 in an amount in excess of $5,000,000.

In section 2(b), amend the table of contents by inserting after the item relating to section 835 the following new item:

Sec. 836. Program to encourage diversification of defense laboratories.

Mr. NUNN. Mr. President, this amendment on behalf of Senators LIEBERMAN and PRYOR requires the Director of Defense Research and Engineering to establish plans and goals for the Department of Defense labs to work with industry on dual-use technology.

Mr. LIEBERMAN. Mr. President, Senator PRYOR and I are offering an amendment today that would encourage diversification of defense laboratories and greater cooperation in research and production activities with the private sector. The amendment requires that defense labs carry out cooperative activities with private industry. This goal is achieved by having the Director of Defense Research and Engineering to develop and annually update a plan for each defense lab that participates in a program of cooperative activities with industry.

The amendment further asks that the Director of Research and Engineering submit a report to Congress that would: First, assess the potential of each lab to promote the transfer of dual use technology from DOD labs to private industry in order to promote commercial utilization; second, make recommendations on how the labs might make these transfers; and third, provide a description of the extent to which each DOD lab has implemented the plan described in the amendment.

The process of cooperation between defense labs and industry has already begun. Federal labs have expertise that can be of great use to American companies trying to keep up in an increasingly competitive global marketplace. There are any number of examples of cooperative efforts already underway. For example, Lawrence Livermore National Laboratory [LLNL] is working with the State of California department of transportation to help develop an intelligent highway system that would help alleviate traffic congestion. Work is also taking place on image enhancing and processing techniques that would help to locate cancerous tumors. Los Alamos Federal Laboratory is working with General Motors to develop a fuel cell power system that could be used for transportation purposes. Caterpillar has been working with LLNL since 1988 to develop sophisticated earth moving equipment in order to keep up with foreign manufacturers like Japan's Komatsu Ltd.

All the major weapons labs—LLNL, Los Alamos, and Sandia—are poised to make a contribution to civilian R&D. This amendment would assist with that process by developing a plan to share research and the development of products that have a commercial purpose.

The end of the cold war has made defense cuts inevitable. But it is important that in the process of making these cuts that we do not allow the expertise found in our defense labs to be cast aside. We must, literally, develop a comprehensive approach for turning our swords into plowshares. This amendment would help to achieve that goal by having DOD establish a program for cooperation between industry and Federal labs.

I urge my colleagues to support the amendment. It is an important step toward making certain that as we downsize the military-industrial complex, we do so in a way that is both cost effective and helps make American industry more competitive.

I want to give special thanks to Desten Broach, Andy Effron, and John Douglass for all of their help in putting together this amendment.

Mr. PRYOR. Mr. President, I am pleased to be offering an amendment today with my friend and colleague from Connecticut, Senator JOSEPH LIEBERMAN. The amendment we are offering to the fiscal year 1993 Defense Authorization Act is designed to foster more cooperation on research and production activities between Government defense laboratories and private sector corporations. Such cooperation will result in a more competitive U.S. economy and higher paying jobs since it will give industry access to the advanced technology which many defense labs currently possess. Increased co-

operation will also insure that the military has future access to the latest technologies since, increasingly, the commercial sector leads the defense sector in technology development.

The U.S. Government spends over $70 billion annually on research and development, yet much of this expenditure has, at best, an indirect benefit for the commercial economy, because 60 percent of that amount is spent on military R&D. Much of this military R&D takes place in Department of Defense laboratories which develop the technology for weapons systems and other military goods, as well as the processes essential for producing the military products themselves.

In many cases, these laboratories possess tremendous technological capabilities which could be a boon if transferred to private corporations attempting to compete in the world economy. Up to this point, the extent of technology transfer has, for a number of reasons, been low. The labs do, however, currently have the legal authority to engage in cooperative R&D and technology transfer with industry. This amendment would simply make such activities a priority for the labs.

The need for improved technology transfer became clear during the briefings and research undertaken by the Senate Democratic Task Force on Defense and Economic Transition which I participated in. The task force learned that a civil-military integration strategy featuring comprehensive procurement reform, as well as an R&D strategy which integrates civilian and military priorities, could significantly improve the quality and price of goods acquired for the Armed Forces. These reforms would also enable defense contractors to be more diversified, and hence less vulnerable to defense buildowns such as the one we are experiencing now. Reforms of this nature will also mean that a greater portion of military R&D and procurement dollars are spent in such a way that the commercial economy in general experiences a benefit.

The program which this amendment would establish is consistent with the specific recommendations of the task force and with one of its major themes, namely, that R&D which continues to be undertaken for military purposes should be pursued, to the maximum extent possible, in such a way that it has benefits for both the commercial and military sector. This is the so-called dual-use R&D. This focus on expanded commercial R&D will mean more competitive U.S. industries, more jobs, higher wages for American workers.

The Democratic economic leadership strategy, developed in part under the leadership of Senator LIEBERMAN, came at the defense labs from an angle different from the Defense Transition Task Force, but they arrived at a similar conclusion. Namely, that the defense labs are a vital national resource which should be tapped for the sake of improving the competitive abilities of American industry. Again, the result will be a healthier U.S. economy and higher paying jobs for American workers.

Senator LIEBERMAN and I do not propose, with this amendment, to subordinate defense laboratories to the needs of commercial industry. Rather we are saying that when a defense laboratory undertakes an R&D project on a certain technology, it should team with a commercial partner that has its own interest in a commercial application of the same technology.

In fact, the process of technology transfer which we hope to encourage is a two-way street which the defense labs and the military stand to benefit from as much, if not more so, as commercial industry does. Increasingly, the most advanced technologies are being developed in the commercial sector of our national R&D infrastructure, rather than in the military sector. This trend means that if the military hopes to continue having access to the most advanced weapons, electronics, aircraft, missiles, and other products, it must foster greater links with companies researching and developing critical technologies in the private sector.

Finally, for those who might question whether the potential for shared technology development exists, one need only look at the various lists of technologies identified as key to present and future industries, so-called critical technologies, which have been developed for both the defense and commercial sectors. A vast majority of the technologies on these two lists are common to both, thereby demonstrating the common needs and the common opportunities for R&D between commercial industry and the defense labs.

The amendment Senator LIEBERMAN and I are offering will require the Director of Defense Research and Engineering to develop a Federal Defense Laboratory Diversification Program. The purpose of this program shall be to encourage greater cooperation in research and production activities carried out by defense laboratories and by private industry of the United States in order to enhance and improve the products of such research and production activities. The amendment requires the Director to draw up a plan for each laboratory showing how the law will achieve the program's objectives. In recognition of the fact that all of the labs are not suited for the same amount or type of cooperative work with industry, the amendment leaves it up to the Director to determine how to apply the program from lab to lab. Finally, the amendment requires a study to inventory the capabilities of the different labs, to report on their success in implementing the industry cooperation program, and to make recommendations for improved cooperation.

The program created by this amendment does not in any way represent an attempt to create a new mission for the defense labs so that their lives can be prolonged and their funding preserved. Decisions of that nature will be based on an assessment of defense technology needs, commercial technology needs, and an assessment of how best to satisfy those needs.

The amendment also does not require any new expenditure of funds. However, it does offer the potential of getting a higher technological return on the money we currently spend on the labs. It would do so by opening up the labs as they exist today so that the valuable technologies they already have in hand can be shared with industry and so that the R&D they perform in the immediate future will have maximum benefit for purposes of both defense and commerce.

As I mentioned earlier, the labs do not need any new legal authority to undertake cooperative projects with industry, and this amendment does not give any such new authority. The amendment simply makes cooperative work more of a priority for the labs. I hope they will, on their own, heed the call for more cooperative work. If not, it may be necessary to require each lab to devote a specific percentage of its budget and other resources to cooperative projects with industry. If efforts are not truly made to take industry's needs into account, it may be necessary to establish industry advisory panels which will have the authority to give input and direction on activities undertaken by the labs. I much prefer to let the labs chart their own course rather than trying to micromanage them, but if they do not take this mandate seriously, more direction will be forthcoming.

Mr. President, I want to thank Senator NUNN and Senator WARNER for accepting this amendment. I also want to thank Senator NUNN's staff and Senator BINGAMAN's staff for assisting in the preparation of this amendment. I also particularly want to thank two staff members from the Congressional Office of Technology Assessment, Kitty Gillman and Julie Gorte who provided a great deal of information about the labs which helped make this amendment possible. Finally, I want to compliment Senator LIEBERMAN and his staff, particularly Bill Bonvillian and Bill Danvers, for the extremely professional, high quality work they performed on this issue. It is a genuine pleasure to work with Senator LIEBERMAN and his staff.

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 3065) was agreed to.

Mr. MACK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3066

(Purpose: To amend section 5(d) of Public Law 81-874 (Impact Aid) regarding State equalization programs)

Mr. MACK. Mr. President, on behalf of Senator MCCAIN and Senator DECONCINI, 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 Florida [Mr. MACK], for Mr. MCCAIN, for himself and Mr. DECONCINI, proposes an amendment numbered 3066.

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

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

The amendment is as follows:

On page 487, between lines 12 and 13, insert the following:

SEC. 1064. STATE EQUALIZATION PROGRAMS.

Paragraph (2) of section 5(d) of Public Law 81-874 (20 U.S.C. 239(d)(2)) is amended—

(1) by striking subparagraph (C) (as added by section 330(a) of Public Law 94-482); and

(2) by adding at the end the following new subparagraph:

"(D) Any State whose program of State aid was certified by the Secretary under subparagraph (C) for fiscal year 1988, but whose program was determined by the Secretary under subparagraph (C)(i) not to meet the requirements of subparagraph (A) for one or more of the fiscal years 1989 through 1992—

"(i) shall be deemed to have met the requirements of subparagraph (A) for each of the fiscal years 1989 through 1992; and

"(ii) shall not, beginning with fiscal year 1993, and notwithstanding any other provision of this paragraph, take payments under this title into consideration as provided under subparagraph (A) for any fiscal year unless the Secretary has previously certified such State's program for such fiscal year.".

Mr. DECONCINI. Mr. President, I want to thank the Armed Services Committee chairman, Senator NUNN, and the ranking member, Senator WARNER, for accepting an amendment which addresses a problem that a number of States, including Arizona, face at this time. I also express my appreciation to the Education Subcommittee for understanding the need for this amendment at this time.

The amendment will protect native American children attending public schools in my State. Presently, due to a dispute between the Federal and State governments, the schools serving these school children risk losing all of the impact aid funds they receive. To avert this disaster, the Federal Government, State government and the affected local school districts in my State reached a settlement agreement.

Under the agreement, the Federal Government, State government, and school districts concede significant aspects of their original negotiation terms by agreeing to an immediate settlement in order to preserve the benefits of impact aid funding for native American children. Our amendment will enable the U.S. Department of Education to implement the settlement agreement and prevent the loss of all impact aid funds which benefit Arizona Indian children.

Mr. President, all the parties in Arizona and the U.S. Department of Education worked hard for the past couple of years to resolve this unfortunate situation. In the end, they all agreed to put the interests of the children first. I commend them for their hard work and commitment to Indian education. I thank my colleagues for their assistance and willingness to respond to this urgent Indian education need in the State of Arizona.

Mr. MCCAIN. Mr. President, I would like to make a few comments regarding the impact aid amendment that I am offering along with my colleague, Senator DECONCINI. This is a matter of utmost urgency to the State of Arizona, and it will have a direct beneficial impact on some of the neediest students and schools in our State.

This amendment will help avert a budgetary crisis for both the State of Arizona, and for a group of largely native American school districts in northern Arizona. It is supported by the Arizona State Impact Aid Association, Governor Symington, and the State superintendent of public instruction.

For several years, the school districts, the State, and the U.S. Department of Education have been involved in a dispute over Arizona's education funding procedures. This problem centers around the extremely complex issue of equalizing spending among school districts in Arizona, and has been the cause of considerable concern and frustration for many school district officials and Arizona department of education officials.

The fiscal consequences of not enacting this amendment would simply be devastating for the people of Arizona. Under current Federal law, if the appeals by the State of Arizona are not successful, the State would be liable for approximately $70 million in past aid deducts. As is the case with many other States during this recessionary period, Arizona has struggled to close huge budget deficits in 1991 and 1992. The State simply does not have the resources to come up with such moneys.

Therefore, the U.S. Department of Education would then be required to reduce future payments to the affected districts. These districts would suffer a reduction in impact aid funding of at least $190 million, and possibly $250 million. Such an action would have a brutal impact on the 18 districts that are primarily involved, for many of them are virtually the poorest in Arizona.

The students of districts such as San Carlos, Fort Thomas, and Sanders are overwhelmingly native American, and their schools are already beleaguered by scarce resources, rapidly increasing enrollments, and inadequate facilities. To cut their Federal impact aid assistance would truly be a wrenching blow to these severely disadvantaged students and their communities.

This cannot be allowed to happen. Fortunately, with the adoption of this amendment, it will not. The McCain-DeConcini amendment will modify current Federal law and solidify an agreement that the State and the school districts have entered into after months and months of negotiations and hard work. The Arizona State Legislature has changed State law to prevent any deductions in aid to these districts for the next 2 years. After this period, the State will not make any deductions unless they have been certified to do so by the U.S. Department of Education.

For their part, the school districts will not seek any recovery of past reductions in State aid, and the U.S. Department of Education will consider the State to have been certified for deductions made during the years in question. The State of Arizona and the U.S. Department of Education will enter into a memorandum of understanding to facilitate a more expeditious certification process for the State's equalization procedures.

I urge the U.S. Department of Education to work closely with State officials to develop a practical and expeditious process to render a judgment on Arizona's future certification requests. It is vitally important to the integrity of this agreement that this decision be made by the Department as close to January 1 of each fiscal year as possible.

While this amendment is not a perfect solution, I fully believe that the agreement it codifies is in the best interests of all the parties involved. The affected school districts will benefit from no reductions in State aid for the next 2 years, and the State of Arizona will not be burdened with administrative appeals and a crippling new fiscal dilemma. Continued litigation and debate on this issue will not serve anyone, and the enactment of this measure will enable the districts to move forward in educating their students.

I want to thank the managers of the 1993 DOD reauthorization bill, Senators NUNN and WARNER, for their acceptance of this amendment. I also want to express my deep appreciation for the assistance of Mr. Charles Hansen, Director of the Department of Education's Office of Impact Aid. The time and energy he devoted to helping us achieve this resolution was invaluable.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 3066) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3067

(Purpose: To require the Secretary of Defense to conduct a study regarding the Reserves and members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses)

Mr. MACK. Mr. President, on behalf of Mr. MCCONNELL, 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 Florida [Mr. MACK], for Mr. MCCONNELL, proposes an amendment numbered 3067.

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

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

The amendment is as follows:

On page 154, between lines 3 and 4, insert the following:

SEC. 505. STUDY OF EFFECTS OF OPERATIONS DESERT SHIELD AND DESERT STORM MOBILIZATIONS OF RESERVES AND MEMBERS OF THE NATIONAL GUARD WHO WERE SELF-EMPLOYED OR OWNERS OF SMALL BUSINESSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The service of the members of the Armed Forces of the United States in Operations Desert Shield and Desert Storm was commendable.

(2) The Reserves and the members of the National Guard contributed to the readiness, preparedness, and combat capability of the coalition forces that participated in the liberation of Kuwait.

(3) The Reserves and the members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses possibly suffered unique financial difficulties resulting from their absence from their businesses for such active duty service.

(b) STUDY AND REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a study regarding the economic and other effects on the Reserves and members of the National Guard referred to in subsection (a)(3) of being absent from their businesses for active duty service in connection with Operations Desert Shield and Desert Storm; and

(2) submit a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

(c) CONTENT OF REPORT.—The report shall include the following matters:

(1) The number of Reserves and members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses.

(2) A description of the businesses owned by those Reserves and members of the National Guard when such personnel were ordered to active duty.

(3) A detailed analysis of the economic effects on the businesses of such personnel resulting from the absence of such personnel for active duty service.

(4) A discussion of the factors that contributed to any financial hardship or gain for such businesses during the period of the absence of such personnel.

(5) The extent to which such personnel voluntarily separated from the Armed Forces, assumed an inactive status, or retired after being released from active duty.

(6) An analysis of the rates of such separations, change of status, and retirements.

Mr. MACK. Mr. President, this amendment requires a report on the impact on reservists who operate small businesses or who otherwise are self-employed and who served in Operations Desert Storm and Desert Shield.

Mr. MCCONNELL. Mr. President, I know I speak for my colleagues in expressing praise and commendation for the outstanding service of our soldiers and sailors during Operation Desert Shield and Storm. Brilliant military leadership, when coupled with the dedication of our service men and women, guaranteed the campaign to oust Iraqi forces from Kuwait would not fail.

What brings me to the floor today is the concern that while combat is over for some soldiers, the struggle to survive continues. I am referring to Reserve and National Guard members who served in the Persian Gulf and who are also owners of small businesses. For many, the homecoming ceremony following their redeployment was no more than last rites for their businesses.

In seeking to assist Kentucky's citizen-soldiers, I discovered the Pentagon has yet to conduct a thorough study on the economic impact to businesses owned by reservists during their service to our country. The amendment I am proposing today requires that such a study be conducted in order that we may better understand the depth and nature of this problem.

The telling remarks of one reservist sums up the uncertainties and fears these patriots live with. Dr. Harold Nelson, an optometrist and major in the Army Reserves, returned to private practice following his deactivation to find his patients—and creditors—eager to see him. His practice suffered during his absence, and he wrote to me:

If I lose my business I not only lose my livelihood, I lose my credit rating, my civilian retirement, my health insurance, my self respect and my hard earned standing in the community. My employees may also lose their livelihood and their expectations for the future * * *.

In order that my colleagues may learn more of Dr. Nelson's plight, I ask that a copy of a Navy Times article be printed in the RECORD.

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

[From the Navy Times, June 8, 1992]

RESERVIST: PRICE OF GULF CALL-UP TOO HIGH!

(By Rick Maze)

WASHINGTON.—Optometrist Harold Nelson is paying a heavy price for his Army Reserve service during Operation Desert Storm. He is about to lose his business and his home.

Nelson's plight is shared by many other self-employed business people who were called to active duty during the Persian Gulf war. Many of those who lost money during their mobilization were in the medical profession, but others were insurance sales people, beauticians, farmers and building contractors.

Congress is now asking the Defense Department to consider offering reservists an insurance plan that would make up the difference between military salaries and the Guard or reserve member's civilian salary in future mobilizations.

Nelson, a major activated for nine months at Fort Knox, Ky., as a replacement for active-duty officers who deployed to the Persian Gulf, said he always knew during 29 years in the reserves that he could be called away from his practice by military duties. "I had faith in the Army and its leaders that they would do right by me if the need arose," Nelson said.

Now he's disappointed.

When called to active duty on Jan. 8, 1991, Nelson had a 10-month-old private practice with two offices in Louisville, Ky.

The Army allowed him to moonlight up to 10 hours a week, but he was barred by law from receiving Medicare and other federal health care payments while on active duty. Meanwhile, new competition moved into the neighborhood. By working on Saturdays and Tuesday evenings, Nelson said he was able to make about $90,000, 25 percent of his normal cash flow.

When he was released from active duty his business was in serious trouble and his creditors were treating him like a deadbeat, he said.

He laid off employees and canceled the office health insurance policy. He has been using credit cards and his retirement fund to keep the practice running. Now he faces foreclosure on his home.

"The only alternative that I can see now is to file for bankruptcy," he said.

The 1992 Defense Authorization Act set aside $30 million for disaster loans for small business. The loans were to be used in communities where at least five businesses were economically injured by the deployment of troops.

Sen. Dale Bumpers, D-Ark., the Senate Small Business Committee chairman, complained the loan program has never been implemented because the Pentagon has not released the funds.

Nelson said he is trying to form a group of other self-employed reservists and recalled retirees whose military service during Operation Desert Storm caused severe financial distress.

He complained that there are laws to protect reservists and retirees employed by other people, but "we have failed thus far to recognize the very real needs of the self-employed reservists."

Mr. McCONNELL. Mr. President, I urge my colleagues to give this amendment their serious consideration. Support of this legislation is support for the brave Americans who contribute to our Nation's economic well being and to its security. It is support for our farmers, doctors, and private contractors—all our citizen-soldiers who are self-employed or owners of small businesses.

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 3067) was agreed to.

AMENDMENT NO. 3068

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. INOUYE, which is a technical amendment by the Senator from Hawaii correcting an oversight in the provision of the bill dealing with the chemical weapons stockpile.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. INOUYE, proposes an amendment numbered 3068.

Mr. NUNN. 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 49 beginning on line 12, after "(4)", delete all through "facilities" on line 14.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 3068) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3069

(Purpose: To clarify the terms under which the Department of Defense shall hold harmless, defend, and indemnify entities which acquire closed military property against suits, claims, demands, or actions, liabilities, judgments, and costs arising out of the release of any hazardous substance as a result of Department of Defense activities)

Mr. MACK. Mr. President, I have an amendment to send to the desk on behalf of Senator McCAIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for Mr. McCAIN, proposes an amendment numbered 3069.

Mr. MACK. 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 90, strike line 12 through line 15, and insert in lieu thereof the following:

"(2) No indemnification may be afforded under this provision unless the person or entity making a claim for indemnification—

(1) notifies the Department of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Department of Defense;

(2) immediately furnishes to the Department of Defense copies of all pertinent papers the entity receives;

(3) furnishes evidence or proof of any claim, loss, or damage covered by this section in the manner and form the Department of Defense requires;

(4) complies with the directions of the Department of Defense and executes any authorizations in connection with the settlement or defense of the claim or action; and

(5) cooperates fully and completely with the Department of Defense, and provides to the Department of Defense, upon request, all manner of assistance, including access to the records and personnel of the entity, in defense or settlement of the claim or action."

Mr. MACK. Mr. President, this amendment is a technical correction regarding the indemnification of contractors involved in the cleanup of our military bases and those who may become the new owners of those bases.

Mr. McCAIN. Mr. President, I thank Chairman NUNN and Senator WARNER for accepting an amendment I have offered to fully shield purchasers of closed military bases from liability for hazardous waste left by the Federal Government.

Nearly 129 military bases are targeted for closure over the next several years. Many of those bases have a history of environmental problems—including 17 sites which are listed for Superfund cleanup.

Under current law, receivers of closed base property can be successfully sued for pollution caused by Defense Department activities. Such suits might include environmental cleanup orders or civil damage claims.

This situation is unjust and it must be remedied. We simply cannot ask States or businesses to assume potentially devastating liability for conditions they did not create. Moreover, the Federal Government has a duty to accept full and unconditional responsibility for its actions.

Last year, I introduced legislation to ensure that the Federal Government remains fully responsible for hazardous waste problems at military installations after base closure. The bill requires the Department of Defense to defend, hold harmless, and indemnify innocent receivers of the property against claims arising from pollution caused by military activities.

This protection is absolutely critical if we are to promote the timely and efficient transmission of base property to new and productive uses. How many States or employers are anxious to acquire base property without such protection?

The Armed Services Committee incorporated the indemnification language into the Defense authorization bill. However, the committee added a provision which I believe is very problematic.

The committee amendment says that: "No indemnification will be provided to base transferees that is not subject to the Federal Tort Claims Act." It is a small provision, Mr. President, but it packs a powerful punch. Why?

According to the American Law Division of the Congressional Research Service:

* * * the substantive provisions of the Federal Tort Claims Act would not apply to a transferee's claim for indemnification because the act does not provide for indemnification of persons held liable for government activities; the Federal Tort Claims Act is simply not designed for that purpose. Any legislation that merely states, without elaboration that indemnification shall be subject to and consistent with the FTCA would seem inevitably to raise interpretive problems.

I will request that copies of two Congressional Research Service memos on this matter be printed in the RECORD.

Mr. President, the Federal Tort Claims Act is the statute by which the United States authorizes tort suits to be brought against itself. With certain exceptions, it makes the United States liable for injuries caused by the negligence or wrongful act of any federal employee acting within the scope of his or her employment.

An indemnification claim is not a tort suit. How the Department of Defense or a judge would interpret a suggestion to the contrary is anyone's guess.

But, let's assume that the Federal Tort Claims Act does extend beyond tort claims and to requests for indemnification.

The FTCA has certain requirements which would severely undermine the liability protection based transferees require. To obtain compensation under Federal tort claims, one must prove that the federal employee responsible for the tort was negligent.

In many cases, hazardous dumping by the military occurred prior to the enactment of our environmental laws. Such dumping probably would not be defined as negligent. Under the committee bill that would mean receivers of closed base property could not receive indemnification. The unfortunate result is that the innocent property owner pays for Uncle Sam's mistakes.

Our States and other innocent parties which acquire closed military

property have a reasonable expectation that they not be asked to pay for pollution created by the Federal Government. I hope my colleagues will agree.

The amendment I have offered will ensure that full protection is provided under terms that are fair and reasonable. It would do so by deleting the committee bill's reference to the Federal Tort Claims Act, and replacing it with procedural guidelines which require claimants to file indemnification requests in a reasonable time frame and to cooperate fully with the department in the administrative or judicial consideration of the claim.

Mr. President, base closure is a difficult and traumatic period for local economies which have grown dependent on the employment and economic activity provided by defense installations.

We have a Federal obligation to help facilitate a safe and timely transfer of base property to other productive uses. We cannot possibly achieve that goal if those who would put that property to use must risk everything in the process.

We must do what's right—ensure, without condition, that the Federal Government will defend and indemnify states and employers who are sued over pollution caused by Federal activities. My amendment will accomplish that goal.

Again, I thank Senator NUNN and Senator WARNER for their assistance and leadership on this issue, and for accepting my amendment. I ask unanimous consent that a copy of the amendment, two memos from the Congressional Research Service and letters of support from the National Governors Association, the National Association of Counties, and the National League of Cities be printed in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, July 27, 1992.

To: Honorable JOHN MCCAIN.
(Attention: John Raidt).
From: American Law Division.
Subject: Effect of incorporating the Federal Tort Claims Act into indemnification draft Bill.

This memorandum is furnished in response to your request for an analysis of the effect of a provision incorporating the Federal Tort Claims Act into a draft bill that would require the Secretary of Defense to indemnify transferees of closing defense property for liability arising out of the release or threatened release, as a result of Department of Defense activities, of any hazardous substance or pollutant or contaminant. In other words, if a state or political subdivision of a state, or any other person or entity, acquired a former military installation that had been closed pursuant to a base closure law, and such transferee were sued (apparently under either federal or state law) for injuries caused by pollution that had occurred on the property as a result of Defense Department activities, then, under the draft bill, the Secretary of Defense would be required to indemnify the transferee. However, the draft bill provides:

"No indemnification may be afforded under this provision which is not subject to and consistent with Chapter 171 of Title 28, United States Code, including procedural requirements or defense [sic]."

Chapter 171 of Title 28 is the Federal Tort Claims Act (FTCA), 28 U.S.C. §§2671–2680. The FTCA makes the United States liable, with exceptions, for the torts of its employees, to the extent that, under the law of the state where the tort occurred, private employers are liable for the torts of their employees.[1] However, the FTCA contains exceptions under which the United States may not be held liable even if a private employer could be held liable under state law. Among these exceptions are the following (in no particular order):

(1) the tort must be a "negligent or wrongful act or omission," which has been construed to mean that there is no strict liability under the FTCA;[2]

(2) there is no liability for intentional torts (with an exception for some intentional torts by federal investigative or law enforcement officers);[3]

(3) under the Feres doctrine, there is no liability for injuries to military personnel sustained incident to service;[4]

(4) there is no liability for interest prior to judgment or for punitive damages;[5]

(5) there is no liability for injuries arising from the exercise of a "discretionary function" by a federal employee, even if the employee was negligent in the exercise of the discretionary function.[6] The rationale for the discretionary function exception was "to prevent judicial 'second-guessing' of legislative and administrative decisions founded in social, economic, and political policy through the medium of an action in tort."[7] A discretionary function "is one that involves a choice of judgment . . . grounded in regulatory policy." Discretionary functions do not refer "exclusively to policy-making or planning functions"; they can be exercised in the course of day-to-day management. But the discretionary function exception would not protect the United States from liability for an automobile accident merely because driving requires the constant exercise of discretion: "exercising that discretion can hardly be said to be grounded in regulatory policy."[8] The discretionary function exception also "will not apply when a federal statute, regulation, or policy specifically prescribes a course of action for an employee to follow. In this event, the employee has no rightful option but to adhere to the directive."[9]

Returning to the provision of the draft bill that would incorporate the FTCA, the effect of this provision is not entirely clear. It states that indemnification of persons held liable for Defense Department activities would have to be subject to and consistent with the FTCA. However, the FTCA does not provide for indemnification of persons held liable for government activities; it provides for payment of damages to persons injured by government activities. Therefore, the provision apparently should be construed to mean that indemnification may be made only if the person injured could have recovered against the United States under the FTCA, whether or not he sued the United States. Thus, if a transferee were found liable to an injured party, but a court determined that the United States, because of one of the five provisions cited above, or because of some other provision of the FTCA, was not or would not have been liable to the injured party, then under the draft bill, the transferee would not be entitled to indemnification.

How would this work in practice? As a practical matter, plaintiffs ordinarily sue all parties who might be liable, and a plaintiff's attorney who failed to join the United States in a suit in which it might be liable under the FTCA could face malpractice charges. Therefore, if a plaintiff does not join the United States in a suit against the transferee, it probably means that the United States would not be liable under the FTCA, and, under the interpretation offered above, the transferee would not be entitled to indemnification under the draft bill. The transferee could nevertheless seek to implead the United States (force it to join the suit) or sue it afterwards for indemnification under the draft bill.

On the other hand, if a plaintiff does join the United States and prevails against the transferee but not against the United States, the transferee probably would not be able to sue the United States for indemnification. This is because, assuming that the reason that the plaintiff had not prevailed against the United States was that the United States had been found not liable under the FTCA, the issue of its liability under the FTCA would be *res judicata*. This means that the issue would have already been decided in the plaintiff's case, and the transferee could not reopen it in a suit under the draft bill for indemnification.

If a plaintiff joins the United States and prevails against and the transferee and the United States, then the question would arise whether the applicable state law provided for joint and several liability. Under joint and several liability, every liable defendant is liable for 100 percent of the damages. The plaintiff cannot recover more than 100 percent, but he can choose from which defendant(s) to seek recovery. Under the draft bill, if the plaintiff recovered any part of the damages from the transferee, the transferee would be entitled to indemnification from the United States.

If, however, state law does not provide for joint and several liability, then each defendant would be liable in accordance with its share of responsibility. If the responsibility were solely the government's (the transferee being liable solely on some no-fault basis), then the transferee would not have to pay any damages and under the draft bill would be entitled to indemnification only for its legal costs. If both the transferee and the government were responsible (the transferee having engaged in some wrongful activity after having acquired the property), then the transferee probably would not be entitled to indemnification because its liability presumably would not be based upon Defense Department activities. Of course, the transferee could argue that its wrongful activity some-

[1] The United States may be held liable under the FTCA for torts of employees of the executive, legislative, and judicial branches, but not for torts of government contractors. 28 U.S.C. §2671.

[2] See Dalehite v. United States, 346 U.S. 15, 44–45 (1953).

[3] 28 U.S.C. §2680(h).

[4] Feres v. United States, 340 U.S. 135 (1950) (i.e., the Feres doctrine is a Supreme Court interpretation of the FTCA; it is not explicit in the FTCA).

[5] 28 U.S.C. §2674.

[6] 28 U.S.C. §2680(a).

[7] United States v. Varig Airlines, 467 U.S. 797, 814 (1984).

[8] United States v. Gaubert, 111 S.Ct. 1267, 1275, n.7 (1991).

[9] United States v. Berkovitz, 486 U.S. 531, 536 (1988).

how resulted from Defense Department activities and that it consequently was entitled to indemnification.

Another aspect of the draft bill's incorporation of the FTCA that seems unclear is its language "subject to and consistent with" the FTCA. These two phrases may merely be redundant. No action for indemnification is "subject to" the FTCA, because, as noted above, the FTCA does not provide for indemnification of persons held liable for government activities.

In addition, both elements of the phrase "including any procedural requirements or defense" seem ambiguous. As for "procedural requirements," there is "no simple dichotomy between substance and procedure"; state statutes of limitations, for example, are considered substantive for purposes of being "applied by a federal court in a diversity case, even though statutes of limitations may be regarded as 'procedural' for some other purposes. . . ."[10]

As for "defense," the FTCA does not appear to refer to any "defense." By virtue of its incorporating state law, it does incorporate state law defenses, such as contributory negligence. Are the exceptions in the FTCA, such as the discretionary function exception, defenses (as opposed to matters the plaintiff must prove do not bar his case)? In a sense they are, but this is not clear cut. One court said that "[a]nalytically, and as a practical matter, the discretionary function exception operates more as an affirmative defense than as a bar to jurisdiction."[11] Another court wrote:

"[A] plaintiff can invoke jurisdiction only if the complaint is facially outside the exceptions of §2680 [which includes the discretionary function and other exceptions to the FTCA] to establish jurisdiction pursuant to the FTCA. This does not mean . . . that the plaintiff must disprove every exception under §2680 to establish jurisdiction pursuant to the FTCA. What it does mean is that a plaintiff may not invoke federal jurisdiction by pleading matters that clearly fall within the exceptions of §2680. Only after a plaintiff has successfully invoked jurisdiction by a pleading the facially alleges matters not excepted by §2680 does the burden fall on the government to prove the applicability of a specific provision of §2680.[12]"

Thus, the phrase "procedural requirements or defense" seems ambiguous. However, the phrase also seems superfluous and apparently could be dropped without having any effect. If it were dropped, then the draft bill would incorporate Chapter 171 of Title 28 (the FTCA), including, presumably, all its provisions, they might write: "Chapter 171 of Title 28, United States Code, including all its provisions," rather than singling out "procedural requirements or defense," whatever these words may mean. If they are intended to have meaning, then it would be advisable to define them.

We discussed above the practical application of the substantive provisions of the FTCA to a transferee's claims for indemnification. We now attempt to apply FTCA's procedural requirements, and will treat the statute of limitations as procedural. First, we provide a brief summary of some of the FTCA's procedural requirements. Prior to filing suit under the FTCA, an injured party must present his claim to the federal agency out of whose activities the claim arises.[13] This must be done within two years after the claim accrues.[14] If, within six months after receiving a claim, the agency mails a denial of the claim to the claimant, then the claimant has six months to file suit in federal district court.[15] If the agency fails to act within six months, then the claimant may sue "'at any reasonable time' after the end of the six-month period following the filing of the plaintiff's claim"; suing twelve months after the six-month period was held not reasonable.[16] Suits under the FTCA are tried without a jury.[17]

It does not seem clear how these procedures would be applied under the draft bill. The injured party, if he joined the United States in his suit against the transferee, would be subject to the above statutes of limitations. Would the transferee then separately be subject to them? This interpretation would raise problems. For one, it would be inconsistent with the assumption we have made up to this point that the substantive provisions of the FTCA would not apply to a transferee's claim for indemnification because the FTCA does not provide for indemnification of persons held liable for government activities; the FTCA is simply not designed for that purpose. Rather, we have assumed that the substantive provisions of the FTCA would be applied to the suit or possible suit of the injured party against the United States, whether or not he brought it, and, only if he recovered or could have recovered under the FTCA would the transferee be entitled to indemnification.

A second problem with applying the FTCA's procedural requirements to the transferee's claim for indemnification would be determining when it accrued. Would it accrue at the time the transferee is held liable to the injured party? If so, then the transferee apparently would be precluded from impleading the United States in the injured party's action against it (the transferee). This interpretation would seemingly result in a waste of judicial resources by requiring two separate proceedings.

Suppose, however, we apply the FTCA's procedural requirements the same way we applied the FTCA's substantive requirements: to the suit or possible suit of the injured party, and, only if the injured party recovered or could have recovered against the United States would the transferee be entitled to indemnification. A problem here would be that, if the injured party missed the statute of limitations, but otherwise would have been entitled to recover damages against the United States, then the transferee would be precluded from indemnification by an act beyond its control.

In short, application of the FTCA's procedural requirements would seem to involve the same underlying difficulty that application of the FTCA's substantive provisions would involve: the fact that the FTCA does not provide for indemnification of persons held liable for government activities. Because of this, any legislation that merely states, without elaboration, that indemnification shall be subject to and consistent with the FTCA would seem inevitably to raise interpretive problems.

HENRY COHEN,
Legislative Attorney.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, August 3, 1992.

To Hon. JOHN MCCAIN
(Attention: John Raidt).
From American Law Division.
Subject Effect of Incorporating the Federal Tort Claims Act into Indemnification Draft Bill: Additional Interpretations.

This memorandum supplements our July 27 memorandum on the above subject. In that memorandum, we discussed a draft bill that would require the Secretary of Defense to "hold harmless, defend, and indemnify" transferees of closed military bases for liability for pollution that had occurred as a result of Defense Department activities. The draft bill also provides:

"No indemnification may be afforded under this provision which is not subject to and consistent with Chapter 171 of Title 28, United States Code [the Federal Tort Claims Act], including procedural requirements or defense [sic]."

In our previous memorandum, we noted that the FTCA does not provide for indemnification of persons held liable for government activities; it provides for payment of damages to persons injured by government activities. Therefore, we concluded, the provision apparently should be construed to mean that indemnification may be made only if the person injured could have recovered against the United States under the FTCA, whether or not he sued the United States.

The above interpretation focuses on the word "indemnification," which, under the draft bill, must be subject to and consistent with the FTCA. However, the draft bill also provides that the Secretary of Defense shall "hold harmless" and "defend" the transferee, and the draft bill does not say that these duties must be subject to and consistent with the FTCA. A "hold harmless agreement," according to Black's Law Dictionary, is an agreement "whereby one party assumes the liability inherent in a situation, thereby relieving the other party of responsibility." Therefore, another possible reading of the draft bill would be that, if an injured party sues a transferee, then the United States would be required to stand in the shoes of the transferee—i.e., defend the suit and pay any damages that are awarded—and that it would be required to do so without regard to the FTCA. A problem with this interpretation is that it would leave no circumstance in which the Defense Department would be required to indemnify the transferee.

One might instead construe the draft bill to require that holding harmless and defending be subject to and consistent with the FTCA, even though the draft bill does not explicitly say that they must. If holding harmless and defending had to be subject to and consistent with the FTCA, then there would be cases where the United States would not be liable (because of exceptions in the FTCA) but where the transferee could be liable under federal or state law. If the transferee were held liable, it would not be entitled to indemnification from the United States because indemnification would not be subject to and consistent with the FTCA. The question in such cases would be whether the draft bill intends to allow suits against the transferee (for which the transferee would not be entitled to indemnification) or

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[10] Charles Alan Wright, THE LAW OF FEDERAL COURTS (4th ed. 1983) 378–379.

[11] Allen v. United States, 527 F. Supp. 476, 486 (D. Utah 1981).

[12] Carlyle v. United States, 674 F.2d 554, 556 (6th Cir. 1982).

[13] 28 U.S.C. §2675.

[14] 28 U.S.C. §2401. A claim accrues under the FTCA when "the plaintiff has discovered both his injury and its cause." United States v. Kubrick, 444 U.S. 111, 120 (1979). This rule benefits, among others, plaintiffs with latent diseases that are not discovered until years after exposure to a hazardous substance.

[15] 28 U.S.C. §§2401, 2675.

[16] Taumby v. United States, 902 F.2d 1362, 1366 (8th Cir. 1990).

[17] 28 U.S.C. §2402.

to leave the injured party without a remedy against either the transferee or the United States.

A problem with construing the draft bill to require the United States to hold harmless and defend subject to and consistent with FTCA is that the suit by an injured party against a transferee might be brought in state court (if the transferee were a state, then, under the Eleventh Amendment, it would have to be brought in state court), but suits under the FTCA must be brought in federal court, and then only after a claim is filed with a federal agency. These problems might be dealt with by removing such cases to federal court, and by viewing the entry of the United States into the suit as answering a third party complaint, as, under the FTCA, third party complaints need not be filed with a federal agency. 28 U.S.C. §2675. In other words, the transferee might be viewed as filing a third party complaint against the United States, asserting that the United States must defend it and hold it harmless. The draft bill, however, does not address these matters.

HENRY COHEN,
Legislative Attorney.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, August 10, 1992.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of communities nationwide that are struggling to adjust to military base closures, the National Association of Counties (NACo) applauds your efforts to expand the Pease AFB indemnification language to all closing military installations.

When the first base closure law was passed by Congress in 1988, there was much rhetoric about how conversion to civilian uses would create new economic opportunities for communities that are dependent on defense. Four years later, however, the number of successful conversions are few, and most communities still do not have conversion plans in place.

The greatest obstacle to base reuse is the risk of liability if environmental contamination is found on the site after transfer. Under current law, the subsequent owner can be held liable not only for the costs of cleaning up such contamination, but can also be sued for damages in the event of personal injury arising from that contamination. The risk has made lenders, developers and businesses unwilling to participate in base redevelopment, and has put a chill on the reuse plans of many communities affected by the base closures of 1988 and 1991. The same problem lies in wait for the communities that will be affected by the 1993 and 1995 base closure rounds.

Expansion of the Pease indemnification language to all closing and realigned military installations is the most important thing Congress can do to help communities hard hit by base closures. By guaranteeing that innocent parties could not be held liable for contamination caused by the Department of Defense, indemnification would open the doors to the long hoped for investment, redevelopment, and economic growth in base closure communities.

We urge every member of the Senate to support your amendment. Again, thank you for your leadership on this important issue.

Sincerely,

LARRY E. NAAKE,
Executive Director.

NATIONAL LEAGUE OF CITIES,
Washington, DC, August 20, 1992.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 16,000 cities and towns that we represent, I am writing to thank you for sponsoring an amendment to the Defense Authorization Bill, S. 3114, that would protect local governments and private investors from liability for tort claims as a result of Department of Defense contamination at closed military bases.

Communities affected by the closure of a military base need to convert bases to private civilian use as quickly as possible in order to minimize the economic dislocation associated with the closure. One of the greatest impediments to reuse of closed military bases is the risk of environmental liability, which makes lenders developers and businesses unwilling to participate in base redevelopment.

It is imperative that Congress enact legislation this year to protect lenders, developers and local governments from liability against tort claims incurred as a result of hazardous contamination by the Department of Defense. Such legislation must also provide clear statutory authority for parcelization of Superfund sites.

Section 314 of the Defense Authorization bill provides much of what we need in order to alleviate the uncertainty and economic hardship facing base closure communities. Your amendment will make clear that cities, towns and future businesses that choose to invest in the reuse of former military base property will not be held responsible for any future suits, claims, liability, or judgments arising from contamination caused by the Department of Defense.

Your efforts to assist base closure communities are much appreciated and will go far in assisting communities struggling to reuse base closure property.

Sincerely,

DONALD J. BORUT,
Executive Director.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, August 12, 1992.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: We are writing today to support your effort to strike the following language from S. 3114, the Department of Defense Authorization bill:

"(2) No indemnification may be afforded under this provision which is not subject to and consistent with Chapter 171 of Title 28, United States Code, including any procedural requirements or defense."

This provision appears to contradict the bill's intent to release State and local governments that acquire ownership or control of facilities at military installations from any liabilities due to the presence of hazardous substances resulting from Department of Defense activities. We believe that the Federal Tort Claims Act (Chapter 171 of Title 28) would significantly limit the indemnification otherwise provided to state and local governments under the bill, because the Act does not provide for indemnification of persons held liable for government activities.

We urge the Senate to strike this provision entirely so that state and local governments can be assured of complete indemnification in assuming ownership of closing defense properties. We believe such a change is crucial to the success of this worthwhile program.

Sincerely,

GOV. MICHAEL SULLIVAN,
Chairman, Committee on Natural Resources.

GOV. JOHN R. MCKERNAN,
Vice Chairman, Committee on Natural Resources.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3069) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3070

(Purpose: To strike the provision relating to the treatment of proposals for the Defense Finance and Accounting Service)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator MITCHELL, Senator COHEN, Senator BROWN, and Senator GRAMM and ask that the amendment be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. MITCHELL (for himself, Mr. COHEN, Mr. BROWN, and Mr. GRAMM), proposes an amendment numbered 3070:

On page 539, strike out line 9 and all that follows through page 539, line 20.

On page 539, line 21, strike out "2828." and insert in lieu thereof "2827.".

In section 2(b), amend the table of contents by striking out the items relating to sections 2827 and 2828 and inserting in lieu thereof the following:

Sec. 2827. Annual report relating to Overseas Military Facility Investment Recovery Account.

Mr. NUNN. Mr. President, this amendment preserves the Defense Finance and Accounting Service site selection process that began early this year in which over 100 communities around the Nation made proposals. The amendment does not alter the site selection process. It only preserves it.

Mr. MITCHELL. Mr. President, Senator COHEN and I today are offering an amendment to strike the provision of the committee bill which would have removed a proposed consolidation of the Defense Finance and Accounting Service [DFAS] from review by the 1993 Base Closure Commission.

In effect, the amendment preserves the DFAS site selection process that began earlier this year, in which over 100 communities around the Nation have made proposals. The amendment does not alter the site selection process. It only preserves it.

All communities will have the same opportunity for consideration, under the existing rules of the process, under

which their proposals were originally made.

The Department of Defense has made clear that the committee provision would greatly delay and perhaps terminate the site selection process.

I am sympathetic to some of the concerns expressed in the committee report on this issue; particularly those expressing reservations with a policy of requiring communities to compete for Federal facilities, and concerns for the relative abilities of communities to offer incentives to DFAS in their proposals. However, I also have consulted with communities in Maine that have made such proposals. And those communities—like many others around the country—see the issue as one of fairness, and being able to judge for themselves their ability to make competitive proposals. The bottom line is that these communities do not want the rules of the competition changed after the site selection process already has begun.

This concern is not limited to Maine. In Texas, there are 11 communities that have made proposals to DFAS. California and Pennsylvania have seven each. Georgia and Michigan have six communities each under consideration. Florida and Ohio each have five. Ilinois, New York, and Virginia have four each. There are other communities in other States. There is broad interest in the DFAS site selection process.

An initial selection of 20 to 30 communities will be made in late 1992, and DFAS final recommendation of 2 to 5 sites will be announced in March 1993, along with the Department of Defense's overall list of recommended base closures and realignments.

The Base Closure Commission will have the responsibility for reviewing those recommendations and for making any changes before submitting them to the President for approval.

This amendment preserves that process. It is the same process under which the communities made their proposals. It is the process that the communities have expected all along, and the same process that they have planned on. Changing that process now would only create confusion in 100 communities around the country, as well as potentially eliminate the opportunity in which these communities have an interest.

The amendment removes the committee change and restores the original process.

Mr. President, for the record, I also ask unanimous consent to submit letters from the Maine communities that have commented on this issue.

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

CITY OF BANGOR, ME, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT,

Bangor, ME, July 31, 1992.

Senator GEORGE J. MITCHELL,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR MITCHELL: The City of Bangor appreciates the information you provided regarding the Defense Finance and Accounting Service (DFAS) site selection process and the opportunity to comment on provisions recommended by the Senate Armed Services Committee.

As we reviewed the DFAS solicitation, we had many of the same reservations expressed by the Committee in regard to solicitation of local subsidies by a federal agency. Should Bangor be selected as a host community, we certainly will require a long term commitment by DOD prior to making the major investment necessary to be competitive in the DFAS selection process.

In regard to the proposal to incorporate the availability of surplus or underutilized DOD facilities and economic dislocation as site location criteria, we offer the following comments.

Our primary concern is that because the Committee's recommendations appear to prioritize the availability of closed or underutilized DOD facilities as an additional selection criteria, Bangor may be placed at a competitive disadvantage in comparison to communities with existing DOD facilities. Given that the City of Bangor has invested considerable time and effort in developing what we believe to be an excellent proposal, we would request your support of the following recommendations which we believe will help to keep Bangor's proposal competitive:

(1) A project's potential to mitigate economic dislocation should be evaluated on a regional or statewide basis rather than on the scale of an individual community. The two most significant recent base closures affecting the State of Maine have been Loring and Pease Air Force Bases. Should Bangor's proposal be successful, employment opportunities and other economic benefits will have a tremendous positive impact upon the Aroostook County Readjustment Area. Likewise, selection of a Southern Maine DFAS proposal will certainly address the negative economic impact created by closure of Pease Air Force Base.

(2) Facilities such as Bangor International Airport should be given consideration because of BIA's status as a surplus and underutilized DOD facility which has been previously closed.

(3) The Committee's recommendation that any changes to the selection criteria be woven into the existing competitive process be supported. We believe that the competition should not be opened up to communities from across the country who chose not to respond to the initial request for proposals.

Obviously, these comments are made without the opportunity to review the Committee's recommendations in depth and without the knowledge of how Congress may ultimately review the proposals. We are anxious to learn more about these issues.

Again, we appreciate the opportunity to comment and your efforts to work on behalf of Maine's interests in the DFAS selection process. Please feel free to contact me or Edward Barrett, City Manager, if you have any questions or would like further information.

Sincerely,

KENNETH R. GIBB,
Director.

CITY OF LEWISTON, MAINE, EXECUTIVE DEPARTMENT,

July 30, 1992.

Hon. GEORGE J. MITCHELL,
Senate Majority Leader, Russell Senator Office Building, Washington, DC.

DEAR SENATOR MITCHELL: Thank you for your letter of July 29, 1992, regarding recent developments concerning the Defense Finance and Accounting Service (DFAS) proposed consolidation. Based upon the data we received, I have two serious reservations. These reservations are based on the Armed Services Committees of the Senate and the House taking over the review process from the Base Closure Commission.

It strongly appears that the process for application becomes re-opened by an emphasis on communities that have excess space in the adjoining military base or bases being shut getting prime consideration, regardless of the fact that these communities may very likely not have even applied for one of the DFAS centers. This flies in the face of the 100 communities that have made serious applications and worked diligently to meet the June 1, 1992, deadline.

By having the proposed sites reviewed by the Senate and House Armed Services Committees, it appears that "The Friends" of the Department of Defense will profit at the expense of those viewed otherwise.

Some of the points made are quite good and salient to the applications of Lewiston-Auburn.

The DOD wants a free building. This is quite an expense to undertake and could have some negative effects on our bond rating, taxation levels, and possibly force us to reduce some services (until the spinoff effects are felt) to pay for this center.

The current rules do clearly favor the rich communities versus the Lewiston-Auburns of the world

Lewiston-Auburn has put together a very competitive package, and the award of a center here would have far greater impact on our economy than it would in Boston, Providence, or Hartford for example. The workforce, the quality of life, and many other favorable attributes deserve the serious attention of the DFAS selection committee. Maine needs jobs, and Lewiston-Auburn, even move than our other fair cities of Maine, needs and deserves one of these centers.

Thank you for soliciting our comments.

Sincerely,

ROBERT J. MULREADY,
City Administrator.

GREATER PORTLAND COUNCIL OF GOVERNMENTS,
Portland, ME, July 30, 1992.

Re DFAS proposals.

Hon. GEORGE MITCHELL,
U.S. Senate, Washington, DC.

DEAR SENATOR GEORGE MITCHELL: While the Committee raises some important points regarding the site selection process employed by the Defense Finance and Accounting Service, I am opposed to the idea of starting from scratch with a new selection process. I believe that the current process, which some one hundred large and small communities participated in, should continue.

To address the Committee's concerns that only large, fiscally well off communities could submit a proposal given the specifications of the RFP, I would point out that our state submitted sites from three different regions. Of the three regions, Portland is the largest community with an office site proposal. With a population of 64,300 people, we would be hard pressed to call Portland a

large metropolitan city. The Town of Scarborough has offered two sites. Their population is under 15,000. As a relatively small, rural area (by U.S. standards), we did not feel constrained by the request for proposals put forth by the DFAS and, as such, feel that the process that we participated in needs to be protected.

We saw the DFAS request as a tremendous economic development opportunity that our region could not pass up. We worked extremely hard to pull a coalition of private and public professionals together. We are currently working on drafting legislative changes that will be required if Maine gets to the short list. In fact, the committee working on these issues has representatives from the Governor's staff, the bond community and local government. We produced proposals of which we are extremely proud and would like them to stand on their own merit. We feel that we can compete with other "larger" communities in our own right.

I commend the Committee for taking the time to be concerned about the fairness of the proposal process. I agree that it is important that the location decision process of a government facility may need to consider other priorities rather then economic efficiency in its site selection process. However, the selection process has already begun. And those communities who responded in good faith to the RFP should be allowed to continue through the process.

Finally, to address the Committee's concerns regarding factors other than economic efficiency, I suggest that such factors be articulated and applied to the current 100 communities which have submitted proposals, perhaps in the second or third rounds of review. This suggestion would acknowledge the work and the vision of those communities which submitted proposals, while recognizing the importance of a governmental facility location in the midst of a recession.

Please feel free to call me if you have questions or other concerns.

Sincerely,

JOHN D. BUBIER,
Executive Director.

Mr. COHEN. Mr. President, I would like to take a few minutes to discuss an amendment I, along with Senator MITCHELL, have proposed to strike section 2827 of S. 3114, the National Defense Authorization Act for fiscal year 1993.

Section 2827 seeks to resurrect the old Defense realignment procedure under 10 United States Code 2687 and excludes the realignment or establishment of any major Defense Finance and Accounting Service [DFAS] facility from the Defense Base Closure and Realignment Act (Title 29 of Pub. L. 101-510). Section 2827 seeks to place in Congress, or to be more specific, the Armed Services Committees, the authority to conduct a realignment or to establish a DFAS center. In short, section 2827 seeks to shift the duty of reviewing DFAS realignment and recommending modern personnel centers from the Base Closure and Realignment Commission and places it back in the hands of Congress.

Let me briefly review the facts. On May 3, 1988, the Secretary of Defense established the Commission on Base Closure and Realignment to address the sensitive issue of how military installations should be selected for closing. In October of that year, Congress passed legislation that endorses the commission approach to base closures. In January 1991, the Department of Defense [DOD] directed the Defense Finance and Accounting Service to coordinate all DOD finance and accounting activities. Subsequently, DFAS concluded that it was necessary to streamline the finance and accounting systems to accommodate growing personnel and administrative needs.

In order to obtain modern office space at little or no cost to the DOD, DFAS initiated the Opportunity for Economic Growth [OEG] Program inviting communities from all over the country to submit proposals to host a new DFAS facility. The task of reviewing these bids and recommending in which communities to build the new DFAS facilities lies with the Base Closure and Realignment Commission in accordance with the Realignment Act of 1990. Under the Realignment Act, the Commission is required to: First, communicate criteria to interested communities; second, extensively review each bid while also considering rigid guidelines, a timetable, and public comments; third, recommend which bids are to be selected; and fourth, convey recommendations to the President who then forwards them to Congress for approval.

Response to the program was enormous; 112 communities in 34 States have submitted bids to house DFAS centers. These 112 communities have expended tremendous time, money, and effort in order to timely compile a bid that complies with DFAS' standards. In fact, three Maine communities have completed six site proposals emphasizing cost of living, quality of available work force, quality of life, and cost of construction; all factors specifically requested by DFAS.

Mr. President, section 2827 of the DOD authorization bill is grossly unfair to the communities participating in the Opportunities for Economic Growth Program.

DFAS has clearly stated the criteria necessary to be eligible as a DFAS site. The communities assessed the standards, studied their ability to meet them, and in many cases, modified local infrastructure or revised tax law to comply with DFAS' requirements. After considerable effort, the proposals were submitted to DFAS.

Mr. President, the OEG Program is a sound process utilizing objective standards. Furthermore, it has elicited sound proposals. The participating communities have made a good faith effort to comply with the OEG Program and meet DFAS' deadline. They are prepared to go forth with their proposals. Section 2827 reinstates the previous procedure and will start the DFAS bidding process again. The criteria, the process, and the reviewing body will be completely different from before.

Discarding the bids that have been submitted by 112 communities sends a message that we are not committed to the DFAS/OEG Program. We do not want to tell these communities that all the hard work and expenditures each has contributed to the site selection process is worthless. Second, revising the process midway through its completion undermines its stability. We will only discourage communities from submitting new proposals for fear that the requirements and decisionmaking body will change again. It can even be argued that if we continue to modify the realignment process, the OEG Program will fail. Efforts to modernize the DOD are badly needed—to see that goal abandoned is truly a tragedy. But to waste the time and money of our communities which have committed themselves to the OEG/DFAS Program is an even greater tragedy.

There is an argument that Congress should have full authority to conduct a DOD realignment. Another argument states that the Commission uses a streamlined procedure and is an impartial entity better suited for such a role. However, these arguments ignore the issue most crucial in this matter: Adoption of section 2827 changes the rules midway through the game.

We must continue with the OEG process as authorized by the Realignment Act of 1990. At this juncture it is not only convenient to continue with the procedure of the Realignment Act, it is necessary for the successful completion of this project.

I emphasize that we must uphold the 1990 Realignment Act and allow the Base Closure Commission to finish selecting the communities which are to host new DFAS facilities. We must not reject the efforts of all the local communities. Most important, we must continue the simple, objective, and cost-effective program begun for the benefit of the Defense Department and, ultimately, the taxpayers of this country. For these reasons, I request support for the amendment striking section 2827 from the National Defense Authorization Act for fiscal year 1993.

Mr. BROWN. Mr. President, today I am pleased to cosponsor an amendment to the Defense authorization bill which replaces the language in the bill concerning the selection of future consolidated sites of the Defense Finance and Accounting Service.

The Defense Base Realignment and Closure Act of 1990 provided an equitable method of selecting sites for consolidated finance and accounting services. The provision in the 1990 act replaced an unproductive and virtually useless method of site selection. It streamlined the selected process of site selection, reduced delays, and promoted fair competition among the

communities. It allowed the Congress an opportunity to debate the recommended sites and vote according to the relative merits of each proposal.

More than 100 communities in 34 States have already submitted proposals under the existing criteria as published in the Federal Register in March 1992. Under the provision proposed in the Defense authorization bill now before us, site selection would revert to a cumbersome, unworkable system. This would be grossly unfair to our communities.

The existing method of selecting defense finance and accounting service centers eliminates many of the hurdles of site selection. After an extensive review process, the Defense Finance and Accounting Service will announce its recommendations based solely on criteria previously communicated to all participating communities. Following rigid guidelines and a timetable specified by law, the Base Closure Commission will analyze results, to include public comments, and will forward a proposal to the President and ultimately to the Congress for final approval. If any issues surface, they are addressed at this point and are limited to specific locations. Prior to the submission to Congress, proposals receive extensive analysis by an independent task force, the Office of the Secretary of Defense, and the Defense Base Closure and Realignment Commission.

This amendment on the Defense Finance and Accounting Service site selection process will ensure a fair, competitive process for consolidating these military facilities on a level playing field.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 3070) was agreed to.

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

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

AMENDMENT NO. 3071

(Purpose: To require a report on postconflict mine clearing efforts in refugee situations)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. KENNEDY.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. KENNEDY, proposes an amendment numbered 3071:

At the appropriate place, insert the following new section:

SEC. . REPORT ON INTERNATIONAL MINE CLEARING EFFORTS IN REFUGEE SITUATIONS.

(a) FINDING.—The Congress finds that an estimated 10-20 million mines are scattered across Cambodia, Afghanistan, Somalia, Angola, and other countries which have experienced conflict and that refugee repatriation and other humanitarian programs are being seriously hampered by the widespread use of anti-personnel mines in regional conflicts and civil wars.

(b) REPORT.—(1) The Secretary of Defense, in consultation with the Secretary of State, shall provide a report on international mine clearing efforts in situations involving the repatriation and resettlement of refugees and displaced persons.

(2) Such report shall include, though not be limited to,

(A) An assessment of mine clearing needs in countries to which refugees and displaced persons are now returning, or are likely to return within the near future, including, though not limited to, Cambodia, Angola, Afghanistan, Somalia and Mozambique, and an assessment of current international efforts to meet the mine clearing needs in the countries covered by the report;

(B) An analysis of the specific types of mines in the individual countries assessed, and the availability of technology and assets within the international community for their removal;

(C) An assessment of what additional technologies and assets would be required to complete, expedite or reduce the costs of mine clearing efforts;

(D) An evaluation of the availability of technologies and assets within the United States government which, if called upon, could be employed to augment or complete mine clearing efforts in the countries covered by the report; and

(E) An evaluation of the desirability, feasibility and potential cost of U.S. assistance on either a unilateral or multilateral basis in such mine clearing operations.

(3) Such report shall be made available to the Committees on Armed Services of the Senate and the House of Representatives within 180 days of the enactment of this act.

Mr. NUNN. Mr. President, this amendment on behalf of Senator KENNEDY provides for the Secretary of Defense in consultation with the Secretary of State to submit to the Armed Services Committee a report on international mine clearing. The report would assess the needs, current efforts, type of mines, availability of technology and assets, and an evaluation of the desirability, feasibility of potential U.S. assistance on either a unilateral or multilateral basis for such mine-clearing operatons.

Mr. KENNEDY. Mr. President, one of the major obstacles today in refugee repatriation programs is the widespread existence of land mines left over in many countries after years of conflict.

I have long been concerned by the indiscriminate use of land mines in civil wars and regional conflicts, because they inflict such a heavy toll on innocent civilians.

Hundreds of thousands of land mines were used in the Angolan civil war. They caused 40,000 to 50,000 casualties, including vast numbers of amputees struggling to rebuild their lives.

Before the cease-fire last year in Cambodia, land mine casualties ranged from 600 to 1,000 a month. These mines now plague refugees currently returning to that country after over a decade of exile.

The State Department and the United Nations estimate that 10 to 20 million mines are indiscriminately scattered across Cambodia, Afghanistan, Somalia, and Angola. These debilitating, and often lethal, weapons pose a major obstacle to refugee repatriation programs. Farmers lose their lives and their livestock as they try to till soil that only months before was a battleground. Refugee children, playing innocently around their new homes, are crippled and killed.

Repatriation programs are forced to proceed too slowly, because of the expensive and painstaking task of clearing mines in the areas to which refugees will return. In many countries, rural refugees find their ancestral lands strewn with mines, and opt instead to migrate to the cities. This urban migration adds to the problems which the countries face. They must not only cope with putting the pieces back together after long years of war, but also deal with massive urban problems and unrest.

Ambassador Princeton Lyman, who recently completed his assignment as Director of the State Department's Bureau for Refugee Programs, says that mine clearing is one of the greatest needs today in refugee repatriation programs. The United Nations and some governments are trying to cope with this problem. But the United States also has technology, assets and expertise to offer in addressing this significant problem.

Mr. President, my amendment requires a report from the Department of Defense on actions which may be taken to improve international response to this need. This report is to be prepared in consultation with the State Department and will be a first step in outlining effective ways to address mine clearing needs in countries, including Cambodia, Angola, Afghanistan, Somalia, and Mozambique. But the report should not be limited to these countries in its assessments. I hope that this report can become a blueprint for a more coordinated American and international response to this urgent, humanitarian need.

Mr. President, I ask unanimous consent that my recent correspondence with the Secretary of Defense and the Acting Secretary of State on this issue be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 28, 1992.

Hon. RICHARD B. CHENEY,
Secretary of Defense, The Pentagon, OSD Washington, DC.

DEAR MR. SECRETARY: As Chairman of the Subcommittee on Projection Forces and Regional Defense of the Senate Armed Services Committee, I have actively supported strengthening our countermine technology programs. In this connection, I am writing

to explore the possibility of employing these countermine capabilities to participate in some urgently needed demining efforts related to refugee repatriation programs in Cambodia, Africa, and elsewhere.

Last week, as Chairman of the Senate Subcommittee on Immigration and Refugee Affairs, I heard compelling testimony from Deputy Secretary of State Lawrence Eagleburger on the serious problems anti-personnel mines are currently posing to a number of international refugee repatriation programs. Despite concerted international financial support, as well as strong Security Council resolutions establishing peace-keeping and United Nations repatriation programs, progress in implementing them has been crippled by the proliferation of mines in the countryside.

According to a recent memorandum to the Secretary of State from the Director of the Bureau for Refugee Programs, "there are some 10-20 million * * * mines scattered across Cambodia, Afghanistan, Somalia and Angola. Repatriation programs are being slowed; many people, especially children, are being killed or crippled; farmland has become unusable sending people into cities; and the costs of peacekeeping and related actions are skyrocketing." I am attaching, for your information, a copy of this memorandum.

I would appreciate your personal evaluation of the recommendations made in this memorandum, and have the appropriate officials on your staff brief my staff on opportunities for how the Department of Defense can support de-mining efforts now underway in a number of international refugee repatriation programs. Along with our Allies, we were extraordinarily successful last year in the demining of Kuwait—removing and destroying thousands of anti-personnel mines in a matter of weeks. I would hope we could bring to bear this same expertise, energy and personnel support in behalf of United Nations refugee repatriation programs in Cambodia and elsewhere.

I am interested in working with you to identify areas in which the United States can support the peacekeeping and refugee repartriation programs of the United Nations—especially in light of the end of the Cold War, our ability to redirect our overseas military capabilities, and our proven capacity to participate in demining efforts in Kuwait last year.

Again, many thanks for your consideration, and I look forward to your comments on the recommendations in the attached memorandum. With best wishes,

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Projection Forces and Regional Defense.

THE JOINT STAFF,
Washington, DC, August 21, 1992.

Hon. EDWARD KENNEDY,
Chairman, Subcommittee on Projection Forces and Regional Defense, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: Your letter of 28 July to Secretary Cheney regarding the problem of personnel mines and their effect on current repatriation efforts has been forwarded to me for response.

Unfortunately, the situation described by Deputy Secretary Eagleburger during his recent testimony is quite accurate and does present a serious problem throughout the regions of the world where repatriation efforts are under way. What makes this situation so much more difficult than the tactically employed mine (such as those used in Kuwait area of operations) is that the personnel mines referred to in the memorandum from the Department of State (Mr. Lyman) are employed in a random guerrilla/terrorist fashion. This type of employment exacerbate the problem of locating mines so that they can be defused or destroyed.

Although the Department of Defense has the capability to conduct countermine operations in support of combat operations, the current United Nations policy relative to these situations dictates that, wherever possible, contract services will be used. US involvement in clearing operations in DESERT STORM were limited to the breaching of enemy minefields for the rapid passage of maneuver ground forces. Demining operations ongoing in Kuwait are being conducted by civilian contractors. This policy is sound and is strongly supported at all levels. To date, there have been no extensive personnel mine clearing operations undertaken by the Department of Defense.

To get a better understanding of existing United Nations' policy and of efforts taken regarding this situation, we suggest your staff contact the Department of State.

The Department of the Army is responsible for the research and development of new technologies for mines of this type and for the employment of current systems. The Joint Staff has arranged with the Army Office of the Chief of Legislative Liaison (SALL-P) to be on call to provide a brief on the current status of mine clearing technology.

Your concern for this serious situation is greatly appreciated.

Sincerely,

RUDOLPH OSTOVICH III,
Major General, U.S. Army, Vice Director, Joint Staff.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 15, 1992.

Hon. LAWRENCE EAGLEBURGER,
Acting Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: As you will recall, following your testimony before our Committee last July 23rd for our annual refugee consultations, I wrote to Secretary of Defense Richard Cheney regarding one of the more important issues you raised at the hearing—namely the growing problem of personnel mines in refugee repatriation programs. I shared your views and those of the Director of the Refugee Bureau with Secretary Cheney. I recently received the attached response from Major General Rudolph Ostovich, III, Vice Director of the Joint Staff.

I had urged the Department of Defense, in my capacity as Chairman of the Armed Service's Subcommittee on Projection Forces and Regional Defense, to support de-mining efforts involving refugee repatriation programs where the United States was an active contributor. I believed that with the end of the Cold War, and in light of our successful humanitarian interventions in Iraq following the Gulf War, and later in Bangladesh, that the United States military could provide even greater support for peacekeeping and refugee repatriation programs under the auspices of the United Nations. In particular, I felt we should be able to redirect our overseas military capabilities for more peaceful purposes, particularly our proven capacity to assist in de-mining efforts, such as we did in Kuwait last year.

But if I correctly read General Ostovich's response on behalf of the Joint Staff, he acknowledges the capabilities the United States has to support such operations, but says until the Department of State asks them to do so, they are not in a position to take any new initiatives nor offer any additional services in this field.

Wearing both hats as Chairman of the Armed Services' Subcommittee and the Judiciary Subcommittee on Immigration and Refugee Affairs, I believe there must be greater coordination, planning, and commitment between the Departments of Defense and State—particularly regarding the critical problem of anti-personnel mines in large-scale refugee repatriation programs. It is, as you stated in your testimony, Mr. Secretary, a crucial obstacle to any successful repatriation program in areas which have experienced civil and guerrilla war.

I hope, after reading General Ostovich's response, that members of your staff and the Joint Staff, will meet with members of my staff from both the Refugee Subcommittee and the Armed Services Subcommittee. The United States has the capability and the responsibility to do more to assist in de-mining during international refugee repatriation programs. It is vital we live up to this responsibility and offer our services in support of U.N. refugee and peacekeeping operations.

I look forward to your response and to working with you and Secretary Cheney. With best wishes,

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 3071) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3072

Mr. MACK. Mr. President, I have an amendment to send to the desk on behalf of Mr. SMITH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for Mr. SMITH, proposes an amendment numbered 3072.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 30. SENSE OF CONGRESS RELATING TO THE AWARD OF THE NAVY EXPEDITIONARY MEDAL.

It is the sense of Congress that the President should award the Navy Expeditionary Medal to members of the Navy who served in Navy Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, regardless of the time limitations on the consideration of such awards.

Mr. MACK. Mr. President, the amendment would express the sense of the Senate that the President should award the Navy Expeditionary Medal to members of the Navy who served in Navy Task Force 16 culminating in the air raid commonly known as the "Doolittle Raid on Tokyo" during April 1942.

Mr. SMITH. Mr. President, just over 50 years ago, on April 18, 1942, 16 B-25 bombers, led by Lt. Colonel Jimmy Doolittle, set off on an unprecedented and historic mission. Launching from the aircraft carrier U.S.S. *Hornet*, Doolittle and his raiders set off on a harrowing attack against the Japanese cities of Tokyo, Yokohama, Nagoya, Osaka, and Kobe.

The mission was significant for many reasons. It represented the first time that the American military had flown large bombers, in this case, Army Air Force bombers, off a Navy aircraft carrier into combat. The technical challenges were daunting; but no less intimidating than the prospective Japanese land and sea-based forces which were expected to challenge the attack. Indeed, it was largely assumed that once Colonel Doolittle had made the initial run on Tokyo, the Japanese would throw everything they had at the subsequent wave of American bombers.

Miraculously, Doolittle's raiders suffered no casualties over Japan. A combination of bad weather, operational surprise, and post-Pearl Harbor arrogance on the part of the Japanese forces allowed the American bombers to strike swiftly and effectively deep into Japanese territory. The supposedly impenetrable Japanese defenses had been breached easily, causing a severe loss of face for the Japanese Government and its military.

However, while the bombing portion of the mission had been completed without incident, the raiders still were confronted with strong headwinds, dwindling fuel supplies, and darkness as they sought refuge in China. In the end, 1 plane landed safely in Russia, and 15 others were ditched in China. Despite the enormous peril confronting these servicemen as they jumped blindly and, possibly into, enemy territory, 71 of the 80 pilots and crewman survived the raid.

Mr. President, in addition to these heroic pilots and crewman, there is another collection of American heroes whose service was instrumental in the success of the Doolittle mission. I am speaking of the men from task force 16 who escorted the B-25's and launched the fateful attack. Task force 16 included the aircraft carriers *Hornet* and *Enterprise*; the cruisers *Vincennes*, *Northampton*, *Nashville*, and *Salt Lake City*; the destroyers *Gwin*, *Balch*, *Grayson*, *Benham*, *Monsson*, *Ellet*, *Meredith*, and *Fanning*; and the Oilers *Cimarron* and *Sabine*. These surface combatants ensured safe transport of the B-25's to an appropriate staging location and, with their mission completed, reversed course and headed for the safety of open waters. Predictably, the Japanese launched an armada of ships and planes in pursuit, but the American surface forces escaped harm and their carrier air patrols even succeeded in sinking several enemy combatants.

Mr. President, although the Doolittle raid was only marginally effective by military standards, it shocked and embarrassed the Japanese, and provided an inestimable morale boost for the American people after the tragedy at Pearl Harbor. Indeed, those who served in task force 16 knew the risks, and were prepared, if necessary, to sacrifice their lives in this unprecedented mission. They did so willingly, and with great pride. In return, these servicemen were told both prior to, and during, the mission that they would be awarded the Navy Expeditionary Medal for their heroic endeavor. Sadly, and in my opinion, unfairly, this commitment was never honored.

The amendment which I have offered would seek to correct this injustice by urging the President to direct that members of the Navy who served in Navy task force 16, culminating in the Doolittle raid during April 1942, be awarded the Navy Expeditionary Medal. As we mark the 50th anniversary of this historic mission, I can think of no more fitting or appropriate recognition than to award this long overdue medal to the survivors of task force 16.

I urge my colleagues to join with me in support of this important measure, and I yield the floor.

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

The amendment (No. 3072) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3073

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of myself and Senator WARNER and ask it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. WARNER, proposes an amendment numbered 3073:

On page 487, between lines 12 and 12, insert the following:

SEC. 10—. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1992 to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar $529,300,000 as follows:

(1) For Military Personnel:

(A) For the Navy, $10,700,000.

(B) For the Air Force, $58,200,000.

(C) For the Air Force Reserve, $8,800,000.

(D) For the Air National Guard, $1,900,000.

(2) For Operation and Maintenance:

(A) For the Army, $1,400,000.

(B) For the Navy, $142,900,000.

(C) For the Air Force, $228,000,000.

(D) For the Defense Agencies, $31,500,000.

(E) For the Army Reserve, $3,300,000.

(F) For the Air Force Reserve, $13,200,000.

(G) For the Army National Guard, $1,400,000.

(H) For the Air National Guard, $2,000,000.

(3) For Military Construction:

(A) For the Air Force inside the United States, $10,000,000.

(B) For the Air Force for family housing inside the United States, $16,000,000.

(b) AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1992 to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar $263,530,000 as follows:

(1) For military construction for the Navy outside the United States, $81,530,000.

(2) For military construction for the Air Force inside the United States, $66,000,000.

(4) For military construction for the Air Force outside the United States, $7,600,000.

(5) For family housing for the Navy outside the United States, $87,200,000.

(6) For family housing for the Air Force outside the United States, $21,200,000.

(c) EMERGENCY DESIGNATION.—The authorization of appropriations in subsection (b) are effective only to the extent that the appropriations are designated by the Congress as emergency appropriations for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 in an Appropriations Act.

Mr. NUNN. Mr. President, the Nunn-Warner amendment that is now pending at the desk provides supplemental authorizations for fiscal year 1992 for the consequences of Hurricane Andrew and of Typhoon Omar in Guam, and it is very simple. It authorizes the supplemental appropriations the Senate passed on Tuesday of this week in H.R. 5620, the Supplemental Appropriations, Transfers, and Rescissions Act of 1992. The supplemental authorization in this bill is exactly those contained in the supplemental appropriations bill.

Mr. President, I urge adoption of the amendment.

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

The amendment (No. 3073) was agreed to.

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

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

The motion to lay on the table was agreed to.

ADVANCED TRANSPORTATION RESEARCH

Mr. SYMMS. Mr. President, I wish to compliment Senators BINGAMAN and COATS, the chairman and ranking member of the Defense Industry and Technology Subcommittee, for their extensive work on crafting proposals to

assist business, industry, and the Government during this critical defense conversion period.

As the Senate knows, in the 1950's our Interstate System was developed, in part, for defense-related purposes. The orderly, timely, and secure transportation of civilian and military personnel, equipment, and commerce is an essential component to our national security. So, too, is it important we maintain adequate sea, air, and rail service to further this security requirement.

I have read the report language accompanying the fiscal year 1993 Defense bill, particularly title VIII, and believe an on-going program in my home State of Idaho would be an excellent source for future defense/commercial technology research.

Mr. President, located at the University of Idaho is the National Center for Advanced Transportation Technology [NCATT]. The Center's primary goal is to match Government and industry needs with the expertise of the Center's faculty. To date, the Center's activities have focused on identification and research of high priority transportation technology issues and transferring this research to Government and industry programs for product development and manufacturing. This research includes intelligent vehicle-highway systems technology, advanced transportation systems and electric vehicles, advanced materials and manufacturing processes, and alternative energy.

So far, several companies in the private industry have agreed to participate and provide financial assistance under the Center's Industry Partners Program including Morrison-Knudsen, EG&G Idaho, Image Sensing Systems, Intergraph, and Ford Motor Co.

Would the Senators agree that this Center could be eligible for funds in title VIII?

Mr. BINGAMAN. As the chairman of the Industry and Technology Subcommittee, I would agree that the National Center for Advanced Transportation Technology could compete for the funds made available under title VIII if they are ultimately approved.

Mr. COATS. Mr. President, I agree with chairman, Senator BINGAMAN. Further, I want to thank the Senator from Idaho, Senator SYMMS, for bringing this matter to the Senate's attention. Over the years, I have found there to be few who understood the complex issues surrounding this Nation's transportation needs like Senator SYMMS. I compliment his work in this area and his desire to ensure the United States remain a strong economic and military power. His presence in the Senate, upon his retirement, will be sorely missed.

Mr. SYMMS. Mr. President, I thank my colleagues for their interest and responses to our Nation's future transportation needs. I would also ask unanimous consent to insert into the RECORD more detailed information on the National Center for Advanced Transportation Technology following my remarks.

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

UNIVERSITY OF IDAHO NATIONAL CENTER FOR ADVANCED TRANSPORTATION TECHNOLOGY

I. SUMMARY REPORT ON ACCOMPLISHMENTS: THE FIRST SIX MONTHS

The National Center for Advanced Transportation Technology was established in December 1991 by Congressional mandate as part of the Intermodal Surface Transportation Efficiency Act. The Act provides $8 million for the construction of a building to house the Center. Program development thus far has focused on matching domestic industry needs with the skills and expertise of the transportation faculty at the University of Idaho. This matching of needs and expertise has been initiated with the objective of developing new technology that can be readily transferred to industry for product development and manufacturing. A summary of initial Center accomplishments appears below:

An interim Center director has been appointed and a search has been initiated for a permanent director.

Five operating groups have been established within the Center: Transportation Education and Specialty Retraining Programs Group; Intelligent Vehicle-Highway Systems Technology Research Group; Advanced Transportation Systems and Electric Vehicles Research Group; Advanced Materials and Manufacturing Processes Research Group; Alternative Energy Research Group.

University of Idaho faculty have been appointed to serve in each group, and group leads have been appointed.

Potential Center program funding sources have been identified and proposals are in progress.

A program for the participation of private industry within the Center, known as the Industry Partners Program, has been developed. To date, five Industry Partners have agreed to participate in the Center:

Morrison-Knudsen, builder of light rail cars and re-manufacturer of rail locomotives, has signed a partnership agreement.

EG&G Idaho, Incorporated, contractor for the Idaho National Engineering Laboratory, has agreed to sign a letter of intent to become an Industry Partner.

Image Sensing Systems, manufacturer of the Autoscope machine vision technology, has agreed to provide $72,000 in equipment match for the Center's Machine Vision Laboratory.

Intergraph Corporation, the largest manufacturer of computer hardware and software for transportation facilities design, has agreed to provide $162,000 in equipment match for the Center's Highway Design Visualization Laboratory.

Ford Motor Company, the Society of Automotive Engineers and the U.S. Department of Energy have agreed to provide $10,000 for the construction of a hybrid electric vehicle.

Additional Industry Partner recruitment is ongoing. Several Industry Partnerships are currently in negotiation and presentations to other prospective partners have been scheduled.

Operating goals and a program plan have been developed for the 1992-1993 fiscal year. This plan will serve as the basis for the Center activities.

II. CURRENT ACTIVITIES AND NEAR-TERM GOALS

A. NCATT Administration

Overview

Center activities have focused on identification of high priority national transportation technology issues. Concurrently, we have identified faculty skills and expertise which match these research needs. Building on the initial success of the Industry Partners Program, Center activities will now expand to include administration of research programs and transfer of the resulting technology to industry for product development and manufacturing.

Activities

Industry Partner recruitment.
Permanent Center Director search.
Program funding procurement.
Proposal activity coordination.
Policy and procedure development.
Newsletter publication.
Development of a long term strategic plan.

Near-term goals—NCATT administration

Achieve financial self-sufficiency via Partner and program support.

Develop a competitive seed-grant program for Center researchers.

Establish an NCATT student scholarship fund.

Expand proposal, research and publication activities of Center faculty.

B. Transportation Education and Specialty Retraining Programs Group

Overview

A primary function of NCATT is to provide transportation related training and education to industry, as well as to undergraduate and graduate students at the University of Idaho. Specifically, this training and education program consists of the following facets:

Transportation specialty retraining for engineers in defense, energy, and other industries.

Short courses, seminars, and continuing education opportunities for the transportation community.

The eventual development of an interdisciplinary Transportation Engineering Master's degree offered both on-campus and remotely via the University's Video Outreach program.

The addition of undergraduate courses specializing in several transportation areas and widely available to College of Engineering juniors and seniors.

Activities

Short course and seminar planning and development.

Transportation Master's Program feasibility study.

Undergraduate course planning.

Near-term goals—training and education

Development of a Transportation engineering short course and seminar package for retraining of defense industry engineers and scientists.

Completion of the Master's program feasibility study.

C. Intelligent Vehicle-Highway Systems (IVHS) Technology Group

Overview

The IVHS technology group performs research development and technology transfer activities for intelligent vehicle and highway systems, including:

Vehicle monitoring and control systems to improve the management and operation of transportation systems.

Transportation facility design optimization.

Safe and efficient design of user-system interfaces.

Activities

In-vehicle navigation and information system driver interface development and test.

Automotive collision warning system design.

Machine vision and video imaging research for traffic monitoring and control.

Computer-aided highway design tool development.

Microwave communication/Global positioning system research.

Intelligent mass-transit control system development.

Dependable computer systems for critical control system safety.

Near-term goals—IVHS Technology Group

Acquire equipment for the Machine Vision and Highway Design Visualization Laboratories.

Complete development and technology transfer of traffic monitoring and control software.

Pilot test a prototype automotive collision warning system.

Develop a short-course on IVHS design considerations.

D. Advanced Transportation Systems and Electric Vehicles (ATSEV) Group

Overview

The ATSEV group conducts research to investigate and demonstrate:

Technologies for rail, electric and hybrid vehicles.

Concepts related to energy storage and conversion systems.

Methods for safe transportation of hazardous waste.

Activities

Advanced battery system test and evaluation.

Hybrid electric vehicle development.

Power-train development for electric vehicles.

Electrical propulsion development of high speed rail.

Design of high force density machines.

Evaluation of freight pipeline concepts.

Hazardous waste transport research.

Near-term goals—ATSEV Group

Demonstrate cost-effective vehicle drive subsystems for rail applications.

Design and demonstrate an advanced battery powered vehicle.

Develop low weight, high energy efficient power electronic converters.

E. Advanced Materials and Manufacturing Processes (AMMP) Group

Overview

The AMMP group conducts research to support: Design support for automotive, rail and aerospace transportation including material selection and processing, design and manufacturing; development of new paving and construction materials, and development of conversion processes for recycling of waste products into construction materials.

Activities

Advanced composites processing.

Advanced composite material and metal alloy test and evaluation.

Intelligent design of transportation systems.

Ergonomic design of assembly processes.

Superconducting material development.

Advanced paving and construction material development.

Near-term goals—AMMP Group

Complete design work on an extraterrestrial rover system.

Continue composite material development for transportation applications.

F. Alternative Energy Group

Overview

The Alternative Energy Group investigates and solves problems related to the application of alternative energy sources to transportation. The group develops and demonstrates concepts and technologies related to energy and energy conservation to provide efficient and environmentally benign transportation energy alternatives.

Activities

Biodiesel research.

Ethanol research.

Development of biodegradable fuels and lubricants.

Processing of alternative fuels.

Near-term goals—Alternative Energy Group

Develop cultivars to increase yield and adaptability of winter and spring rape.

Develop production to methyl and ethyl esters from vegetable oil.

Determine biodegradability, emissions and other environmental advantages of methyl and ethyl esters.

Assess economic costs and benefits of producing vegetable oil as a fuel.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I have two UC requests:

First, on behalf of the Senator from Mississippi [Mr. LOTT], that he be added as a cosponsor to the Mitchell-Cohen amendment on the Department of Defense Finance and Accounting Center.

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

AMENDMENT NO. 3048, AS MODIFIED

Mr. WARNER. The second unanimous-consent request is that we modify the pending amendment, the Nunn amendment numbered 3048, and for that purpose, on behalf of the Senator from Georgia, and myself, I send to the desk a modified amendment to the Nunn amendment.

Mr. President, this amendment is simply a modification to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3048), as modified, is as follows:

In the Nunn amendment, numbered 3048, insert the following new paragraph at the end of subsection (d):

"(3) For a C-20 aircraft for administrative support for the Marine Corps, $25,000,000.".

Mr. WARNER. Mr. President, the Senator from Ohio [Mr. GLENN] will engage with Mr. COATS in a debate regarding an amendment, the subject being the abortion provision in the bill that was adopted by the Senate Armed Services Committee.

That should be, I just advise Senators, momentarily the subject before the Senate.

I anticipate that would take an hour, evenly divided. That is in the UC that has already been entered into.

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

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. 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. NUNN. Mr. President, there is a unanimous-consent agreement on the Coats amendment for 1 hour equally divided; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. NUNN. I ask unanimous consent that the pending amendments be temporarily laid aside for the purpose of considering the Coats amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NUNN. I believe the unanimous consent already provides that there will be no amendment to the Coats amendment.

The PRESIDING OFFICER. That is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. 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. COATS. Mr. President, I will shortly be sending an amendment to the desk to strike a section of this bill. We have engaged in this debate before, and it is not really necessary that we take a great deal of time. I believe we have a time limitation, and I do not anticipate using all of the time allocated to this side of the issue. So I will try to expedite this for the Members.

To refresh Members' recollection of this particular issue, let me just give a little bit of background and history. The Department of Defense has, for many years, had a policy whereby if members of the Armed Services or their dependents want to seek an abortion for an unwanted pregnancy, they are free to do so, but not at a military hospital overseas.

This is not a problem in the States. In fact, that is a policy that applies both in the States and overseas. It is not a problem, because they obviously go outside of the military base, and under the laws of that particular State,

or their home State, or any other State they wish to travel to, they can secure an abortion. However, Mr. President, the situation arises in overseas military bases where those abortions are not obviously performed in military hospitals, and there has been a concern raised by the senior Senator from Colorado that this subjects military members and/or their dependents to conditions which are not favorable to a safe abortion.

I use the word "safe" in quotation marks, because it is a serious medical procedure that often results in complications, and I do not want to leave the impression that there is such a thing as a completely safe abortion procedure.

It is unfortunate that in the middle of a debate on our defense priorities, we have to take up this issue. I regret that we do. I am disappointed, frankly, that it has been raised again, because the Senate has twice considered this and defeated attempts to impose a policy that I do not think ought to be imposed in this legislation.

The language which was offered by the senior Senator from Colorado [Mr. WIRTH] in committee, and adopted by the committee, and now is included in this legislation is, in my opinion, unnecessary, extreme, and certainly not something that we ought to be debating here on the floor. It violates the spirit of current law. I think it injects politics into a national security debate, and it hides what I consider unprecedented Federal actions behind a screen of misleading language.

The President has reiterated several times his commitment to veto any legislation changing current administrative or legislative policies on abortion, or expanding current restrictions on the performance of abortion. Clearly, this bill, if it retains the language which the Senator from Colorado inserted, will be voted if it reaches the President's desk.

The language which was inserted, out of section 716, is titled "Reproductive Health Services and Medical Facilities of the Uniformed Services Outside the United States." And essentially what it says is that a member of the uniformed services who is on a duty station outside of the United States, and any dependent of that member, is entitled to the provision of any reproductive health service in a medical facility of the uniformed services, in other words, in a military hospital or clinic associated with that base or post or military facility outside of the United States.

It goes far beyond even abortion; it goes to any reproductive health services.

You would assume that with a measure so controversial and far reaching as this, you would think that there has been some urgent need that has been established; that there is a major problem that exists within our military forces in terms of securing services for reproductive health services, which will include abortion, and of course other types of reproductive services.

But that is not the case. You would assume that some great harm has been done to our military personnel; that females in the military are languished under some terrible burden, denying them the opportunity to receive reproductive health services; that some serious wrong has been committed; that the military has come down heavy-handed and said: You cannot do this; we are not going to allow this; we are going to deny you this opportunity. But that is absolutely wrong.

I wrote to the Department of Defense a fairly lengthy letter asking them some questions. I would like to give you the response to those questions.

The Assistant Secretary of Defense, in response to my letter, dated August 6, 1992, stated the following. I asked him: Has the Department had any difficulty in implementing their current policy?

Let me share with Members what the current Department of Defense policy is on military abortions. DOD's current policy on abortion permits the performance of abortion in a military hospitals if it is necessary to save the life of the mother.

We do not want to put any female military personnel or their dependents in jeopardy of their life. They can use a military hospital to perform an abortion to save the life of the mother. The current DOD military policy does permit women to receive any reproductive health service, including abortion, outside the base at any facility of their choosing.

Some say well, some of our outposts are in remote areas, and because they are in remote areas, the services available to our personnel or their dependents is inferior.

So the military, in recognizing that, has made available military transport for any purpose, including the procurement of abortion or reproductive health services.

So military personnel or dependents, if they are not satisfied with the services available to them wherever they are stationed—say, they are in Japan or the Philippines or Korea, or whatever—the military will provide them transportation to wherever they want to go. They can go back to their home State; they can go back to the United States to secure care, or anywhere else they want to go.

Mr. GLENN. Will the Senator from Indiana yield for a parliamentary question?

Mr. COATS. I am happy to yield.

Mr. GLENN. I am informed that the time both sides agreed to on this does not start until the amendment is submitted. So the time does not count against the Senator's time. I do not think that was the Senator's intention.

Mr. COATS. That is not my intention.

Mr. GLENN. We do not want to delay the whole Defense authorization bill, and give extra time.

Mr. COATS. Let me do this. Let me stand the amendment to the desk, so time can begin to run.

Let me assure my colleagues, I do not intend, probably, to use all of my time.

Mr. GLENN. We want the time to start whenever it was, 3 or 4 minutes ago, or 5, so we do not delay the whole authorization bill.

AMENDMENT NO. 3074

(Purpose: To strike out section 716)

Mr. COATS. Mr. President, I send the amendment, then, to the desk.

The PRESIDING OFFICER. Under the rules, time commences as the amendment is submitted for consideration.

The Senator from Indiana has submitted the amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 3074.

On page 265, strike out line 19 and all that follows through the matter above line 3 on page 267.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, let me continue.

I was discussing the current DOD policy, which does allow the performance of abortion at a military hospital to save the life of a mother; which does permit women to use military transport for the purpose of obtaining an abortion. The military has not received any complaints from members.

Let me just raise the questions that I have written, and then give the responses that the military, the Department of Defense, has given to me in response to my letter.

Question No. 1. "Has the Department had any difficulty in implementing this policy?"

And the Assistant Secretary of Defense said: "No."

No. 2. "Have any formal complaints been filed concerning this policy?"

Answer to that, from the Assistant Secretary of Defense, dated August 6, 1992: "No."

"Have any legal challenges been instituted concerning this policy?"

"No."

"Have any members or their dependents been denied access to abortion as a result of this policy?"

"No."

"Have any members or their dependents been denied access to military transport for the purpose of procuring an abortion?"

"No."

"Have any members or their dependents been denied access to military transport for the purpose of procuring an abortion?"

I guess this is a repeat of the same question.

The answer is still: "No."

I will not belabor all of this. The point is that there is no problem with the policy; there are no complaints. Military members are being served.

Regardless of what your position is on the question of abortion, that really is not the issue that is here today before us. The issue is, is it necessary to open up military hospitals located outside the United States to provide reproductive health services for women, when we know that no women are being denied access to those services; when we know that the policy of the Department of Defense provides transportation, access, and accommodation for women who desire that?

So I really do not understand why it is necessary to insert this language in this bill. And I think when Members understand what the language says and what it allows, they will understand that the language has to be there for another purpose. It has to be there to make some type of social policy statement that is not really relevant to the Department of Defense and not relevant to our military personnel, and has to be there for another reason.

Mr. President, I think it is important to understand that taxpayers' funds are going to be used in the procurement of a reproductive health service, including an abortion, even though the language here says that no taxpayers' funds will be used for this.

To understand why that is not the case, you have to understand the nature of military hospitals. Everything that is procured—capital costs, the equipment, the pay for the medical personnel—everything is paid for by taxpayers' dollars. I do not believe it is really possible to separate out operational and administrative expenses of military medicine in such a way that you can ensure that no taxpayer expense is provided.

It is impossible to imagine that taxpayers' money can be preserved from entanglement with abortion in military medicine. An attempt to do so, I think, would present the Department of Defense an accounting nightmare.

So, if Members are concerned that they want to protect the integrity of taxpayers' funds and to keep that out of the abortion business, I think they ought to have a concern for this particular legislation.

The most important point, at least to me, is that the amendment is so radical in its nature. It allows for no exceptions whatsoever. It allows for abortion for every circumstance, no matter how extreme, no matter how radical, no matter what the situation is.

I think, from that standpoint, it is well out of the mainstream of public opinion regardless of whether you are pro-choice or pro-life, whether you support abortion or do not support abortion. Because this language says that any member of the military or their dependent is entitled to the provisions of any reproductive health service.

There is no exception made in this legislation. There is no exception made for parental notification, no exception made—which the Senate is on record in favor of and supports—no exception made for parental consent for a minor, and, therefore, any dependent can demand not only an abortion but any reproductive health service under this language at any military hospital outside of the United States without their parents, members of the military, knowing about it, not just giving consent but even knowing about it.

There is no exception relative to the question of viability. There is no exception in terms of the time of the pregnancy, the age of the unborn. An abortion can be procured in the ninth month, in the last day before delivery, without anyone raising a question, no legal basis to say, "Now, wait a minute, let us think this through. We are not exactly sure that we want this to apply in certain extreme situations." But that is the way the language is written.

Under section 716—what I am attempting to strike—abortions can be performed not only to select the sex of a child, they can be performed because the parent has discovered, through amniocentesis or through sonograms, that the child may be deformed or handicapped in some way.

Mr. President, a majority of Americans have clearly stated that they support parental involvement in a minor's decision to abort. Abortion is a surgical procedure. It is an invasive medical procedure, in fact, the only one where a minor can undergo the procedure without a parent's consent.

The Wirth amendment, as it appears in the language before us, I believe is an affront to the very longstanding tradition that Government should not interfere with these private family relationships.

I firmly believe that it is the parents' not the Government's or other adults' responsibilities to provide counsel and direction to their children. Parents are in the best position to provide their minor children with the care and direction that they need. And poll after poll indicates that the majority of Americans, a very strong majority of Americans, believe they have the right to at least be notified of their minors' submitting themselves to a very serious surgical procedure.

Mr. President, the committee bill also does not contain a definition of reproductive health services. And that poses a very serious problem, because I really do not think Members of the Senate want to go on record, at least I would not think that they would, in support of allowing a policy which allows military personnel access to, and the right to, receive reproductive health services.

Now I do not anticipate a flood of people rushing to hospitals to request this, but under the language of this act, reproductive health services could include a request for a sex change operation, it could include a request for breast augmentation, it could include all kinds of operations or procedures that I really do not think we contemplate using our military hospitals for or making them available to military personnel for these reasons.

I think when you total all of this up, you realize that what the Senator from Colorado has done is inserted in this bill a very extreme piece of legislation, which, frankly, does not take into account the current reality of military policy and is extreme from the standpoint of probably the position of most Americans and most Senators.

When you understand that there is really no problem, when you understand that military personnel are allowed access to transportation for whatever they want to do outside the post, in the military hospital, when you understand that the Wirth language does not prevent abortions in the last trimester, does not prevent abortions for the purpose of gender selection, does not require any even minimal parental involvement or notification, then I think you have to understand that the language should not be in this bill in the form that it is.

I am frankly surprised, if the proponents of this felt that there was an urgent need—and I have submitted proof here that there is no need—I would have thought they would have more narrowly prescribed the intent of the legislation or narrowly prescribed the language so as at least to provide some restriction, some reasonable limitations in terms of how this policy should be applied.

So, make no mistake about it, Mr. President. This language allows any abortion for any reason at any time by any member of the military and any of their dependents in a military hospital—no questions asked. No restrictions whatsoever.

I ask Members, do they think this is rational, reasonable policy for our military? For our Department of Defense? For our Nation?

Do they think this is something that ought to be supported by the U.S. Senate, by the Congress as a rational, reasonable policy?

I suggest it is not. I suggest that even if Members take a strong pro-choice position, that the extreme nature of this language is not the kind of policy we want to enact. I urge support for my motion to strike.

Without yielding whatever time I might have left, I at this point yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Senator from Ohio.

Mr. GLENN. I rise to oppose the amendment of the Senator from Indiana to strike the reproductive health services provision in the bill. Senator WIRTH has carried this issue on the floor before. He has been the sponsor of the provision. He was unable to be here today and I agreed to fill in for him, since I have been a supporter of this legislation.

I ask unanimous consent that Senator WIRTH's statement be printed in the RECORD following my comments.

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

(See exhibit 1.)

Mr. GLENN. Mr. President, the issue is very clear. This Nation has an obligation to ensure that each individual in the military who serves our country overseas has access to the same family health care that could be received here in the United States.

To deny Service members and their families this equal protection is both discriminatory and grossly unfair. Section 637 of the bill ensures that this obligation is honored for our people in the military.

We cannot have one standard for Americans here, legal standards, and a separate standard for our military personnel who are serving our country at foreign locations.

The issue we are debating today dates back to June 1988 when the Assistant Secretary of Defense for Health Affairs just put out a letter prohibiting U.S. military health care facilities overseas from providing the then-available—up to that time had been available—full range of reproductive health services, and they could not be performed after September 30, 1988.

The Secretary was not reacting to any statutory direction. Congress had not said he should do this. Nobody had said he should do it. Rather, he was reflecting a judgment of the administration that allowing military members and their families overseas to continue to receive prepaid reproductive health services in U.S. facilities overseas—and let me quote his statement, "might suggest insensitivity to the spirit of the congressionally enacted policy of withholding Government involvement in the provision of abortions."

So let us be clear. It was not Federal law that created a health and financial burden for our military members and families overseas. It is because the Assistant Secretary of Defense did not want DOD to be accused of insensitivity.

I suggest that far from curing a problem, the Secretary in his policy letter did exactly the opposite by demonstrating gross insensitivity to the needs of our military personnel and their families.

I submit if the Secretary was stationed overseas and had a wife or daughter who was raped and wanted to go into a military facility that we had there, with good conditions, as opposed to going out to some local hospital that had far less capability to cope with that situation, I bet that policy would never have been issued.

Rape is not even covered in this. It is only life of the mother. That would be the only way a military hospital could get involved. If a military service woman or dependent is rape abroad, she could not have the needed treatment over there. Is that right?

It is the law that she could have such treatment in this country. But if you are an American in the military you cannot get that treatment from your own American military doctors if you are stationed overseas, because the current DOD directive says you only get that treatment overseas if it is to save the life of the mother.

If the need occurred for other reasons, for rape or incest or whatever, you could not get the needed medical services.

Congress is acting to correct this disparity. The provision we are debating today was included in fiscal 1993 legislation by all four congressional committees of jurisdiction. It is in both the Senate Armed Services Committee bill and in the Senate Defense Appropriations Committee bill; it is in the House Defense authorization bill and the House Defense appropriations bill.

I emphasize to everyone that this provision grants access only. It does not dictate in any way how any individual may, in her conscience, decide to act. It is her choice, which happens to be the law of the land.

The Senator from Indiana has offered a variety of arguments why this provision should be stricken. Every one of these arguments, I believe, has been debated repeatedly over the past several years in both Houses, and both Houses have rejected them. In that regard I would like to quote from Senator WIRTH's very eloquent statement on several of these matters.

The provision in the bill is not a complex one. It does not provide for the public funding of abortions. It does not remotely address whether a woman should have the right to choose to have an abortion. It does not allow for post-viability abortions, or what some call "abortion on demand." It does not force military medical personnel to be involved in providing abortion related services, if that is contrary to their religious or moral beliefs. And finally, it does not preclude parents from being involved in these important decisions that their children may face. It is about equality.

And later in his statement, Senator WIRTH states:

Left uncorrected, the DOD directive has a terrible impact on lives of those in our Armed Forces. I have become aware of a variety of devastating situations created by this directive: families forced into carrying to term a fetus that will not live past birth; families that used their entire life savings to travel to another country and pay for an abortion when they knew the baby could not live; military doctors who are prohibited from providing the counseling and care they determine to be in the best interest of the patient; and a young enlisted woman who was so distraught about a pregnancy and could not get the care she needed that she was driven to take her own life.

Mr. President, I can summarize the issue in very succinct terms: Many of our military personnel overseas are stationed in areas where safe reproductive health care is not available in local facilities, or, if it is available, it is extremely expensive compared to similar services that were provided in U.S. military facilities overseas on a prepaid basis prior to October 1988. All this provision does is to restore the right of access to these services on a prepaid basis, and to correct the second class citizenship status of our people serving their country overseas.

I cannot imagine a Secretary of Defense or an Assistant Secretary of Defense, or anyone stationed in those areas where there are poor medical facilities, who had a member of their family who was pregnant and needed reproductive health care services, who would not want to have the same laws apply for use of military medical facilities over there as apply in this country.

If the law changes here, it will change over there, too. But until that time, I say let American military be treated as American citizens. That is what this is all about.

I urge my colleagues to reject the amendment by the Senator from Indiana.

I yield.

EXHIBIT 1

STATEMENT OF SENATOR WIRTH

Mr. President, it will come as no surprise to anyone here that I oppose the Senator of Indiana's efforts to strike language in the bill which simply allows members of our armed services and their dependents stationed overseas the same access to the full range of quality health care as those stationed in the states. We have debated this before, and a majority of my colleagues believe our service members should have this access.

The provision in the bill is not a complex one. It does not provide for the public funding of abortions. It does not remotely address whether a woman should have the right to choose to have an abortion. It does not allow for post-viability abortions or what some call "abortion on demand". It does not force military medical personnel to be involved in providing abortion related services if that is contrary to their religious or moral beliefs. And finally, it does not preclude parents from being involved in these important decisions that their children may face. It is about equality.

Our women in uniform volunteered to serve their country, not to give up their constitutional rights. In short, the provision that my colleague from Indiana wishes to strike would allow those stationed overseas to be able to use military medical facilities for the full range of reproductive health services permitted under U.S. law. Any service that cannot be funded by appropriated federal funds will be paid for by the individual.

We have all been witness to the accomplishments of our voluntary forces. Yet, if we allow this provision to be stricken from the bill, we will be telling our military personnel that they have all done a stellor job defending our rights—and the rights of others—but that they deserve a lower quality of health care than what they could have at home. These people risk their lives to protect our country—I do not believe they must risk their lives because we won't provide them access to safe health care.

If we do not keep this provision in the bill, we will only be hurting Americans. I do not believe that is our mission.

The Senate should follow up on the action taken by the House when it accepted the same amendment in its authorization bill and restore the rights that have been stripped from our overseas military personnel by one arbitrary DOD directive. This would be a statement of support for simple justice, decency and equality for our women in the military.

Let me back up here one moment and walk through the developments that created the need for this amendment. Since 1984, there has been a permanent ban on the use of Department of Defense funds to perform abortions, except when the life of the woman is in danger. It was preceded by similar language included in each of the FY79 through FY84 appropriations bills. The law, however, has always been silent on the question of using military facilities for abortion procedures.

Until 1988, DOD had no formal policy in regard to performing abortions that are NOT funded by the government in overseas military medical facilities. Abortions were performed and individuals reimbursed the government for the procedure. However, in June, 1988, DOD—specifically William Mayer, then Assistant Secretary of Defense for Health Affairs—issued a directive stating: "* * * The policy is that the performance of pre-paid abortions in military treatment facilities is not authorized." This policy became effective October 1, 1988.

Where does that leave our overseas military personnel? Over the years I have shared with you letters I received from people who's lives have been affected by the arbitrary directive. One was from Charles Zwiersynski, a Second Class Petty Officer in the U.S. Navy, who described the trying experience he and his wife went through when they tried to end a pregnancy—a wanted pregnancy, but sadly the fetus had multiple birth defects and would not live past birth. That should have been reason enough to propel this body into action.

I have also shared with you another letter from Lieutenant Commander Jeffrey Jensen at the U.S. Naval Hospital in Subic Bay, Philippines. Because he worked in a country where abortion is illegal, he was exposed to several situations that describe how the arbitrary 1988 DOD directive has endangered women's lives and interfered with the readiness of our military.

He wrote, "I taste the bitter irony of my words when I tell a young women, who has volunteered to serve her country because she believes in the ideals of democracy and freedom, that despite my training and expertise, I am not free to help her. As a medical student, I never expected to see the day when a military physician could face criminal prosecution for performing a procedure which is safe, effective, legal, and common in the civilian community * * *.

"Not only are our U.S. service women faced with the horror of obtaining illegal abortions that are unsafe and expensive, but many avoid informing their military physician about complications from the abortion for fear of having gone against military regulations—which, if their superior is not supportive of the right to choose, could jeopardize their careers."

Mr. President, because active duty military are not authorized to obtain second opinions or outside care, we further alienate women from adequate care for fear of the repercussions of their being forced into a situation that violates regulations. We are forcing these women to deal with a true Catch-22.

Do not be fooled into believing that women are not forced into the streets. Dr. Jensen states that at his hospital alone, about eight patients each year are admitted with complications from illegal abortions. This is a very real problem for the individuals in the military.

I ask my colleagues to join me in carefully looking at this situation—remove some of the emotion of the issue, and look at how we should rationally solve this injustice.

Our service members are frequently serving our country in locations where safe health care is not available at local facilities. That is precisely why the U.S. has established medical facilities on our bases—to meet the needs of DOD personnel and dependents in these locations. That is why we do not depend on local hospitals in the Philippines or in Panama or in Saudi Arabia or anywhere else.

Additionally, many countries where our troops are stationed have different laws than our own when it comes to abortion. So what choice are we leaving these women? Because they are stationed in a place that does not allow a woman the right to choose whether or not to continue a pregnancy, as is the case in our country, we eliminate her option to choose to have proper health care.

In Latin America, complications of illegal abortion are thought to be the main cause of death in women between the ages of 15 and 39. A small 16 percent of the illegal abortions performed in the Philippines are done by physicians. The alternative is to seek an unsafe, illegal abortion at great risk to the woman's life or to travel to another country, at a cost which may be prohibitively expensive.

I am sickened by this information and have to ask the question: Where does our responsibility to protect the life of the woman end? Unless her life is in danger by carrying the fetus to term, we force her to pursue unsafe medical practices that put her life in danger for choosing to exercise her Constitutional rights. What kind of reasoning is that? Illogical.

Even in countries where abortion services are legal, many subject American women to substandard health care. Many developing countries, for instance, cannot afford to test their blood supply for the HIV virus. They may not have the clean blood, antibiotics and trained personnel necessary to provide quality care. Is this a price we are asking those who are serving the nation to pay—simply because they are stationed overseas?

Many U.S. military personnel and their dependents stationed overseas do not have a full command of the language of their host country. As with any medical procedure, the abortion decision requires a woman to communicate fully with her physician.

Some have charged that this amendment is "limitless" and seek to defeat the amendment stating that it would allow for countless ninth-month abortions. This accusation is plain wrong and it absolutely trivializes the decision some women face. the Department of Defense must operate under the framework of U.S. law—and the law of the land is that post-viability abortions can be restricted, unless the abortion would protect the life or health of the woman. This provision merely applies all that is legal in the United States to those citizens stationed elsewhere—no more.

Left uncorrected, the DOD directive has a terrible impact on lives of those in our armed forces. I have become aware of a variety of devastating situations created by this directive: families forced into carrying to term a fetus that will not live past birth, families that used their entire life savings to travel to another country and pay for an abortion when they knew the baby could not live, military doctors who are prohibited from providing the counseling and care they determine to be in the best interest of the patient, and a young enlisted woman who was so distraught about a pregnancy and could not get the care she needed that she was driven to take her own life.

We should not allow one arbitrary directive to stay in place—not when it has such an overwhelming impact on the members of our military.

We know that we have a majority of both houses that support our efforts to overturn the Administrations misguided directive. Both defense bills coming from the House have the language in them to overturn this arbitrary policy. Right now is the perfect opportunity to right this wrong and restore rights to our service members. I urge my colleagues stand for equality and oppose the motion to strike this necessary provision.

Mr. WOFFORD. Mr. President, I wish to engage in a colloquy with my distinguished colleague from Ohio [Mr. GLENN].

When I first read section 715 of S. 3114, I was concerned that the broad language of the bill might prevent the branches of the uniformed services from adopting regulations for parental involvement in virtually all cases concerning minors.

Mr. President, I believe that under almost any circumstances a pregnant teen considering an abortion should consult with at least one of her parents. Providing guidance and understanding support in difficult times is a big part of what families are all about. I believe the military should be able to establish parental involvement regulations with respect to abortion.

Since raising this issue with my colleagues, I have been informed that this provision is not intended to overturn or preclude rules on parental involvement where minors are concerned. I have been told that the branches of the military and military commanders of overseas installations will not violate the intent of the provision if they set regulations on parental consent and notification.

My first question is this: Am I correct in my present understanding? Will section 715 permit regulations on parental or guardian involvement?

Mr. GLENN. The Senator is correct. The provision is not intended to preclude or prevent the military from adopting constitutionally sound poli-

cies on parental involvement in cases in which a minor seeks an abortion.

Mr. WOFFORD. Before the Department of Defense policy that Section 715 now seeks to reverse went into effect, that is, before October 1988, the branches of the military could prohibit third-trimester abortions except where the life or health of the mother was endangered. An Air Force regulation from 1985 stated:

> Air Force policy precludes the performance of abortions on patients whose pregnancy has advanced beyond 20 weeks unless, in the medical judgement of the patient's attending physician, the abortion is necessary to preserve the life or physical health of the mother.

Is it the understanding and the intent of Senator WIRTH as author of section 715 that under the provision, the branches of the military can continue to prohibit third-trimester abortions except where necessary to preserve the life or health of the mother?

Mr. GLENN. That is my understanding of Senator WIRTH's intent. The military, like any State, is subject to the laws of the land. States can regulate postviability abortions, except to save the life of the woman, and the military may do so as well.

Mr. WOFFORD. One final question. From my inquires on this issue and from certain regulations I have obtained, I understand that conscience clauses apply in each branch of the military: Physicians and other medical personnel who have religious or moral objections to abortion are not required to perform or physically assist in such procedures.

I also understand that such conscience clauses were in effect during those years in the 1980's when overseas military installations were not barred from performing abortions where local facilities were unsafe and the patient paid for abortion herself.

Is it Senator WIRTH's intent as author of section 715 that the branches of the military can continue such conscience clauses?

Mr. GLENN. It is.

Mr. WOFFORD. I thank my distinguished colleague from Ohio.

In closing, I must say that I wish the provisions of this law were clearer. My friend has clarified for me the meaning of the bill's language, and that is most helpful, but as a general proposition I believe that it would be better if the terms of the statute itself made clear its intent and meaning.

That said, I thank my friend and colleague from Ohio and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon?

Mr. PACKWOOD. May I have 5 minutes?

Mr. GLENN. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. I thank my good friend from Ohio. Mr. President, he has said it all as he has so many times in his career. We are talking here about equality.

Picture your situation. You are a 21-, 22-, 23-year-old woman, member of the Armed Forces. You are stationed in Korea, you are stationed in Germany, you are stationed someplace around the world where, in that country, you do not have any access to a safe and legal abortion.

You, of course, have access to back alley abortions the way we used to have in this country 25 years ago. If you are that same woman stationed in the United States, whether or not you were denied access to an abortion in a military hospital, which you should not be even in this country, you would at least have access to abortions in the United States in a normal hospital, or in a normal clinic, because it is legal in this country.

So what are you going to say when the person goes overseas; you now lose your rights as an American citizen? Or, buy yourself a ticket and go home at your own expense? Or, wait until there is a seat on some transport plane and ride bumpily across, assuming you can get a seat? That is not the way we ought to treat our people in the military. It is not fair. It is not decent.

We ought to provide for them in foreign countries, the same rights they would have in this country. And I hope after all the battles we have gone through in the past years we would leave this provision in the bill. We are making progress. We used to try to have to put it in the bill on this floor because it was not offered and accepted in committee. Now at least it is in the bill and those who do not like it will have to try to strike it out. I will say again, the options for a woman in the military who wants to have an abortion are limited: Illegal abortion, or perhaps legal in a substandard medical facility, wait for transportation on a military plane and that is an iffy thing, or try to come to the United States with your own funds on a private carrier, and you picture yourself what you are going to pay on a private carrier and you are a military woman, private or corporal. It is too expensive and you will not be able to do it.

Women who cannot receive abortions at overseas military hospitals are deprived of the equal protection of the laws. Military women and dependents who happen to be stationed in the United States have access to these abortions while those overseas do not.

During previous debates, some Senators have raised the issue that even if the woman paid for the abortion herself, there would still be some Federal funding because it is being done in a military hospital and the doctors are on the military payroll and the room is an overhead cost of the hospital. But this amendment provides that the woman will pay the direct and indirect costs.

We have made it very clear that there is a conscience clause and that those military personnel who, as a matter of personal morality, do not want to participate in doing abortions do not have to.

So I urge this Senate to very strongly reject the amendment of my colleague from Indiana and leave in the bill this very fair provision that is there. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I yield 5 minutes to Senator ADAMS.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I thank the Senator from Ohio for this time.

I was appalled to hear the comment made that this was not an important item to be debated in the Defense bill. That is appalling to me because this is one of the most important provisions in this bill. This is a provision that provides protection for our people, our people who we have sent abroad and our people who we are going to send abroad. More and more women of the United States are going to be serving in multilateral forces, as well as in U.S. forces in foreign countries, where adequate medical facilities are not in existence and, in many cases, where fundamentalist religions are strongly against women's rights of any kind.

I say to those who have not traveled abroad and have not spent time in the countries that I have—for example, the Arabic countries, Saudi Arabia, Algeria and elsewhere—that not only are the facilities limited but individual rights are limited also. That is why this is such a terribly important amendment—to protect our people, our women overseas.

So I am in strong opposition to the Coats amendment because it would strike the committee language which allows military women and dependents of military people stationed abroad to get safe, legal abortions at U.S. military hospitals.

This military policy, as was so well pointed out by the Senator from Ohio with his long and distinguished military record, was not adopted by Congress. This policy was established in a letter, by an Assistant Secretary in the military without congressional approval. It denies servicewomen and military families abroad basic fundamental rights to obtain health service—the same services that would be available to their counterparts in the United States.

What is even worse is that it prohibits the provision of abortions to women regardless of whether or not they pay for them themselves.

This is an outrage. There are more than 600,000 active duty personnel and 400,000 dependents stationed abroad being treated as second-class citizens when it comes to health care.

In many countries such as the Philippines and Panama, abortion is illegal. It means that women with an unintended pregnancy are subject to the worst kind of substandard health care—illegal abortions.

At this point, Mr. President, I would like to print in the RECORD an editorial from USA Today, "Abortion in the Military."

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

ABORTION IN THE MILITARY

President Bush in all likelihood would deny hotly that anyone wearing a U.S. military uniform, or any military dependent, is a second-class citizen.

But in effect, almost half a million of them are. Reason: Three years ago, the Reagan administration banned abortion at U.S. military hospitals.

Military women stationed in the USA can go to private facilities. But for the 65,000 servicewomen and 400,000 military wives and daughters stationed abroad, the rule too often can translate into a ban on abortion:

Some nations with large U.S. troop presences—the Philippines, Panama and Saudi Arabia—ban abortions.

Others offer private medical care that, to put it politely, is dubious.

Result: Women can have unwanted children, risk injury or play "trimester roulette," awaiting scarce space on military planes heading stateside.

And that makes them second-class citizens. Whatever the Supreme Court's future intentions, abortion remains all women's constitutionally guaranteed right—not a privilege military women should have to leave at the U.S. border.

Congress has agreed. Late last week, it sent the president a defense spending bill that also would end the abortion ban only for U.S. military hospitals overseas.

Women still would pay for their own abortions. But they could have the procedures done in safety and convenience.

The president is expected to veto the defense spending bill, in part because it would erase this spiteful ban.

Military women deserve better. They've agreed to give their lives, if needed, to defend the constitution. They at least deserve a president willing to set aside his politics to uphold it.

Mr. ADAMS. Mr. President, quoting from the editorial:

But for the 65,000 servicewomen and 400,000 military wives and daughters stationed abroad, the role too often can translate into a ban on abortion.

Some nations with large U.S. troop presences—the Philippines, Panama, and Saudi Arabia—ban abortions.

Others offer private medical care that, to put it politely, is dubious. Result: Women can have unwanted children, risk injury or play "trimester roulette" awaiting scarce space on military planes heading stateside.

For women serving overseas the DOD policy overturns Roe versus Wade. It makes a mockery of our Constitution.

What bothers me more than anything else is that we should not be debating this today. This should be our national policy. Otherwise the Department of Defense is a tool of the few who want Government to tell women what they can or cannot do with their bodies.

The only issue today is whether women stationed abroad should have access to the same quality medical care that can be obtained in the United States. In my own State at Madigan Hospital, at Fort Lewis, you have beautiful facilities. Medical facilities in many of these countries where our people are stationed are not adequate.

It is not a question of whether the Federal Government should pay for these abortions. Under the committee language, no Federal money is authorized. All costs are privately covered. The issue here is fairness. Our message should be clear: Second-rate health care for women abroad is not acceptable, particularly those we have sent abroad who are risking their lives to defend the United States, and are pleased to do so. When they seek help, we should give it to them. So I hope the Coats amendment will be defeated

I want to compliment the members of the committee for including this language in the bill. I thank the Senator from Ohio for yielding me this time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. How much time remains?

The PRESIDING OFFICER. The Senator from Ohio controls 11 minutes, 25 seconds.

Mr. LAUTENBERG. I ask for 6 minutes.

Mr. GLENN. I yield 6 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes.

Mr. LAUTENBERG. I thank the manager of the bill and the Chair for recognition.

Mr. President, we are here discussing something, frankly, that astounds me. As we saw in the Persian Gulf conflict, women who were in combat were subject to all of the dangers, all of the risks of our male servicemen. Their lives were at risk. There was a woman killed from my home State as a result of the war in the Persian Gulf. We ask them to sacrifice everything. We ask them to give up their families and we ask them to fight for the liberty and freedom that this country stands for.

But on the floor of the Senate we want to say it is OK for you to fight, it is OK for you to take the risk but you cannot make a choice that is permitted under law because there are no facilities available to you other than a military facility.

And so our friend, the Senator from Indiana says, well, there are services available. They can take a plane back. They can get a ride back, that is, if they have any leave time available because, otherwise, they have to go to the company commander and say, listen, I am pregnant. This is rather personal but I want to discuss this with you.

With the company commander? What right does that person have to be included in that information? And a flight on a space available basis. Maybe it is at a critical time in the pregnancy that a woman or the dependent has to sit and wait for the space available flight to find a safe, healthful facility where she can have her choice honored.

I looked at the material that the Senator from Indiana has distributed on behalf of the case that he makes, and, frankly, I would have to tell the Senate that he does not make a very strong case. He talks about a response that he received from a Mr. David Gribbin, Department of Defense, Assistant Secretary for Legislative Affairs, on August 6. And he asks a series of questions: Has the Department had any difficulty in implementing this policy?

No. No, all they have to do is command that you cannot do it. There is no difficulty.

That is what the military is about, for my friend's information. I know from my own military experience.

Have formal complaints been filed concerning this policy to the best of your knowledge and information?

No; because maybe people are afraid to come up and say I need an abortion, even though it might have been in the best interests of her mental health or in the best interests of her family.

So they are not going to declare themselves publicly in the form of a complaint.

Have any legal challenges been instituted?

No; the same thing.

And how about trying to figure out what costs might be?

Mr. President, from 1982 to 1988, we found a way to deal with the costs involved in obtaining reproductive health services from a military hospital overseas. Everything was going along fine until one day someone made an arbitrary decision stating that those who serve the country do not have the same rights as those who live here on our soil.

We ought to say check your rights at the door when you go to the recruiter's office.

There is a problem recruiting now despite the fact that the military is in a state of reduction, as we bring down the force size. But the Senator from Indiana's amendment seeks to take away rights. Our mission should be to protect people's rights, not to take them away.

And so we have this transparent attempt to remove the rights of a service woman or a service dependent from making a decision that is rightfully theirs under the law.

We are looking at a point in time when we ought not to be discussing this. A woman's rights shouldn't be a political issue.

The larger issue is being reviewed in so many different ways that we ought not to take the Senate's time when we

have an important bill like this. I hope that we can stop debating this issue and defeat this amendment, because it does nothing more than harm any individual who needs this kind of medical attention and prevents her from getting what is rightfully hers.

You heard it from the distinguished Senator from Oregon. No health care professional has to participate. The military has conscience clauses. And I remind the Senator from Indiana that last November, we had 57 Senators stand up and say we should reestablish a woman's right to choose in the military.

I remind everybody that if they examine the Defense appropriations bill, the full committee has reestablished reproductive health care. There is only one reason it is not in law today, and that is because when we went to conference the President threatened to veto the entire defense appropriations bill. That does not mean, however, that we should quit trying to protect people's rights.

So I hope, Mr. President, that as we hear this debate, we see through it, we see that it is a political attempt to take a person's rights away, and we ought not to be doing that in the Senate.

I hope we defeat this amendment decisively once and for all and stop talking about an issue that is a fundamental right for Americans.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. COATS. How much time is remaining?

The PRESIDING OFFICER. The Senator controls 17 minutes 13 seconds; the Senator from Ohio 5 minutes 25 seconds.

Mr. COATS. Mr. President, it does not appear that the Senator from Ohio has additional speakers. He may want to save some time for wrapup. I just plan a brief summary and then I am willing to yield back the remainder of my time if that is acceptable.

Mr. GLENN. I will have three brief remarks and then yield back the remainder of my time.

Mr. COATS. Mr. President, let me just conclude and summarize the situation before the Senate.

The Senator from New Jersey speaks as if this motion to strike the language included in the Department of Defense authorization bill denies a woman the right to make a choice relative to abortion or any other reproductive health service.

It does not do that at all. And if you have listened carefully to the argument, you understand that no woman is denied the right to choose under the amendment the Senator from Indian is offering. This does not go to whether or not a woman has the right to have an abortion, regardless of how you feel on that question. That is not the issue we are debating.

The Assistant Secretary of Defense has certified in writing that no military woman or her dependent has ever been denied the right to an abortion. That is available for every Member to read. It is in print.

Now, we have been discussing this issue for 4 years, and not one case has been presented to us of any military personnel being denied the right to an abortion.

You would think that those who are so insistent on incorporating this language in this bill would have a whole raft of examples before us saying look how terrible, how onerous this policy is; that is why we have to change it.

Not one case has been presented, and for 4 years we have been debating this.

So I think it is safe to conclude the answers of the Assistant Secretary of Defense are correct, and that is there has never been a complaint, there has never been an incident, no one has ever been denied access off the base to have an abortion performed or denied the ability to get on a military transport and come home and have the abortion performed.

That is a separate issue we can debate, the meaning of life. I wish the Senate would debate that in more detail. We can debate it at another time, but that is not the issue before us. So do not be concerned that when you come over here to vote you are voting on a woman's right to choose. You are not.

Second, the language before us calls for reproductive health services. It does not just deal with abortion. If the issue is a woman's right to have an abortion, why broaden the language to reproductive health services? What is the intent? I do not know what the intent is.

But I would think, even if you do not agree with this Senator's argument on the first point, certainly on the second point, that is, why broaden it to reproductive health service, do we want to make our military hospitals open for all the possible procedures that might fall under the definition of reproductive health services? I do not think so.

Third, there is no limitation on this. An abortion can be received at a military hospital for any reason at any time.

Now, the Senator from Ohio said, what about in the case of rape?

Why did the author of the legislation not put in that exception if that is what they were concerned about?

What we have is the absolute, unrestricted right to abortion for any reason at any time. If it is a minor, there is no consent of the parent, not even notification of the parent.

How many military parents would like to have their daughters have the absolute right to an abortion without even knowing about it? There is no restriction relative to the age of the unborn. Abortion can be demanded in the ninth month to mothers. Do Members here support abortion for any reason at any time, even the ninth month? Abortions can be performed for any reason. Do members of this body want to sanction use of military hospitals for abortions for reason of sex selection because the fetus may be determined to have a slight handicap?

Do they want any member of the military, any dependent to walk into any military hospital anywhere in the world and say I want an abortion, I do not care what the circumstances are, I do not care what the age of the fetus is, I do not like—I determine this is the wrong sex, I want the abortion, a military hospital has to give it to me, I demand it?

Is that what Members want? That is what the language prescribes. I would have thought that the authors would have wanted to build in at least some reasonable restrictions. They build in none.

Mr. President, I would like to ask unanimous consent to submit a letter received from Joseph Dimino, the Archbishop for Military Services in the United States, for the RECORD.

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

ARCHDIOCESE FOR THE MILITARY SERVICES, USA,
Silver Spring, MD, September 17, 1992.

DEAR SENATOR: The members of the Archdiocese for the Military services include approximately one and a half million Roman Catholic men, women and children. Over seven hundred Roman Catholic priests serve as chaplains to these military personnel and members of their families.

As the Roman Catholic Archbishop for the Military Services, I plead with you, in the strongest possible terms, to vote against any amendment to the Department of Defense Authorization Bill which would allow abortion in military hospitals.

The Archdiocese for the Military Services completely supports the current policy of prohibiting abortion at military facilities, for any reason. Any change in this policy which would allow abortions to be performed in military hospitals in overseas locations would be disastrous.

Allowing abortions at military hospitals would be extremely detrimental to the consciences of so very many military physicians, nurses and other medical personnel who would be involved in the process. Undoubtedly, physicians and other medical staff, despite their moral objections, would be pressured to participate in these abortions. Any refusal to assist in an abortion would, in most cases, cause inconvenience and extra work for other medical personnel; to refuse to participate in an abortion would directly and indirectly result in adverse evaluations of their performance.

Before voting on an amendment which would cause a complete change in military policy concerning abortion, I urge you to consider the immediate and long range results of such a change.

I beg God's blessings upon you as you deliberate on a vote with such extensive consequences.

Sincerely yours,

JOSEPH T. DIMINO,
Archbishop for the Military Services.

Mr. COATS. Mr. President, I urge my colleagues, Members of the Senate, to consider both the immediate and the long-range results if we incorporate as an official Department of Defense policy the right to unrestricted abortion, unrestricted reproductive health service by military personnel or their dependents for any reason at any time. I do not believe this is reasonable legislation. I do not believe this is what the Senate wants to support. I hope Members would support my motion to strike.

Mr. President, I reserve the remainder of my time. I do not really intend to use it. Just in case I need to respond to a question, I will reserve whatever remaining time I have left and yield the floor.

Mr. GLENN. I yield 2 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, in response to the Senator from Indiana, who says there are no complaints, there was no criticism, were no charges leveled, et cetera, I have to quote from a letter that was presented to this body last year, written by a Dr. Jeffrey Jentsen, who was head of the obstetrics and gynecology at the U.S. Naval hospital in Subic Bay, in which he relates incidents of post-abortion problems with those who had illegal abortions or abortions in health facilities that were not as safe as a military medical facility.

Mr. President, our friend from Indiana says there is no prohibition; you can get an abortion if that is your choice. Where? And when? You cannot get it in the Philippines. You cannot get it in other countries around the world if you are stationed there as an American service woman or a dependent. You cannot get it there. So they say, sure, we will be liberal, we will let them have it, but there is no place to go.

So effectively what we are doing is saying, you don't have the right to choose. When we talk about the concerns that the Senator raises about women's reproductive health services and he encompasses a whole range of scenarios—breast degradation, other kinds of things—it is a distraction. The focus comes back to one issue and one issue alone. Does that person have a right to make a choice if the woman chooses to have an abortion? We should leave the choice to the individual.

So I hope we will see through this and get done with this issue once and for all, and vote against the Senator's amendment.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I know the Senator from Indiana feels very strongly about this issue, as do a number of Members of this body. I appreciate that, and I support his right to those views, absolutely and fully, and defend those rights. But some of the things that he brought up here today seem to me to be just a bit extraneous. For instance, in his letter to Mr. Gribbin, he asks questions about whether we are amortizing costs of equipment in the operating room, whether a proportionate share of costs, administrative costs, have been apportioned, and the salaries of staff. Whether the military depreciates a greater proportion of valued materials and machinery used in the performance of an abortion, to include the value of the rent, and the space used in the facility in which the abortion was performed.

Mr. President, I think this goes rather to ridiculous ends in this regard. Another statement here, that no one has ever been denied an abortion.

But the question is, do you have to fly halfway around the world to get it? Why should military personnel have to do that? I would submit that they should not have to do that. As far as the timing of an abortion, that can be regulated by the Department of the Defense so long as it complies with U.S. law, Roe versus Wade. That is the law of this land.

They can make any regulations they like over at the Pentagon so long as it complies with the law. So the question is, will U.S. law follow U.S. military citizens overseas? That is the basic question.

The current situation was not caused by act of Congress. The Assistant Secretary of Defense just took this upon himself to put out an order, that this restriction would apply on U.S. military installations around the world. I just disagree with that as a way of doing things.

To summarize, the basic question raised by this amendment is: will American women in the military be treated as full fledged American citizens or not? I believe the Senate of the United States will support our women in the military, and vote no on this amendment.

I yield the remainder of my time.

Mr. COATS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Does the Senator from Indiana yield time?

Mr. COATS. I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Indiana.

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. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. DOLE. I announce that the Senator from Wisconsin [Mr. KASTEN], the Senator from California [Mr. SEYMOUR], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. SEYMOUR], would vote "nay."

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

The result was announced—yeas 36, nays 55, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—36

Bond	Exon	Mack
Breaux	Ford	McCain
Burns	Garn	McConnell
Coats	Gramm	Murkowski
Cochran	Grassley	Nickles
Craig	Hatch	Pressler
D'Amato	Hatfield	Reid
Danforth	Heflin	Roth
DeConcini	Helms	Smith
Dole	Johnston	Symms
Domenici	Lott	Thurmond
Durenberger	Lugar	Wallop

NAYS—55

Adams	Glenn	Packwood
Akaka	Gorton	Pell
Baucus	Graham	Pryor
Bentsen	Hollings	Riegle
Biden	Jeffords	Robb
Bradley	Kassebaum	Rockefeller
Brown	Kennedy	Rudman
Bryan	Kerrey	Sanford
Bumpers	Kerry	Sarbanes
Burdick, Jocelyn	Kohl	Sasser
Byrd	Lautenberg	Shelby
Chafee	Leahy	Simon
Cohen	Levin	Specter
Conrad	Lieberman	Stevens
Cranston	Metzenbaum	Warner
Daschle	Mikulski	Wellstone
Dixon	Mitchell	Wofford
Dodd	Moynihan	
Fowler	Nunn	

NOT VOTING—9

Bingaman	Harkin	Seymour
Boren	Inouye	Simpson
Gore	Kasten	Wirth

So the amendment (No. 3074) was rejected.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate

the conference report on S. 12, the Cable Television Consumer Protection Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 14, 1992.)

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany S. 12, the Cable Television Consumer Protection Act:

Fritz Hollings, Dale Bumpers, Brock Adams, Jim Sasser, Paul Wellstone, George Mitchell, Wendell Ford, Bill Bradley, J.R. Biden, Herb Kohl, Patrick Leahy, Joseph Lieberman, Daniel K. Inouye, Howard Metzenbaum, Edward Kennedy, J. James Exon, and Christopher Dodd.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate resume consideration of the defense authorization bill and that the conference report be returned to its prior status.

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

The Senate resumed consideration of the bill.

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

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSION ACT, FISCAL YEAR 1992

Mr. BYRD. Mr. President, I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives on H.R. 5620, reading thereof be waived, the Senate recede en bloc from its amendments 1 through 68 and that a motion to reconsider that action be laid upon the table, that the Senate concur in the amendment of the House to the amendment of the Senate numbered 69, and that the motion to reconsider be laid on the table.

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

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate numbered 69 to the bill (H.R. 5620) entitled "An Act making supplemental appropriations, transfers, and recissions for the fiscal year ending September 30, 1992, and for other purposes," with the following amendment: In lieu of the matter proposed by said amendment, strike out all after the enacting clause, and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and Administration", $2,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING RESCISSION)

Of the funds made available under this heading in Public Law 102-140, $2,120,000 are rescinded.

Notwithstanding section 318(d) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(d)), amounts provided pursuant to Public Law 101-162 for the acquisition of Buxton Woods shall remain available to the State of North Carolina through September 30, 1993.

FOREIGN FISHING OBSERVER FUND

(RESCISSION)

Of the unobligated balances in the Foreign Fishing Observer Fund, $1,309,000 are rescinded.

FISHING VESSEL OBLIGATIONS GUARANTEES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-140, $930,000 are rescinded.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

Amounts appropriated under this title by Public Law 101-515 and available through September 30, 1992, for debt collection training, locating debtors and their property, and selling debtor property also may be used for processing and tracking debts owed to the United States Government.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $80,000,000: *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

For an additional amount for "Defender Services", $31,250,000, to remain available until expended: *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

The language under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" in Public Law 102-27 is amended by deleting "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

Notwithstanding the requirement of section 415 of Public Law 101-650 to submit the report mandated by said section not later than one year after the date of the Commission's first meeting, the National Commission on Judicial Discipline and Removal shall submit to each House of Congress, the Chief Justice of the United States, and the President, the report mandated in said section no later than August 1, 1993.

RELATED AGENCY

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000, to remain available until September 30, 1993: *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—TITLE I

SEC. 101. Notwithstanding the provisions of sec. 1402 of the Victims of Crime Act of 1984, as amended (42 U.S.C. 10601), amounts deposited into the Crime Victims Fund during fiscal year 1992, in excess of $152,200,000 shall be available to the Attorney General without fiscal year limitation for expenses associated with the activation and operation of Federal prisons.

MONTEREY BAY NATIONAL MARINE SANCTUARY

SEC. 102. (a) ISSUANCE OF DESIGNATION NOTICE.—Notwithstanding section 304(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(b))—

(1) the Secretary of Commerce shall, on September 18, 1992 (or as soon thereafter as is practicable), publish under that Act in the Federal Register a notice of the designation of the Monterey Bay National Marine Sanctuary (hereafter in this section the "Sanctuary"), as described in the notice of designation submitted to the Congress on September 15, 1992, and

(2) that designation shall take effect the later of September 18, 1992, or the date of enactment of this Act.

(b) OIL AND GAS ACTIVITIES PROHIBITED.—Notwithstanding any other provision of law, no leasing, exploration, development or production of oil or gas shall be permitted within the Sanctuary as required by section 944.5 of the Final Environmental Impact Statement and Management Plan for the Monterey Bay National Marine Sanctuary, published by the Department of Commerce in June 1992.

(c) INTERAGENCY COOPERATION.—

(1) REVIEW OF AGENCY ACTIONS.—

(A) IN GENERAL.—Federal agency actions internal or external to the Sanctuary including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Secretary.

(B) AGENCY STATEMENTS REQUIRED.—Subject to any regulations the Secretary may establish, each Federal agency proposing an action described in subparagraph (A) shall provide the Secretary with a written statement describing the action and its potential effects on sanctuary resources at the earliest practicable time, but in no case later than 45 days before the final approval of the action unless each Federal agency and the Secretary agree to a different schedule.

(2) SECRETARY'S RECOMMENDED ALTERNATIVES.—If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary shall (within 45 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which may include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources.

(3) RESPONSE TO RECOMMENDATIONS.—The agency head who receives the Secretary's recommended alternatives under paragraph (2) shall promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the alternatives, the agency head shall provide the Secretary with a written statement explaining the reasons for that decision.

(d) VESSEL TRAFFIC.—Within 18 months of the date of enactment of this Act, the Secretary of Commerce and Secretary of Transportation, in consultation with the State of California and with adequate opportunity for public input, shall report to Congress on measures for regulating vessel traffic in the Sanctuary if it is determined that such measures are necessary to protect sanctuary resources.

TITLE II

DEPARTMENT OF DEFENSE—MILITARY SUPPLEMENTAL APPROPRIATIONS

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $116,000,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", $33,000,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $263,000,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $69,700,000, to remain available for obligation until September 30, 1993: *Provided*, That $50,000,000 of this appropriation shall be used to provide educational assistance to school districts where there are significant increases in the number of military dependent students as the result of relocation or realignment of Armed Forces personnel: *Provided further*, That the $50,000,000 specified in the preceding proviso shall be allocated to school districts where at least thirty percent of the students in average daily attendance in the schools are military dependent students: *Provided further*, That the $50,000,000 shall be made available only to supplement, not supplant, the amount of any other Federal, State, or local government funds otherwise authorized or expended for education of dependents of members of the Armed Forces: *Provided further*, That a portion of the $50,000,000 may be made available for construction.

ENVIRONMENTAL RESTORATION, DEFENSE

For an additional amount for "Environmental Restoration, Defense", $447,500,000, to remain available for obligation until September 30, 1993.

PROCUREMENT

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $4,372,000, to remain available for obligation until September 30, 1994.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

For an additional amount for "Research, Development, Test and Evaluation, Defense Agencies", $74,800,000, to remain available for obligation until September 30, 1993: *Provided*, That $5,000,000 of the funds appropriated in this paragraph shall be made available only for a National Defense Center of Excellence for Research in Ocean Sciences to be established through cooperation between the Defense Advanced Research Projects Agency (DARPA) and the Hawaii High Technology Development Corporation (a government entity) for the purposes of conducting research and development activities of interest to the Department of Defense on such topics as ocean environment preservation technology, new ship hull design concepts, shallow water surveillance technologies, ocean measurement instrumentation, and the unique properties of the deep ocean environment.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

For an additional amount for "Pentagon Reservation Maintenance Revolving Fund", $80,100,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $3,400,000.

TRANSFER OF FUNDS

OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF ADDITIONAL FUNDS)

For additional incremental costs of the Department of Defense associated with operations in and around the Persian Gulf resulting from Operation Desert Shield/Desert Storm, and under the terms and conditions of the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102-28), in addition to the amounts that may be transferred to appropriations available to the Department of Defense pursuant to that Act and the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229), not to exceed $3,431,176,560 may be transferred during fiscal years 1992 and 1993 to then currently applicable appropriations from the Defense Cooperation Account, to the following accounts in not to exceed the following amounts:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $1,007,961,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $170,400,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $17,127,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $313,500,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $1,355,274,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", $75,000,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", $224,600,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $247,200,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $4,900,000, to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", $15,214,560, to remain available for obligation until September 30, 1993.

OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF EXISTING FUNDS)

For the purpose of adjusting amounts which may be transferred to military personnel and operation and maintenance appropriations pursuant to the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102-28) and the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Ur-

gent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229) and under the terms and conditions of those Acts, the Secretary of Defense may make adjustments to the amounts provided for transfer by such Acts in amounts not to exceed $611,010,000 and provide for the transfer of such amounts to the following accounts in not to exceed the following amounts to be available to the Department of Defense during fiscal years 1992 and 1993: *Provided*, That the Secretary of Defense shall provide prior notification to the Committees on Appropriations of the House of Representatives and the Senate indicating the accounts from which the funds will be derived for such transfers:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

NATIONAL GUARD PERSONNEL, ARMY

To be derived by transfer, $12,500,000 for "National Guard Personnel, Army".

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

To be derived by transfer, $341,310,000 for "Operation and maintenance, Army", to remain available for obligation until September 30, 1993.

OPERATION AND MAINTENANCE, NAVY

To be derived by transfer, $257,200,000 for "Operation and maintenance, Navy", to remain available for obligation until September 30, 1993.

RESCISSION OF FUNDS

PERSIAN GULF REGIONAL DEFENSE FUND

(RESCISSION)

Of the funds made available under this heading in the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102-28; 105 Stat. 161), $14,696,040,000 is hereby rescinded: *Provided*, That the Persian Gulf Regional Defense Fund is hereby terminated.

GENERAL PROVISIONS—TITLE II

(TRANSFER OF FUNDS)

SEC. 201. Section 103 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229; 105 Stat. 1707) is amended by striking out "fiscal years 1991 and 1992" and inserting "fiscal years 1992 and 1993" in lieu thereof and by striking out "through February 1992".

SEC. 202. (a) The Secretary of Defense shall transfer up to $40,000,000 in additional funds from the Defense Cooperation Account to the appropriate appropriations accounts within the Department of Defense to remain available until expended for Kurdish humanitarian needs and related transportation costs to include, but not be limited to, the prepositioning of emergency food stocks, water and seed, the provision of medical assistance, the establishment of regional medical clinics in recognized Kurdish areas of Iraq and the extension of technical assistance for land mine clearing, the drilling of water wells and the construction of temporary shelters.

(b) The Secretary of Defense shall report to the Committees on Appropriations and Armed Services of the House of Representatives and Senate at the start of each quarter in fiscal year 1993 on the steps taken to bring relief and restore the well-being and security of the people of recognized Kurdish areas of Iraq.

SEC. 203. Of the funds appropriated under the heading "Operation and Maintenance, Army" in the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1152), $6,800,000 shall be available only for a grant to the Monterey Institute of International Studies and shall be obligated prior to September 30, 1992: *Provided*, That for the purposes of maintaining the industrial base, $60,000,000 of the funds available in the Defense Business Operations Fund, combined with funds otherwise available to the Department of Defense, shall be obligated forthwith for the purchase of 2.88 million cases of Meals Ready to Eat.

SEC. 204. Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Army" in title IV of the Department of Defense Appropriations Act, 1992 (Public Law 102-172), not less than $5,000,000 shall be made available only for the National Defense Environmental Corporation, or its successor in interest, for the continued establishment and operation of the National Defense Center for Environmental Excellence.

SEC. 205. Funds appropriated to the Department of Defense in the Department of Defense Appropriations Act, 1991 (Public Law 101-511) and made available for transfer to the Department of Commerce and the Department of Labor to assist State and local governments significantly impacted by reductions in defense industry employment or reductions in the number of military and civilian personnel residing in such States and communities shall be available until September 30, 1997.

SEC. 206. Notwithstanding section 2391 of title 10, United States Code, the Secretary of Defense may make a grant of $1,100,000 to assist Astoria, Oregon in the planning, design and modification of facilities and support infrastructure to accommodate new Navy Minesweeper/Minehunter vessels.

SEC. 207. Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Army" in the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1164), $8,000,000 shall be available only for neurofibromatosis research.

SEC. 208. Funds available to the Department of Defense for the payment of allowances under the provisions of section 405a of title 37, United States Code, may be used to make payments of such allowances retroactive to August 23, 1992: *Provided*, That dependents residing incident to government orders in the vicinity of Homestead Air Force Base, Florida on August 23, 1992 who actually moved to a safe haven designated by an authority ordering the departure of dependents shall be entitled to an allowance under the provisions of section 405a of title 37, United States Code, notwithstanding the fact that the member's duty station may have been at a place other than Homestead Air Force Base: *Provided further*, That for the purpose of section 5725 of title 5, United States Code, the departure of civilian employees of the Department of Defense and their dependents from the vicinity of Homestead Air Force Base on or after August 23, 1992 shall be considered to be an evacuation: *Provided further*, That funds available to the Department of Defense shall be available until September 30, 1994 for the payment of up to $40,000 per claim for personal property damage and losses to members of the uniformed services residing in the vicinity of Homestead Air Force Base as a result of Hurricane Andrew: *Provided further*, That the allowances and benefits provided under this paragraph shall be made available under equal terms and conditions to members of the uniformed services residing in the vicinity of military installations affected by Typhoon Omar and Hurricane Iniki.

SEC. 209. Funds appropriated for the Office of Economic Adjustment at the Department of Defense for fiscal year 1992 are reduced by $1,000,000, and funds appropriated for the Office of the Secretary of Defense for fiscal year 1992 are increased by $1,000,000 for the purpose of making an economic impact grant to Nye County, Nevada.

TITLE III

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $237,652,000 to remain available until September 30, 1993.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

HUMAN DEVELOPMENT SERVICES

Funds appropriated in Public Law 102-170 under the heading "Human Development Services" for the "Family Violence Prevention and Services Act", shall remain available until expended.

TITLE IV

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Base Realignment and Closure Account, Part II", $162,700,000, to be available solely for environmental restoration and to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Base Realignment and Closure Account, Part II", $69,000,000, to be derived by transfer from the "Environmental Restoration, Defense" account of Public Law 102-172, to be available solely for environmental restoration and to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $500,000,000, to remain available until expended.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

The limitation on direct loans in the current fiscal year for the "Vocational rehabilitation loans program account" is increased, within existing funds, by $350,000 to not to exceed $2,038,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

Notwithstanding any other provision of law, not less than $8,700,000,000 of the sums

appropriated under this heading in fiscal year 1992 shall be available only for expenses in the personnel compensation and benefits object classifications.

TRANSITIONAL HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,000, as authorized by Public Law 102-54, section 8: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $30,000. In addition, for administrative expenses to carry out the direct loan program, $25,000, which may be transferred to and merged with the appropriation for "Medical care": *Provided further*, That the sums herein appropriated are to be derived by transfer from the "Medical care" appropriation provided in Public Law 102-139.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $14,100,000, to remain available until September 30, 1993.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The unreserved balances of funding provided under this heading in Public Law 102-139 and prior years for contracts for capital advances, including amendments to contracts for capital advances, and for project rental assistance, and amendments to contracts for project rental assistance, for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended, and for housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), shall be merged.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

(TRANSFER OF FUNDS)

For an additional amount of up to $407,000,000, to remain available until expended, and to be derived by transfer from the unreserved amounts in "Annual contributions for assisted housing": *Provided*, That the amount earmarked for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, shall be reduced accordingly.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 102-139, $250,000,000 is rescinded: *Provided*, That the $294,156,000 under this heading in the aforementioned Act which is not available until September 20, 1992, shall be reduced by $250,000,000 to $44,156,000.

For an additional amount for "Payments for operation of low-income housing projects", $250,000,000, to remain available until September 30, 1993: *Provided*, That these funds shall be available for obligation without regard to section 9(d) of the United States Housing Act of 1937, as amended: *Provided further*, That these funds shall not become available for obligation until September 20, 1992.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE ACCOUNT

During fiscal year 1992, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall be increased by $25,000,000,000 and shall not exceed $99,769,293,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

The $140,000,000 under this heading in Public Law 102-139 for commitments to guarantee loans shall be increased by $85,000,000 to $225,000,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 101-507, the $500,000 earmarked for the National Commission on Manufactured Housing in Public Law 102-27, is rescinded.

For an additional amount for "Research and technology", $500,000, to remain available under September 30, 1993: *Provided*, That these funds shall be made available for the National Commission on Manufactured Housing.

INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Notwithstanding any other provision of law, not more than $405,000 of the funds provided under this heading in Public Law 102-139 shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 102-139, the $950,000 earmarked for financial assistance for legal representation costs in Public Law 102-229, is rescinded.

For an additional amount for "Salaries and expenses", $950,000, to remain available until September 30, 1994: *Provided*, That these funds shall be available under the same terms and conditions as authorized for the funds under this heading in Public Law 102-229.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

Notwithstanding any other provision of law, the Administrator is authorized to award a grant under section 8001 of the Solid Waste Disposal Act, as amended, for the purchase of a building and associated costs to support a program for the environmental restoration of the Lackawanna Valley as described in House Report 102-226, the conference report accompanying H.R. 2519 (Public Law 102-139).

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $250,000, to remain available until expended, and to be derived by transfer from amounts provided to the Department of Housing and Urban Development under the heading "Research and technology" in Public Law 102-139.

TITLE VI

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

Title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992 (Public Law 102-142) is amended, under the heading "Cooperative State Research Service" in the last item of the first paragraph of that heading, for necessary expenses of Cooperative State Research Service activities pertaining to a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University, by striking "$8,580,000" and inserting in lieu thereof "$10,250,000".

COMMODITY CREDIT CORPORATION

The item relating to the "Commodity Credit Corporation" under the heading "DEPARTMENT OF AGRICULTURE" in chapter III of title I of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229; 105 Stat. 1712) is amended by inserting after "provided to the producer" in the third proviso the following: ", and may be available for grants to assist low-income migrant and seasonal farmworkers as provided in section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a)".

TITLE VII

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount the "Construction program" to meet the emergency needs for areas stricken by drought, $30,000,000, to remain available until expended: *Provided*, That this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for liquidation of obligations incurred for grants-in-aid for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, $100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended.

GENERAL PROVISION

SEC. 801. Section 11(c)(6) of the Federal Transit Act (49 U.S.C. App. 1607c(c)(6)) is

amended by adding at the end the following new sentence: "For fiscal year 1992, the Secretary shall expend from administrative and research funds deducted for such fiscal year under section 104(a) of title 23, United States Code, $1,000,000 for making grants under paragraph (3) to North Carolina A. and T. State University through the Institute for Transportation Research and Education and shall use all amounts appropriated for such fiscal year pursuant to this paragraph to carry out paragraph (3) for making grants to the University of South Florida and a consortium of Florida A and M, Florida State University, and Florida International University.".

TITLE IX

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $320,000, for repairs and improvements to the Main Treasury Building and Annex, to remain available until expended: *Provided*, That language under this heading in the Treasury, Postal Service, and General Government Appropriations Act, 1992 (Public Law 102-141; 105 Stat. 834), is amended by deleting the following: "not to exceed $490,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex"; and inserting in lieu thereof: "not to exceed $1,690,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex".

INTERNATIONAL AFFAIRS

The language under this heading in the Treasury, Postal Service, and General Government Appropriations Act, 1992 (Public Law 102-141; 105 Stat. 834), is amended by inserting after "systems modernization requirements" the following: "; not to exceed $300,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex".

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,298,000, for systems modernization activities, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,000,000 for systems modernization activities, to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $270,000, for expansion and improvements to existing Mint facilities, to remain available until expended.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the Public Debt", $5,226,000, for systems modernization activities, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,400,000, for the White House armored window project, to remain available until expended.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $1,273,000 are rescinded.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $220,000 are rescinded.

PROCESSING TAX RETURNS AND ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $1,460,000 are rescinded.

TAX LAW ENFORCEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $2,999,000 are rescinded.

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $270,000 are rescinded.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-141, $4,292,000 are rescinded.

TITLE X

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Jocelyn Burdick, widow of Quentin N. Burdick, late a Senator from North Dakota, $129,500.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to M. Elizabeth Fischer Jones, widow of Walter B. Jones, late a Representative from the State of North Carolina, $129,500.

For payment to Sonya H. Weiss, widow of Theodore S. Weiss, late a Representative from the State of New York, $129,500.

TITLE XI

EMERGENCY SUPPLEMENTAL APPROPRIATIONS PROVIDING ASSISTANCE FOR NEEDS RESULTING FROM NATURAL DISASTERS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities" to cover the costs for the restoration of Federal research facilities destroyed or damaged by natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $15,000,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

CROP LOSSES

For an additional amount for the "Commodity Credit Corporation Fund" to cover crop losses associated with natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $482,000,000, of which $100,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available through September 30, 1993: *Provided*, That this additional amount is hereby made available as authorized by the terms and conditions specified in Public Law 101-624 and Public Law 102-229: *Provided further*, That such funds shall be available for payments to aquaculture producers and to oyster farmers who harvest oysters commercially: *Provided further*, That in establishing yields for disaster payments to producers of the 1992 crop of sugarcane and sugar beets, the Secretary of Agriculture may make adjustments to county yields for adverse weather conditions during the 1989, 1990, and 1991 crop years; *Provided further*, That, notwithstanding any other provision of law or statute, any producer of crops and livestock who has suffered at least 40 percent loss to a program crop, 25 percent loss to livestock, and damage to building structures in 1992 as a consequence of a microburst wind occurrence shall be eligible for Emergency Crop Loss Assistance pursuant to Public Law 101-624 (7 U.S.C. 1421 note), for Emergency Livestock Feed Assistance pursuant to Public Law 100-387 (7 U.S.C. 1471 note), and for loan guarantees from the Rural Development Insurance Fund program (7 U.S.C. 1929a): *Provided further*, That if the total amount of funds made available under this Act and by Presidential designation in accordance with Public Law 102-299 is insufficient to result in payment to affected producers at the same proportionate rate as producers were paid by expenditure of the $995,000,000 made available by chapter III of Public Law 102-299, the Secretary of Agriculture may use such funds of the Commodity Credit Corporation as are necessary to make payments, to the maximum extent practicable, at the same proportionate rate: *Provided further*, That Congress hereby designates the entire amount provided herein as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

TREE ASSISTANCE PROGRAM

For an additional amount for the "Commodity Credit Corporation Fund" to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $48,000,000 for the tree assistance program, to remain available through September 30, 1993: *Provided*, That such funds shall be used to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory: *Provided further*, That payments under this program shall be determined in accordance with Public Law 101-624: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damages to the waterways and watersheds resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $62,000,000 of which $12,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available through September 30, 1993, to carry out the Emergency Watershed Protection Program of the Soil Conservation Service: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency conservation program" to repair damages to farmland resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $27,000,000, of which $10,500,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Housing Insurance Fund program account" for the cost of section 504 housing repair loans to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $19,750,000, of which $14,750,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available through September 30, 1993: *Provided*, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $39,500,000: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund program account" for the cost of emergency insured loans to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $43,285,000, to remain available through September 30, 1993: *Provided*, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $162,300,000: *Provided further*, That emergency loans made with respect to damage to an annual crop planted for harvest in 1992 and 1993 under subtitle C of the Consolidated Farm and Rural Development Act shall be made available without regard to the purchase of crop insurance under the Federal Crop Insurance Act by the producer who requests such a loan: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Development Insurance Fund program account" for the costs of direct and guaranteed loans to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, to remain available through September 30, 1993, $5,917,000 for the cost of water and sewer facility direct loans, to subsidize additional gross obligations for the principal amount of loans not to exceed $35,500,000; and $18,300,000 for the cost of guaranteed industrial development loans, to subsidize total loan principal any part of which is to be guaranteed, not to exceed $305,000,000: *Provided*, That no application for a loan guarantee under this section shall be denied on the basis that an organization, tribe, or entity engages in whole or in part in production agriculture nor shall such a loan guarantee be denied under provisions of 7 U.S.C. 1926(a)(7): *Provided further*, That Congress hereby designates the entire amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Development Loan Fund program account" for the cost of rural development loans to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $8,104,000, to remain available through September 30, 1993: *Provided*, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $15,500,000: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural water and waste disposal grants" for emergency repair to rural water and waste disposal systems damaged by natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $25,600,000, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants" for emergency repairs to rural housing of the very low-income elderly resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $10,000,000, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For an additional amount for "Rural housing for domestic farm labor" for the cost of repair and replacement of uninsured losses resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $10,500,000, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For an additional amount for "Emergency community water assistance grants" to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $15,400,000, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $3,200,000, to remain available through September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

Notwithstanding any other provision of law, the Secretary may waive the requirements of the National School Lunch Act and the Child Nutrition Act of 1966 as they pertain to schools and institutions only to the degree the Secretary determines necessary to ensure nutrition benefits for program participants in the areas directly affected by natural disasters such as Hurricanes Andrew and Iniki and Typhoon Omar: *Provided*, That Congress hereby designates any cost associated with this waiver as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOOD STAMP PROGRAM

For an additional amount for the "Food stamp program" for making benefit payments to individuals under the Food Stamp Act to meet the needs resulting from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, $400,000,000, to remain available through September 30, 1993.

GENERAL PROVISIONS—CHAPTER I

SEC. 101. Funds provided by this chapter shall be available only to the extent funds are not provided by the Federal Emergency Management Agency.

CHAPTER II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" pursuant to the Public Works and Economic Development Act of 1965 as amended, to be used for grants to assist States and local communities in recovering from the consequences of Hurricane Andrew, Hurricane Iniki, the se-

vere storms that caused damage to electrical cooperatives in the State of Kansas on June 15, 1992, and July 7 and 8, 1992, Typhoon Omar, and other disasters, $70,000,000, to remain available until expended; and in addition, $5,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $9,891,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Operations, research, and facilities", for a grant to the Louisiana Department of Wildlife and Fisheries, for shellfish and fishery habitat restoration, $8,500,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Operations, research, and facilities", to cover incremental costs arising from the consequences of Hurricane Iniki and other disasters, $300,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for grants to States and other eligible entities to cover the costs of tourism promotion needs arising from Hurricane Andrew, Hurricane Iniki, and other disasters, $5,000,000, to remain available until expended: *Provided*, That the grants made available by this appropriation shall not be subject to the local match requirements of 22 U.S.C. 2123: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Of the amounts available under this heading in the Department of Justice Appropriations Act, 1992, not to exceed $510,000 to be used by the Executive Office of Immigration Review may be available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and expenses, United States Marshals Service", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $10,724,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States prisoners", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $16,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $1,139,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $451,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $16,559,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $10,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $5,890,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to cover the incremental costs arising from the consequences of Hurricane Andrew and other disasters, $300,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans, $331,800,000, of which $75,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act

of 1985, is transmitted by the President to the Congress, to remain available until expended; and in addition, for administrative expenses to carry out the disaster loan program, an additional $100,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That none of the funds provided in this Act may be used for the cost of direct loans to any borrower under section 7(b) of the Small Business Act to relocate voluntarily outside the community in which the disaster has occurred.

CHAPTER III

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $10,700,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $58,200,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $8,800,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,900,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,400,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $142,900,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $228,000,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $31,500,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $3,300,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and maintenance, Air Force Reserve" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $13,200,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,400,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $2,000,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an addition amount for "Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,100,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $40,000,000, to remain available until expended, of which $25,000,000 is to cover the incremental costs arising from the consequences of Hurricane Andrew and Hurricane Iniki and $15,000,000 is for the replenishment of this account for future emergency response: *Provided*, That notwithstanding the provisions of 33 U.S.C. 701n, paragraph (a)(1), (Public Law 84-99 as amended), the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to repair and or replace the Mandeville Seawall, a vital shore protection project for Mandeville, Louisiana, damaged by Hurricane Andrew: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $27,000,000, to remain available until expended: *Provided*, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That $26,000,000 of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced

Budget and Emergency Deficit Control Act of 1985, in transmitted by the President to the Congress: *Provided further*, That $24,500,000 of these funds are to be provided as a grant from the Fish and Wildlife Service to the Louisiana Department of Wildlife and Fisheries.

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for "Construction and anadromous fish", $12,765,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That expenditures for Hawaii are to be made only for repair and replacement of existing facilities to approximate conditions current at the time of damage or destruction.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $23,000,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

HISTORIC PRESERVATION FUND

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $300,000, to remain available until expended: *Provided*, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction", $29,000,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $3,375,000, to remain available until September 30, 1993: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That $1,800,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $1,200,000, to remain available until expended: *Provided*, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $1,500,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for "Construction", $3,800,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for "State and private forestry", $4,140,000, to remain available until expended: *Provided*, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER VI

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for Training and Employment Services, $30,000,000, to be available for obligation for the period July 1, 1992–July 30, 1993, for training in areas affected by recent natural disasters: *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For carrying out section 319(a) of the Public Health Service Act with respect to public health emergencies created by natural disasters such as Hurricanes Andrew and Iniki and Typhoon Omar, not to exceed $105,600,000, to remain available until expended: *Provided*, That these amounts shall be available for any activity authorized under the Public Health Service Act, for repairs or replacement of property used in connection with a Federal or Federally-assisted program but damaged or destroyed by the natural disaster, and for the provision to individuals and families directly affected by the disaster of services of the type provided under a program conducted or assisted by the Department: *Provided further*, That notwithstanding sections 214 and 513 of Public Law 102–170, and any other provision of law, amounts spent for travel associated with the performance of additional functions or duties necessitated by Hurricanes Andrew and Iniki or Typhoon Omar shall not be counted against the limits that apply by reason of any such provision: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities related to Presidentially-declared natural disasters such as Hurricanes Andrew and Iniki and Typhoon Omar, including those authorized under section 7 of Public Law 81–874, up to $42,500,000, of which $20,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available until September 30, 1993: *Provided*, That these funds shall be available for any currently authorized activity of the Department of Education: *Provided further*, That the Secretary may waive or modify any requirement of law or regulation which he determines is necessary in order to provide disaster aid as efficiently and expeditiously as possible to individuals or entities affected directly or indirectly by a Presidentially-declared emergency except that waivers or modifications of the Rehabilitation Act of 1973 shall be limited to restrictions regarding requirements for the matching of Federal funds, maintenance of effort, and time period for the obligation of Federal funds, but only if such recipients demonstrate to the satisfaction of the Secretary in their written application that such restrictions impose a demonstrable barrier to the progress of such recipient in overcoming the effects of the natural disaster: *Provided further*, That the Secretary may not waive any laws or regulations regarding civil rights, discrimination, or safety: *Provided further*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

EDUCATIONAL EXCELLENCE

For an additional amount for "Educational excellence", $40,000,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards for award year 1992–1993, made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended prior to enactment of Public Law 102–325, $40,000,000: *Provided*, That notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid

programs under title IV of said Act that the Secretary deems necessary to assist individuals who suffered financial harm from natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar, and who, at the time the disaster struck were residing, attending an institution of higher education, or employed within these areas on the date which, the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): *Provided further*, That notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, exercise this authority, through publication of waivers or modifications of statutory and regulatory provisions, as he deems necessary to assist such individuals: *Provided further*, That such authority shall be in effect only for awards for award year 1992–1993: *Provided further*, That the entire amount is designated by Congress as an emergency requirement for all purposes of the Emergency Deficit Control Act of 1985, as amended.

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" to cover planning costs arising from the consequences of Hurricane Andrew, $10,000,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of these funds are available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions at Homestead Air Force Base, Florida, pending completion of the 1993 Base Closure process.

For an additional amount for "Military Construction, Air Force", $66,000,000, for the limited purpose of restoring airfield operations at Homestead Air Force Base, Florida, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of these funds are available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions at Homestead Air Force Base, Florida, pending completion of the 1993 Base Closure process.

For an additional amount for "Military Construction, Air Force" to cover the incremental costs arising from the consequences of Typhoon Omar, $7,600,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAMILY HOUSING, AIR FORCE

For an additional amount for "Family Housing, Air Force" to cover demolition and clean up costs at Homestead Air Force Base, Florida, arising from the consequences of Hurricane Andrew, $16,000,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Family Housing, Air Force" to cover the incremental costs arising from the consequences of Typhoon Omar, $21,200,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", $60,130,000, for projects at Guam, to remain available for obligation until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Military Construction, Navy" to cover the incremental costs arising from the consequences of Typhoon Omar, $21,400,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for "Family Housing, Navy and Marine Corps", $56,700,000, for family housing at Guam, to remain available for obligation until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental costs arising from the consequences of Typhoon Omar, $30,500,000, to remain available until September 30, 1997: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount of "Operating expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew and Hurricane Iniki, $20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements" to cover the incremental costs arising from the consequences of Hurricane Andrew and Hurricane Iniki, $21,500,000, of which $10,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Facilities and Equipment" to cover the incremental costs arising from the consequences of Hurricane Andrew, Typhoon Omar and Hurricane Iniki, $40,000,000, of which $25,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for grants-in-aid for airport planning and development under section 14 of Public Law 91–258, as amended, to cover the incremental costs arising from the consequences of Hurricane Andrew and Hurricane Iniki, $20,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY RELIEF

(HIGHWAY TRUST FUND)

For an additional amount to the Emergency Fund authorized by 23 U.S.C. 125 to cover the costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $30,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the provisions of 23 U.S.C. 125 (b)(1) and (b)(2) shall not apply to amounts available for these emergencies: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

METROPOLITAN PLANNING

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for "Metropolitan planning" to be made available to metropolitan planning organizations in areas affected by Hurricane Andrew, Typhoon Omar, or Hurricane Iniki for conducting comprehensive reviews of transportation infrastructure needs, $3,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HIGHWAY STUDIES

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For an additional amount to carry out feasibility, design, environmental, and engineering studies, $750,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

For an additional amount, notwithstanding any other provision of law, and without regard to any obligation limitation, $10,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund, to remain available until expended, to assist transit operations affected by Hurricane Andrew and Hurricane Iniki: *Provided*, That the Secretary may establish a Federal share the Secretary deems appropriate in connection with any such project: *Provided further*, That approval by the Secretary of a grant under this provision shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

EMERGENCY TRANSPORTATION

(TRANSFER OF FUNDS)

For an additional amount for "Emergency transportation" to cover the incremental costs arising from the consequences of Hurricane Andrew, $44,000, to be derived by transfer from "Research and technology", to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IX

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $590,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $4,670,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For an additional amount for "Operation and Maintenance, Air and Marine Interdiction Programs" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,500,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For an additional amount for "Customs Air Interdiction Facilities, Construction, Improvements and Related Expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $19,250,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For an additional amount for "Tax Law Enforcement" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,173,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

For an additional amount for "Real Property Operations" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,500,000, to remain available until expended: *Provided*, That the aggregate limitation on Federal Buildings Fund obligations established in Public Law 102-141 is hereby increased by such amount: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For an additional amount for the "Federal Supply Service" to cover the incremental costs arising from the consequences of Hurricane Andrew, $700,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

AGENCY ACCEPTANCE OF DONATIONS FOR FEDERAL EMPLOYEES

SEC. 901. (a) Notwithstanding any other provision of law, Federal agencies may accept gifts of property, money, or anything else of value from non-Federal sources for extraordinary and unanticipated expenses incurred by agency employees in their personal capacity within the areas designated as disaster areas pursuant to the President's declaration of a disaster resulting from Hurricane Andrew, Typhoon Omar, and Hurricane Iniki.

(b) Agencies shall establish written procedures to implement this program, which shall, at a minimum, include provisions to ensure that (1) all money or cash gifts shall be collected directly by the agency before distribution, (2) all property or other tangible gifts shall be recorded and approved by the agency before deliverance to any individual employee, and (3) these gifts are distributed to agency employees in a fair and equitable manner.

(c) Agencies may accept gifts designated for individual employees. Agencies shall ensure that any gift designated for an individual employee is appropriate under the circumstances, taking into account, among other things, the official relationship of the employee to the source of the gift.

(d) This provision shall be effective through September 30, 1993.

CHAPTER X

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, $16,793,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $1,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress.

DEPARTMENT ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, $156,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Annual contributions for assisted housing" for voucher assistance for the victims of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, not to exceed $183,000,000, to be derived by transfer prior to October 1, 1993, from the "Disaster relief" account of the Federal Emergency Management Agency: *Provided*, That such amounts shall be for rental housing voucher assistance pursuant to section 8(o) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f(o)): *Provided further*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except provisions requiring non-discrimination, in connection with the obligation by the Secretary or the use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent

with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Annual contributions for assisted housing" for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, $100,000,000, to remain available until expended: *Provided*, That such amounts shall be available only for the development or acquisition cost of public housing, including major reconstruction of obsolete public housing projects, and modernization of existing public housing pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 14371): *Provided further*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except provisions requiring non-discrimination, in connection with the obligation by the Secretary or the use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress: *Provided further*, That none of the funds in this Act under the heading "HOME Investment Partnerships Program" shall be made available unless an official budget request that includes a designation that the entire amount of the request is an emergency requirement, as defined in section 251 of said Act, for at least a proportional amount of the $100,000,000 provided in this paragraph is transmitted by the President to the Congress: *Provided further*, That notwithstanding any other provision of this Act, funds provided under this heading that are allocated by the Secretary to the State of Hawaii are for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108), and in the case of programs for individuals directly to lessees under the provisions of the Act of July 9, 1921.

HOUSING COUNSELING ASSISTANCE

For an additional amount for "Housing counseling assistance" for contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, $500,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FHA-GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for the "FHA-General and special risk program account" for the cost of guaranteed loans authorized by the National Affordable Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $30,397,000, of which $10,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available until the end of fiscal year 1993: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed prior to the end of fiscal year 1993, not to exceed $2,428,000,000: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, $60,000,000, to remain available until expended: *Provided*, That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided under this heading, required any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of Public Law 101-625: *Provided further*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except for provisions requiring non-discrimination, in connection with the obligation by the Secretary or any use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress: *Provided further*, That notwithstanding any other provision of this Act, funds provided under this heading that are allocated by the Secretary to the State of Hawaii are for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108), and in the case of programs for individuals directly to lessees under the provisions of the Act of July 9, 1921.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for necessary administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, $4,000,000, to remain available through September 30, 1993: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $200,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act, $2,893,000,000, of which not to exceed $50,000,000 may be transferred to the "Community Disaster Loan Program" account for administrative expenses in subsidies for direct loans provided under section 417 of such Act, and of which $143,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress, to remain available until expended: *Provided*, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans for the "Community Disaster Loan Program", not to exceed $200,000,000: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The limitation on direct loans for the "Disaster assistance direct loan program account" is increased, within existing funds, by $30,000,000 to not to exceed $58,000,000: *Provided*, That any unused portion of the direct loan limitation shall be available until September 30, 1993: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared natural disasters, $15,000,000, to remain available until expended: *Provided*, That these funds may be expended only for the Office of Disaster Assistance at headquarters and the Disaster Assistance Divisions in the regions: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE XII

ADDITIONAL ASSISTANCE TO DISTRESSED COMMUNITIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide appropriations for the fiscal year ending September 30, 1993, to implement initiatives to improve the quality of life and expand economic opportunity, namely:

COMMUNITY INVESTMENT PROGRAM

For grants to States, units of general local government and other entities as authorized by law for implementing activities to rejuvenate neighborhoods and promote economic opportunity, $500,000,000, subject to enact-

ment of subsequent authorizing legislation, to remain available until September 30, 1994: *Provided*, That, of the funds made available under this head, not more than $400,000,000 may be made available for an "Enterprise Community Block Grant Demonstration Program", subject to enactment of subsequent authorizing legislation: *Provided further*, That, of the funds made available under this head, not more than $200,000,000 may be made available for a "National Public/Private Partnership Program" which shall consist only of eligible programs, projects and activities under the following programs:

Job Corps Program under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1692 et. seq.);

Community health centers under section 329 and section 330 of the Public Health Services Act (42 U.S.C. 254c);

Head Start Program under the Head Start Act (42 U.S.C. 9831 et. seq.);

Projects with respect to high risk youth under section 517 of the Public Health Service Act (as amended by the ADAMHA Reorganization Act);

YouthBuild Program under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act;

Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107);

Salaries and Expenses, United States Attorneys, only to assist local law enforcement agencies for additional coordination of Federal law enforcement and prosecutorial activities;

Assistance to companies operating under authority of section 301(d) of the Small Business Investment Act of 1958;

Enterprise Capital Access Fund Demonstration Program, subject to the enactment of authorizing legislation;

National Community Economic Partnership Program, subject to the enactment of authorizing legislation;

Capacity Expansion Program under section 509F of the Public Health Service Act, as amended by P.L. 102-321;

Treatment Improvement Program under sections 301 and 509G of the Public Health Service Act, as amended by P.L. 102-321; and

Literacy activities authorized under the National Literacy Act of 1991:

Provided further, That none of the funds under this head shall be made available until authority is provided in subsequent authorizing legislation.

This Act may be cited as the "Dire Emergency Supplemental Appropriations Act, 1992, Including Disaster Assistance to Meet the Present Emergencies Arising From the Consequences of Hurricane Andrew, Typhoon Omar, Hurricane Iniki, and Other Natural Disasters, and Additional Assistance to Distressed Communities".

Resolved, That the House disagree to the amendments of the Senate numbered 1 through 68 to the aforesaid bill.

Mr. BYRD. Mr. President, I ask unanimous consent that all Senators may have the privilege of inserting their statements in the RECORD as though read.

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

Mr. BYRD. Mr. President, Senators will recall that on Tuesday of this week, the Senate completed action on H.R. 5620, the 1992 supplemental appropriation bill. The Senate-passed bill included regular supplementals, rescissions, and transfers in titles I through X.

Title XI of the Senate-passed bill included a total of $10.5 billion in budget authority, loans, and loan guarantees to provide disaster assistance to those affected by Hurricanes Andrew and Iniki, Typhoon Omar, and other disasters such as tornadoes, floods, and drought.

Title XII of the Senate-passed bill included $500 million in fiscal year 1993 appropriations for urban aid programs, contingent on authorization.

Upon completion of Senate action on H.R. 5620, the Senate insisted on its amendments and requested a conference with the House. The House, in order to expedite action on this very urgent and critical legislation, chose not to go to conference with the Senate. Instead, as is its right, the House earlier today disposed of the Senate amendments and that message is now the pending business. The effect of the House action was to include, in Senate amendment numbered 69, the entire text of the appropriations for all titles of the bill—the regular supplementals, disaster assistance, and urban aid.

I will now summarize the major provisions of the House proposal. For the fiscal year 1992 regular supplementals, the House proposes:

First, an appropriation of $949 million for environmental cleanup costs of the Department of Defense.

Second, transfers from the Defense cooperation account totaling $3.471 billion to reimburse DOD for its costs related to Desert Storm/Shield. These funds came from the Allied contributions to the gulf war and this transfer fully depletes this account and fully reimburses DOD for its war-related costs.

Third, an appropriation of $237.7 million in advances to the unemployment trust fund, as requested by the administration.

Fourth, an appropriation of $500 million for veterans compensation and pensions.

Fifth, an appropriation of $14.1 million for VA's operating expenses.

For disaster assistance, the House proposal includes $2.9 billion for the Federal Emergency Management Agency [FEMA]; $400 million for Food Stamps; $482 million for crop losses; $160 million for the Farmers Home Administration; $106 million for the public health emergency fund; $123 million for education assistance; $75 million for the EDA's Disaster Assistance Program; $195 million for various housing programs; $432 million for SBA's disaster loan program; and a number of other disaster assistance appropriations, as well as $2.03 billion in direct loans and $2.73 billion in guaranteed loans.

For urban aid, the measure before us includes $500 million, the same amount as the Senate-passed bill. These are fiscal year 1993 funds and are contingent on enactment of authorizing legislation.

I should point out that the House proposal does not include a provision that was included in the Senate-passed bill to prohibit the Department of Labor from implementing certain regulations pertaining to the so-called helper category of workers under the Davis-Bacon Act and new regulations affecting apprenticeship programs in the construction industry. Unfortunately, this morning the President indicated that he would veto this bill if it included this provision. As a result, regrettably the House has stricken the prohibition on so-called helper regulations from the pending proposal.

The President has indicated that he will sign the bill if it is sent to him without further amendment. I urge Senators who may not be satisfied by the House action on certain amendments, to allow the Senate to quickly complete action on this bill so that it can be sent to the President for his signature.

The thousands of people who have suffered devastating losses as a result of hurricanes, typhoons, floods, tornadoes, and drought deserve prompt enactment of this bill.

Mr. HATFIELD. Mr. President, we all want to move as quickly as possible on this measure, so I will be brief.

Most of the attention given this bill has been focused on the disaster assistance title, which will provide a total of $6.3 billion in budget authority and $4.7 billion in direct and guaranteed loans for disaster relief for the victims of Hurricane Andrew, Typhoon Omar, Hurricane Iniki, and other natural disasters.

We should not lose sight of some other items in this bill, however, notably the $500,000,000 for veterans' compensation and pensions, $80,000,000 for international peacekeeping activities, $31,250,000 for defender services, $237,652,000 for advances to the unemployment trust fund, and $500,000,000 in fiscal year 1993 funds, subject to authorization, for additional assistance to distressed communities.

The funding levels for disaster assistance recommended in this bill were negotiated late last night and early this morning between House and Senate Appropriations Committee staff and representatives from the Office of Management and Budget. The provision concerning the so-called Davis-Bacon helper regs has been removed in response to the President's objections. Senate adoption of the amendment before us will clear this matter for the President's signature.

Mr. President, I thank the chairman and I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MITCHELL. Mr. President, is the pending business the Defense authorization bill?

The PRESIDING OFFICER. The Senator is correct.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I understand the distinguished Senator from New Mexico is desirous of bringing up an amendment. The managers of the bill are quite anxious to accommodate the procedure to bring this amendment up. Accordingly, I ask unanimous consent that the pending amendments by the Senator from Virginia and the Senator from Georgia be temporarily laid aside for the purpose of considering an amendment by the distinguished Senator from New Mexico [Mr. DOMENICI] relating to abused spouses. And that during the pendency of this amendment, no other amendments be in order, and that the time be 30 minutes under the control of the Senator from New Mexico and basically half that amount, 15, under the control of the Senator from Virginia.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe my understanding was no second-degree amendment would be in order.

Mr. WARNER. I believe I so stated. If I did not, the Senator correctly amended my unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Senator from Florida.

Mr. MACK. Mr. President, it is not my intent to object other than to again inform the Senate that Senator GRAHAM and I have an amendment which we have been trying to offer with respect to the Cuban Democracy Act. We have been available all day. Unfortunately we have been unable to get a time agreement from Senator DODD who is in opposition to this amendment.

I suggest again the amendment was passed, at least the heart of the amendment was passed, 2 years ago, 84 to 13. We are going to be here all through the night into tomorrow. We are going to offer that amendment so I hope there would be an opportunity to come to some time agreement. I do not object.

The PRESIDING OFFICER. Is there objection? The Senator from Arkansas.

Mr. PRYOR. Mr. President, reserving the right to object, and I will not object—but in order to see if we might get a little order here in the line of amendments, I wonder if it would be in order to ask the distinguished managers if, after the disposal of the amendment by the Senator from New Mexico, after we dispose of that amendment if we could consider the amendment on the ASPJ radar jammer? I would like to bring that to the attention of our colleagues, after the Domenici amendment is disposed of.

Mr. WARNER. Mr. President, I would like to say the Senators from Florida are desirous of seeking recognition. They have been very patient.

So far as I can determine I think that view is shared by the distinguished chairman, presently absent from the floor. That amendment relating to Cuba is the principal question mark by which we are all trying to estimate conclusion of action on this bill, hopefully tonight.

Having said that I now turn to my distinguished colleague from Arkansas and we would be happy to entertain that amendment. Could we now determine the amount of time that would be required?

Mr. PRYOR. Is the Senator from Arkansas determining that the Senator from Virginia is stating that we can consider my amendment immediately after the disposition of that of the Senator from New Mexico?

Mr. WARNER. That is correct.

Mr. PRYOR. Mr. President, if I have 15 minutes on my amendment that would be very satisfactory.

Mr. WARNER. Mr. President, I wonder if our good friend would consider amending that whereby he would take 10 and consistent with the policy we are trying to adopt here, the committee managers will take but half the time; 5 minutes? Total of 15? With no amendments in order.

Mr. PRYOR. The Senator from Arkansas will agree to that.

Mr. WARNER. Will the Senator care to propound the unanimous-consent request?

The PRESIDING OFFICER. The Senator from Virginia has propounded a unanimous-consent request.

Mr. WARNER. Fine. I have one pending with respect to the amendment of the Senator from New Mexico.

I have now stated the basic outline of the unanimous-consent request regarding the Senator from Arkansas and I combine both unanimous-consent requests into one.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 3075

(Purpose: To amend title 10, United States Code, to provide benefits for the spouse or former spouse of a member of the Armed Forces who becomes disqualified for retired or retainer pay on the basis of misconduct involving abuse of a dependent).

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of myself and Senators BUMPERS, COHEN, DECONCINI, DURENBERGER, D'AMATO, GORTON, KASSEBAUM, KASTEN, LUGAR, MCCONNELL, MIKULSKI, ROBB, SEYMOUR, JEFFORDS, and PACKWOOD, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. BUMPERS, Mr. COHEN, Mr. DECONCINI, Mr. DURENBERGER, Mr. D'AMATO, Mr. GORTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LUGAR, Mr. MCCONNELL, Ms. MIKULSKI, Mr. ROBB, Mr. SEYMOUR, Mr. JEFFORDS, and Mr. PACKWOOD, proposes an amendment numbered 3075.

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

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

The amendment is as follows:

On page 487, between lines 12 and 13, insert the following:

SEC. 1064. BENEFITS FOR SPOUSES AND FORMER SPOUSES OF MEMBERS WHO BECOME DISQUALIFIED FOR RETIRED PAY BY REASON OF MISCONDUCT INVOLVING ABUSE OF A DEPENDENT.

(a) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 71 the following new chapter:

"CHAPTER 72—MISCELLANEOUS PROTECTIONS, RIGHTS, AND BENEFITS FOR DEPENDENTS

"Sec.

"1421. Annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a dependent.

"1422. Other benefits.

"§ 1421. Annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a dependent

"(a) REQUIREMENT TO PAY ANNUITY.—The Secretary of a military department shall, upon application, pay an annuity under this section to an eligible spouse or former spouse of a member (described in subsection (b)) of the armed force under the jurisdiction of that Secretary.

"(b) ELIGIBLE PERSONS.—A spouse or former spouse of a member of the armed forces is eligible to receive an annuity under this section if—

"(1) after the member becomes eligible to be retired on the basis of years of service, the member's eligibility to receive retired pay or retainer pay is terminated as a result of misconduct of the member or former member involving abuse of a dependent; and

"(2) the spouse or former spouse—

"(A) was the victim of the abuse and was married to the member at the time of that abuse; or

"(B) is a natural or adopted parent of a dependent child of the member who was the victim of the abuse.

"(c) ADVERSE ACTIONS COVERED.—This section applies with respect to terminations of eligibility to receive retired pay or retainer pay as a result of a conviction by a court-martial or an administrative separation from the armed forces.

"(d) AMOUNT OF ANNUITY.—(1) The amount of the annuity payable under this section to a spouse or former spouse of a member referred to in subsection (b)(1) shall be equal to the lesser of—

"(A) the percentage determined under paragraph (2) of the amount of the retired pay or retainer pay which the member would

have received on the date on which the spouse's or former spouse's entitlement to that annuity becomes effective if the member had been retired from the armed forces entitled to receive retired or retainer pay on that date; or

"(B) the amount that is equal to such portion of the member's retired or retainer pay as is provided for in an applicable court order (as defined in section 1408(a) of this title), if any.

"(2)(A) In the case of spouse or former spouse who has been married to the member for 20 or more years, at least 20 of which were during the period the member performed service creditable in determining the member's eligibility for retired or retainer pay, the percent applicable under paragraph (1)(A) is 50 percent.

"(B) In the case of a spouse or former spouse not described in subparagraph (A), the percent applicable under paragraph (1)(A) is the percent (rounded to the nearest one percent) that is determined by—

"(i) multiplying 50 percent times the number of years during the member's service creditable in determining the member's eligibility for retired or retainer pay that the spouse or former spouse has been married to the member; and

"(ii) dividing the product computed under clause (i) by 20.

"(3) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the annuity payable under this section to the spouse or former spouse of a member referred to in subsection (b)(1) shall be increased at the same time. The annuity shall be increased by the percent by which the retired pay or retainer pay of the member would have been increased if the member were receiving retired or retainer pay.

"(e) COMMENCEMENT AND TERMINATION.—(1) The eligibility of a person to receive an annuity under this section on the basis of a termination of eligibility for retired or retainer pay shall become effective as of the first day of the month in which the action that terminates the eligibility for retired or retainer pay is taken, as determined under regulations prescribed by the Secretary of the military department concerned.

"(2) Eligibility to receive an annuity under this section with respect to a member referred to in subsection (b) shall terminate—

"(A) in the case of an annuitant who marries again after the effective date of the annuity before attaining 55 years of age, on the date of such marriage; and

"(B) in the case of an annuitant who resumes cohabitation with the member, on the date on which the cohabitation resumes.

"(3) A person's eligibility to receive an annuity under this section that is terminated under paragraph (2)(A) by reason of remarriage shall be resumed in the event of the termination of that marriage by the death of that person's spouse or by annulment or divorce. The resumption of payment of the annuity shall begin as of the first day of the month in which that marriage is so terminated. The monthly amount of the resumed annuity shall be the amount that would have been paid if the entitlement to the annuity had not been terminated.

"(f) APPLICATION FOR ANNUITY.—(1) An application for an annuity under this section shall be made in the form and manner prescribed by the Secretary of the military department concerned. The application shall include the certification of the applicant, under oath or by affirmation, that no circumstances exist that would terminate the eligibility of the applicant for that annuity under subsection (e).

"(2) No annuity shall be paid under this section to a spouse or former spouse of a member of the armed forces referred to in subsection (b)(1) unless the spouse or former spouse applies for that annuity within one year after the date of the action referred to in subsection (e)(1).

"(3) the spouse or former spouse certifies to the Secretary of the military department concerned that none of the circumstances described in subsection (e)(2) exist in the case of the spouse or former spouse.

"(g) RECERTIFICATION OF ELIGIBILITY.—The Secretary of the military department concerned may require a recipient of an annuity under this section to recertify, at any time or on a periodic basis, that no circumstances exist that would terminate the eligibility of the applicant for that annuity under subsection (e). Each certification shall be made under oath or by affirmation.

"(h) MEMBER TO HAVE NO CLAIM AGAINST ANNUITY.—Notwithstanding any other provision of law, a member of the armed forces referred to in subsection (b)(1) shall have no ownership interest in, or claim against, an annuity payable under this section to a spouse or former spouse of the member.

"(i) OFFSET OF PAYMENTS TO INCARCERATED MEMBER.—If in any month a member of the armed forces referred to in subsection (b)(1) is incarcerated for any period during that month and is entitled to receive any payment from the United States—

"(1) the amount so payable shall be withheld to the extent of the amount of annuity payments made with respect to that member under this section and not recouped pursuant to this subsection before that month; and

"(2) the entitlement of that member to the amount so withheld shall terminate.

"(j) DEFINITIONS.—In this section:

"(1) The term 'dependent' means a spouse or dependent child.

"(2) The term 'dependent child', with respect to a member of the armed forces referred to in subsection (a), means an unmarried legitimate child, including an adopted child or a stepchild of the member, who—

"(A) is under 18 years of age;

"(B) is incapable of self-support because of a mental or physical incapacity that existed before becoming 18 years of age and is or, at the time of the action described in subsection (e)(1) with respect to that member, was dependent on the member for over one-half of the child's support; or

"(C) if enrolled in a full-time course of study in an institution of higher education recognized by the Secretary of Defense for the purposes of this clause, is under 23 years of age and is or, at the time of the action described in subsection (e)(1), was dependent on the member for over one-half of the child's support.

"§ 1422. Other benefits

"A spouse or former spouse of a member of the armed forces referred to in subsection (b)(1) of section 1421 of this title shall be entitled, while receiving an annuity under that section—

"(1) to receive medical and dental care under the provisions of chapter 55 of this title to the same extent as a dependent of a retired member of the armed forces;

"(2) to use the commissary and exchange stores on the same basis as a dependent of a retired member of the armed forces; and

"(3) to receive any other benefits that a dependent of a retired member is entitled to receive on the basis of being a dependent of a retired member.".

(2) The tables of chapters at the beginning of subtitle A of such title and part II of such subtitle are amended by inserting after the item relating to chapter 71 the following:

"72. Miscellaneous protections, rights, and benefits for dependents ..... 1421".

(b) FUNDING FOR ANNUITIES.—Section 1463 of such title is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(5) annuities payable under section 1421 of this title.".

(c) APPLICABILITY.—(1) Section 1421 of title 10, United States Code (as added by subsection (a)), shall apply with respect to terminations of eligibility to receive retired or retainer pay that take effect before, on, or after the date of the enactment of this Act.

(2) Notwithstanding subsection (f)(2) of such section 1421, in the case of a spouse or former spouse claiming eligibility to receive an annuity under that section on the basis of a termination of eligibility to receive retired or retainer pay that took effect before the date of the enactment of this Act, no annuity shall be paid that spouse or former spouse under such section unless the spouse or former spouse applies for that annuity within one year after that date.

(3) No annuity shall accrue under such section 1421 for periods before the date of the enactment of this Act.

(d) REPORT ON OTHER ACTIONS.—(1) Not later than February 28, 1993, the Secretary of Defense shall transmit to the Congress a report on the actions taken and planned to be taken by the Department of Defense to reduce or eliminate disincentives for a dependent of a member of the Armed Forces abused by the member to report the abuse to appropriate authorities.

(2) The actions considered by the Secretary should include the provision of treatment, child care services, health care services, job training, job placement services, and transitional financial assistance for dependents of members of the Armed Forces referred to in paragraph (1).

(e) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study in order to—

(A) determine the number of persons who became eligible to receive an annuity under section 1421 of title 10, United States Code (as added by subsection (a)), as of each of fiscal years 1980 through 1992;

(B) estimate the number of persons who will become eligible to receive an annuity under such section during each of fiscal years 1993 through 2000;

(C) determine, for each of fiscal years 1980 through 1992, the number of members of the Armed Forces who, after having completed at least one, and less than 20, years of service, were approved in that fiscal year for separation from the Armed Forces as a result of abuse of a spouse or dependent child; and

(D) estimate, for each of fiscal years 1993 through 2000, the number of members of the Armed Forces who, after having completed at least one, and less than 20, years of service in that fiscal year, will be approved in that fiscal year for separation from the Armed Forces as a result of abuse of a spouse or dependent child.

(2) The study shall include a thorough analysis of—

(A) the effects, if any, of appeals and requests for clemency in the case of courts-martial convictions on the entitlement to

and the payment of annuities under section 1421 of title 10, United States Code (as added by subsection (a));

(B) the socio-economic effects on the dependents of members of the Armed Forces described in subsection (b) of such section that result from terminations of the eligibility of such members to receive retired or retainer pay; and

(C) the effects of separations of such members from the Armed Forces on the mission readiness of the units of assignment of such members when separated and on the Armed Forces in general.

(3) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

Mr. DOMENICI. Mr. President, this may be the year of the woman, but women who are spouses in the military have every reason to question that designation.

This is a very simple proposition. Perhaps my good friend from Virginia who will oppose it at the prodding of certain of our military leaders seeks to make it complicated. Perhaps they have conjured up all kinds of ghosts and problems for the military. But let me tell the Senate simply what this does.

First, let me give a hypothetical because I do not choose to use a real person and real names, but believe it, Mr. President, this hypothetical exists today, many times over in the military of the United States.

My amendment applies only to a member of the military service who has severed 20 years. There are a lot of other problems with 5 years and 8 years, but this is 20 years.

So here we have a man and a woman, American military, 20 years of service and a military court finds that the husband has guilty of spousal abuse. They say to him: You are out of the military, here is your dishonorable discharge, and with it every right that anyone had in extinguished.

Do you get the message? The woman who was abused and had the courage to file her complaint, the man is found guilty and they say to her: Thank you, ma'am, now you can go home, you can get a divorce, but you are not going to get one penny of the vested pension that your husband earned in behalf of himself and you.

And what about your children? Believe me, Mr. President, there are situations where the abuse is of the children and he is removed from the military and the children and the wife get nothing. Is that right? How come the military did not fix this?

I am the best supporter the military has in this Senate, at least as good as any. I praise the competency of the men and women who lead this military and I cannot understand how shortsighted they could be that meeting after meeting they conjure up new problems with this simple proposition.

Of late, I guess it is going to denude the military of all kind of pensions because there are a lot of people dishonorably discharged. Mr. President, that is not the issue. Let the military take care of that in this study.

This amendment is simple. It says in the U.S. military where a member of the military service is convicted by a military court, dishonorably discharged, that that court, nor the generals of the Army cannot take away the rights to some portion of the pension of that woman who was abused, and we say half.

What is wrong with that? Let me tell you, we are not alone in this. I happen to have found this problem as a living, real problem in my State. I do not choose to use names, but I give you the hypothetical only to tell you that this hypothetical lives, breathes and is alive in the streets of the United States.

Guess what the military is doing with this kind of approach? They are saying to a woman who was abused, keep your mouth shut or you will not get a pension. How do you like that? I cannot believe that the Joint Chiefs of Staff or the man that I know as the chief would condone the military telling us they do not want this amendment. I just do not believe it.

It is not very costly so they cannot be down here on cost. In fact, I say to my friend from Maine, it is funded in case we pass it because the appropriators understood it in a minute. It is going to cost about $1 million. If you look in the appropriations bill, there is $1 million in there. It says if we pass it, it is there, so no other branch of Government will get hurt. You pay half the pensions to spouses of the type I have just described.

Let me tell you some of the arguments made in my office against this, if you can believe it. This will encourage women to squeal on their husbands and accuse them of child abuse when there is none.

Let me say, generals, are you indicting your own courts? The men sit on those courts. There are not very many women. Are you thinking that if they squeal and you are not guilty that these courts are going to find them guilty anyway? That is ridiculous.

So it seems to me that the various associations in this country that are concerned about seeing to it that abuse is mitigated are all on the right track and they say this bill ought to be adopted right now.

I will read the last paragraph of a letter from the National Organization of Victim Assistance:

Your bill, when enacted and publicized among the Armed Forces, may well prove to be the most effective tool of law enforcement, of crime prevention, and of victim assistance that has ever been employed in our large military establishment. We therefore look forward to its speedy enactment.

Marlene Young, Ph.D., J.D., executive director of the organization I stated.

The Retired Officers Association, 380,000 members are in the Retired Officers Association. Similar language: Applaud your efforts, urge its passage, signed by retired Col. Paul Arcari.

Commissioned Officers Association, William Lucca, Jr., same language:

We believe that abused military dependents should be encouraged rather than discouraged from reporting abuse. The legislation is long overdue and we endorse it wholeheartedly.

National Military Family Association, another large group, same language: Adopt it, long overdue.

Air Force Association: Pass it, long overdue.

I ask unanimous consent that all these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE,
Washington, DC, September 4, 1992.

Hon. PETE V. DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: Having reviewed the "Abused Military Dependents Act of 1992," I write to commend you very warmly for discerning a potentially-acute problem and moving to correct it.

There are many disincentives to reporting cases of family violence. Among some victimized women and children, the realistic fear of becoming destitute if their abuser is brought to justice is one such powerful disincentive. That fear must be especially prevalent among dependents of American military personnel.

Those dependents are already at elevated risk of being abused and of not wanting anyone to know about it. Having worked for years with military psychologists and chaplains, I have learned about the stresses on family life among members of the armed forces, of their higher incidence of intrafamily abuse, of the uprootedness of that life, and of the consequent lack of support systems for military dependents.

And for many such spouses, "dependent" is just the right term, being functionally unable to develop independent, self-supportive careers on their own.

Given these circumstances, the economic dangers of reporting chronic abuse by their military spouses is likely to be well known among those victims, and they doubtless have proven to be an effective club to enforce their silence.

Your bill, when enacted and fully publicized among the armed forces, may well prove to be the most effective tool of law enforcement, of crime prevention, and of victim assistance that has ever been employed in our large military establishment. We therefore look forward to its speedy enactment.

Sincerely,

MARLENE A. YOUNG, Ph.D., J.D.,
Executive Director.

THE RETIRED OFFICERS ASSOCIATION,
Alexandria, VA, August 7, 1992.

Hon. PETE V. DOMENICI,
Senate Dirkson Office Building, Washington, DC.

DEAR SENATOR DOMENICI: On behalf of the 380,000 members of The Retired Officers Association, I am pleased to express our support for the goals stated in S. 3009, The Abused Military Dependents Protection Act of 1992.

There can be no doubt that spousal and child abuse have become pervasive problems in our society. Media reports make this abundantly clear each day. As you have so accurately stated in your letter, the military society is particularly susceptible to these problems because of the unique stresses endured by military families; stresses causes by frequent moves to far-flung places in the world and multiple family separations.

We applaud your efforts to remedy this situation by providing protection for the victims of this abuse. While time has not permitted a more in-depth analysis of the bill provisions, we give our wholehearted support to your efforts and goals.

Sincerely,

PAUL W. ARCARI,
Colonel, USAF (Ret.),
Director, Government Relations.

COMMISSIONED OFFICERS ASSOCIATION OF THE U.S. PUBLIC HEALTH SERVICE,
Washington, DC, August 6, 1992.

Hon. PETE V. DOMENICI,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: The Commissioned Officers Association of the U.S. Public Health Service strongly supports S. 3009, the Abused Military Dependents Protection Act of 1992, which you have introduced into the U.S. Senate. We agree with you that we must encourage reporting of abuse crimes and provide appropriate assistance to the victims and counseling to the offenders.

We believe that abused military dependents should be encouraged rather than discouraged from reporting abuse. This legislation is long overdue and we wholeheartedly endorse it.

Sincerely,

WILLIAM J. LUCCA, Jr.,
Executive Director.

NATIONAL MILITARY FAMILY ASSOCIATION,
Alexandria, VA, July 29, 1992.

Hon. PETE V. DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: The National Military Family Association is pleased to strongly support S. 3009, the Abused Military Dependents Protection Act of 1992, which you have introduced in the U.S. Senate. We agree with you that many abused spouses may be extremely reluctant to report the abuse or even seek appropriate assistance for fear their only source of economic support could be terminated.

We are deeply grateful for your concern for these families and offer any assistance you may need to secure passage of this important legislation.

Sincerely,

MARGARET VINSON HALLGREN,
President.

AIR FORCE ASSOCIATION,
Arlington, VA, August 6, 1992.

Hon. PETE DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: On behalf of the more than 200,000 members of the Air Force Association, I extend our sincere thank you for sponsoring S. 3009, the Abused Military Dependents Protection Act of 1992.

The important legislation you have proposed will provide an earning for family members who otherwise would be left financially in need. We encourage inclusion of S. 3009 in the DoD Authorization Bill for FY 1993.

Thank you for your work on behalf of military families.

Respectfully,

O.R. CRAWFORD.

Mr. DOMENICI. Mr. President, I am trying very hard to accommodate a very busy Senate schedule. I understand that measures like this perhaps at this late hour should not be brought before the Senate. Maybe some would say why not put it off? I am sure some would say why do we not study it? It has been studied to death. They know about this problem.

In fact, the chronology of this event, just this issue since I have been involved, shows that it was being studied and a report issued 3 months before I brought the issue to the attention of the Defense Department—3 months before. As a matter of fact, they sent us their findings. I will print it in the RECORD shortly.

Mr. President, shortly I want to yield to my friend from Maine, but Senator MIKULSKI was unable to speak this evening and she asked that I insert a statement in the RECORD. I am going to do that, but I am going to read first her expression.

I would like to express my support for the amendment offered by the senior Senator from New Mexico. This amendment would provide protection to abused military dependents. As a cosponsor, I feel very strongly it should be adopted.

(At the request of Mr. DOMENICI, the following statement was ordered to be printed in the RECORD:)

• Ms. MIKULSKI. Mr. President, I would like to express my support for the amendment offered by the senior Senator from New Mexico. This amendment would provide protection to abused military dependents. As a cosponsor of this legislation, I feel very strongly that it should be adopted.

This very modest piece of legislation simply provides to abused spouses and children a portion of the retirement benefits that are rightfully theirs.

Right now, the system punishes not only the abusive spouse or parent, but also the innocent victims. If a member of the military is convicted of a crime and sent to prison, his retirement benefits are taken away. This leaves his dependent family members without any means to support themselves. Faced with the threat of impoverishment, where is the incentive for victims to report such violent crimes as spouse and child abuse?

Mr. President, this amendment is focused on an issue that must be addressed. I commend Senator DOMENICI for taking the lead in correcting a wrongful situation. And I urge all Senators to support this amendment.•

Mr. DOMENICI. Mr. President, I will conclude by now telling the Senate what I was going to refer to a while ago by reading an excerpt from the letter of the Assistant Secretary of Defense for Force Management Personnel stating, "As you know, we have been concerned about this issue for some time, have been exploring potential alternative legislative solutions as well as measures not requiring legislation. We are conducting a formal detailed review by the services, by general counsel within the Office of the Secretary." That is dated August 14.

It seems to me that clearly the military understands that we ought to do this, and I think very simply while they want to study it further, we ought to adopt this amendment which mandates a further study of all sides of this issue, but we ought to say to those with 20 years who have suffered abuse, where there military member is being removed from service in the Armed Forces, they do not lose their pension rights; they are entitled to half of it. And with that I yield to my friend from Maine.

The PRESIDING OFFICER (Mr. GLENN). The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I will be very brief. We have many more amendments that are pending, and I think this issue is fairly clear cut.

This is a body that just last week went on record in an overwhelming fashion on an issue called stalking. In the legislation that we adopted we called upon the National Institutes of Justice to develop a model law because of a problem, stalking, that has reached epidemic proportions in this country. There are roughly 4 million men who are injuring women on a daily basis now. As a matter of fact, the most common form of injury inflicted upon women comes at the hands of men. So this is a body which went on record saying we need to develop a model piece of legislation to help the States deal with this issue. It is epidemic. It is increasing. It is dangerous to women in this country.

So we pass that legislation last week, and yet we come to this issue this week and we say, well, it does not apply to the military.

Most of us who serve on the Armed Services Committee have a deep understanding of the kinds of sacrifices that spouses have to make in terms of their own careers. The importance of a wife to the career of any military man is extraordinary. They give up in many cases their careers. In most cases they have to be prepared to move on a moment's notice to another location, to pick up their roots, pick up their family, leave their friends, move from city to city or country to country, throughout that 20- or 30-year period of time. Tremendous stress is placed upon a spouse.

Now we are saying, though, in addition to those stresses—of giving up your friends, giving up your roots, imposing this burden upon taking your family, moving them once again—we are now saying if you have a domestic problem, you have a husband, or it

could be the reverse, but let us say a husband who is inflicting abuse upon you, you have a choice. You can lose your benefits or absorb the abuse. You have the choice. If you choose to take the abuse, you will get your benefits. If you keep your mouth shut and say nothing, then you will get whatever benefits your husband is entitled to upon his retirement.

We pass whistleblower laws in this Chamber. We encourage to blow the whistle on those who are committing an abuse of our governmental system, who are abusing our programs, and it seems the height of irony to say that we are not going to have a whistleblower law that protects the spouses of our military personnel.

As the Senator from New Mexico has pointed out, this is not something that applies across the board. Twenty years of service is involved. But what we are saying under the current law is that you must bear that burden. You must maintain your silence. You cannot blow the whistle. You cannot report your husband who might be having a problem with alcohol or drugs or simply a mental imbalance but nonetheless is abusing you physically, emotionally, putting you through a hell on Earth, you or your children. You cannot raise one word of complaint because if you do and they find you are telling the truth and he is discharged dishonorably, you are out in the cold.

So you have no career. You have no real stability in the sense that you have community roots because they can be uprooted on a moment's notice. And now we are saying that you have no remedy. If you choose to speak out, if you choose to seek relief, you may very well find yourself not only without community support, you will find yourself with impoverishment, without any means of support. So I urge the adoption of the amendment of my friend.

Mr. DOMENICI. Mr. President, I thank my friend, Senator COHEN from Maine.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Fifteen minutes.

Mr. DOMENICI. Mr. President, I am just going to take another minute and yield the floor.

I think Senators should know that under the military survivors' benefits plan, as well as title X of Public Law 97-252, Uniformed Services Former Spouses Protection Act, if you have the exact same situation that I have hypothetically put before you but your husband has not been found guilty of child abuse and dishonorably discharged, you have precisely the rights we are trying to give in this case. But if that spouse is found guilty by a military tribunal of abusing his spouse, that vested right that you would otherwise have is gone with the discharge.

Now, I respect the military's tradition that with the discharge goes the rights if there is a dishonorable discharge. But, Mr. President, in this case you are saying to abused spouses: Do not prosecute your husband, the abuser, and you will get the benefit. If you do and he is guilty, you do not.

That just cannot be right. So this is a simple proposition in my case. It cries out for equity and fairness. I really cannot understand why we should not adopt it and go on with a detailed study of lesser number of years of marriage. What about other kinds of dishonorable discharges? Let us study them to death if we would like. But this cries out to be fixed and is not terribly expensive.

What kind of precedent would it set? It seems to me none, because we are very precise and specific. And so I urge that the senate adopt it. I urge that the managers of the bill, who seem to be opposed, rethink their opposition and encourage the Senate to pass this measure.

I yield the floor at this time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I hope my good friend from New Mexico and other Senators recognize the extremely awkward position in which I find myself.

There is no Member of this Chamber, no member of the staff of the Senate who wishes to be in a position to oppose trying to help in those situations where wives and children are abused in any family. But my fear here is severalfold. First, let us dispassionately look at the problem in context of the total officer corps, and I do hope the Senator will remain so I can ask a question.

Mr. DOMENICI. I will. I will be here.

Mr. WARNER. The total number of men on duty as officers, the vast majority are either in their first year or through their 20th year. I would say probably 75 to 80 percent are in the bracket of the first year through the 20th year.

So the first problem is that this legislation does not even offer any assistance to the greatest number of officers on active duty.

The second point I wish to make, of those relative small number of officers who have elected to stay after 20 years, when they become eligible for retirement, there is a straight-line curve down as they begin to approach their 30th year and become fewer and fewer.

As a matter of fact, the statistics that the Department of Defense supplied to the Armed Services Committee show there may be two or four cases a year that would fall into this category. That is the statistic given. So we are making a special law for two to four cases per year.

But supposing, I ask my good friend—and life has treated both he and I with great gentleness and good fortune—supposing, in that category, the very few who are eligible after 20 years, that the spouse commits murder of another person. The wife would then lose the pension.

Suppose the spouse commits grand larceny and is convicted by a court-martial, and his pension is stripped. The wife would lose.

What I am saying is if we are going to look at this, there is an array of offenses that could be committed, could be the basis for dishonorable discharge and deprivation of retirement, in which the wife would suffer. Why are we selecting this one? It may be the most heinous of all. I do not know how you classify it, as opposed to taking a life.

My point is that, again, it is a very selective piece of legislation. And it has been our experience on the committee that when you go into the officer corps or, indeed, all the men and women of the Armed Forces, and you just begin to treat one small area, it tends to imbalance, and cause stresses and strains in those other areas which, in my judgment, require equal attention.

We, in the course of the debate, have used the word officer. But that would be petty officer, enlisted. So this applies to both enlisted and officer.

So I ask my good friend: Would he care to help me see through the problem in terms of other potential areas of equal distress and harm to a spouse which we are not treating with this piece of legislation?

The basic proposition, then—I would certainly like to have the response—of the committee is, is there is a serious problem here, a question, the committee would like to look at.

The Presiding Officer, coincidentally, is the distinguished chairman of the Personnel Committee, a man who indeed spent a good 20-plus years in a very, very distinguished career in a branch of the Armed Forces of the United States.

The distinguished ranking member of the Subcommittee on Personnel of the Armed Services Committee is another career officer who has had a great deal of experience in service.

So we are fortunate to have the expertise on our committee to address this problem. But the basic line is we are dealing with two or three cases a year. We are doing selective legislation for one very narrow category and, in my judgment, causing great concern in other areas which are equally meritorious.

I would like to have the reply.

Mr. DOMENICI. Mr. President, I would reply on my time, since I had twice as much time as my friend from Virginia.

First, in the Senator's remarks, before he raised this precise last ques-

tion, he suggested that there are many more men of the military convicted of abusing their spouses who have only been married 2 or 3 or 8 years, and that 20 is a very select number of years.

Mr. WARNER. No, Mr. President. Let me restate the proposition I certainly intended. I understand this legislation is only applicable to an officer and his spouse after that officer has served 20 years.

Mr. DOMENICI. That is right.

Mr. WARNER. For that entire category, between their first day as a commissioned or noncommissioned officer or person in the service, up through 20 years, there is no eligibility for the relief.

Mr. DOMENICI. That is correct. I thought I said that. Maybe I did not.

But, Mr. President, I want to tell you what I did. I put a bill in that gave every one of those that you have described—2 years, he would get some surviving; the spouse would get some portion of the pension.

Guess what happened on the way to the floor here? We had numerable conferences with the military, and they suggested we do not know what that means. That probably is too many. Let us study that.

So then we said: Let us just take care of setting one simple little precedent: 20 years, you do not deny the pension. That is all the precedent we are establishing. Let us study the rest, as you want it.

Now, the answer comes—not necessarily from the Senator, but from the Defense Department—now you are not covering enough people. So, you see, I wanted to bring something that the Defense Department could support.

But all we heard is: Senator, we have a big problem. You are on the right track. If you put everybody in, it is too many. You know, 2 years of marriage, 4 years of marriage; it is too many. We do not quite have a grasp of that.

If you put 20 years, which is a vested right period, under no circumstances do we need any study of that. I mean, there is no doubt that person has a vested right in that pension.

If they retire together, the pension comes. And if she survives him, she gets that pension. So I chose that to merely make the point—I do not know how many there are—but to make the point that this whole policy is wrongheaded, to save this.

In this case—you wonder what is different about this case—the man is only found guilty on the accusation of the spouse in this case. That is not so with murder, or other things. So you are saying: Do not complain, because if you do, you do not get the pension. So take the abuse and get the pension. Complain, and if he is found guilty, lose the pension.

I want to establish the precedent that that is not good policy.

Mr. WARNER. Mr. President, if I could pose another problem. Again, when we do this legislation in the military, we must think of the entire military as a family.

Supposing an officer does not go on to finish 20 years, but say 10, 12. He may have the misfortune of being selected out, or he may opt out to go into the private sector. There are many reasons why officers and noncommissioned officers determine not to go to the 20. There are a great many who depart under a variety of circumstances. Their wives get nothing.

It seems to me you are penalizing those wives who sort of hang in for the 10, 12 years; then they learn of another wife, because their husband stayed in 4 years, who gets half. In other words, if you begin to drop below the 20, as the Senator is suggesting; that is the reason the military cannot figure out how to go below.

Frankly, we just do not know how, in the few minutes given to this piece of legislation, to properly address it without doing harm to other segments of the military services. That is the difficulty we have. Believe me, this is a most uncomfortable position I find myself in. But I have to speak up for the entire military family to try to strike an equitable balance among the marriage problems that the military experience, just like our society experiences.

Mr. President, I think we best just conclude this. I hope the Senator will consider that our committee, if asked to do so, would begin to address this legislation in the context of hearings next year. That is the best I can offer the Senator.

I yield the floor.

Mr. NUNN. Mr. President, if the Senator will yield me a minute or two to ask a couple of questions?

Mr. DOMENICI. Sure, Mr. President, I am happy to yield.

Mr. NUNN. Mr. President, I believe I understand the injustice and inequity that the Senator from New Mexico is aiming this amendment toward. I think he is right in identifying that problem as one that ought to be dealt with.

I guess my questions relate to whether we are creating other problems with this amendment that may even be worse than the problem that this is aimed at. I think if it is, it is certainly unintentional.

But the question I have is, if a service member, for instance, is accused of burglary, murder, or anything else, all of a sudden the wife and family are in a situation where, if that service member is convicted—it may be a woman; in that case, the husband—that they are going to lose the retirement pay. Right? I mean, that is without any doubt?

Mr. DOMENICI. That is currently the situation.

Mr. NUNN. It is currently the situation. But under this amendment, if that individual service person were also convicted of some kind of abuse, then the annuity would be preserved. It seems to me that we may be creating an incentive inadvertently, unless we figure a way around it—I do not have an answer to this—where anybody who has 20 years in the service, who is accused of any crime that could result in the loss of annuity, the wife, or in some cases the husband, would have a powerful economic incentive to file an abuse charge and to have both spouses, wife and husband, cooperate to protect the wife. I do not know how you solve that problem.

The other thing I have a question on is that it seems to me, since the annuity is not available unless the member leaves the household, unless it is the end of cohabitation, we are in danger here of creating what has been in the welfare system a long time: a very powerful incentive for a family to break up. If you break up and do not cohabit, then you get the annuity. If you live together and keep together as a family, notwithstanding that a crime may have been committed, then you do not get the annuity.

So it seems to me that has to be dealt with. Otherwise, we are creating in this statute basically an invitation for families to break up. I do not think anybody wants that. I know the Senator from New Mexico does not want that. He is as strong a family person as anybody, I believe, in the Congress of the United States. I do not know how you deal with those questions, but somehow we have to figure out how to deal with it if this amendment passes.

Mr. DOMENICI. Does the Senator want more of my time?

Mr. NUNN. Well, I pose those as questions because the Senator definitely has identified a problem which needs to be addressed. I do not know how you avoid creating these other problems.

Mr. DOMENICI. Mr. President, I said a while ago that after we finished that last war we had in the Middle East, I went around my State and elsewhere in the country and said, "You know, all you people that have been wondering whether we had real leaders in the military, we really did. They proved it. They are topnotch, crackerjack people. They could succeed at anything."

So, having said that, let me say to my wonderful friend, SAM NUNN, if we do not set something in law tonight—and I am asking that we set just one little phase of this inequity in law—from what I hear from the military in charge of this, the excuses, the problems that this issue brings, I do not know if even you, my friend from Georgia, will be in the Senate long enough to see the military solve this problem. That is no aspersion on your committee. You might solve this problem.

Having said that, on the second issue about encouraging people to live apart, do you really think that we want to en-

courage a woman to live with her husband if she accuses him of being a wife beater? That is the issue. I mean, she is accusing him of harming her, and if he is guilty of that, why should we be encouraging them to live together?

Mr. NUNN. If I could say to my friend, I do not think you would encourage that they live together. But the first thing you encourage, in the case of any member accused of a crime, you encourage a false report, and you encourage the husband and wife to coordinate that, which is extremely difficult to prove.

I mean, if I were a husband and worried about my wife and I had been accused of burglary and I knew this was in effect, I think I would say, "We have to figure out a way to get you some annuity. I am about to be kicked out of the service, and you are not going to get anything. Let us make sure we get this charge of abuse." And I think the wife, looking at losing the annuity of proving an abuse charge, would have a powerful incentive.

That is not the intent of this amendment. But once you do that, then you are telling them, if that takes place, cohabiting means they lose the annuity. So you are basically setting up a powerful incentive for fraud on the one hand and a powerful incentive for family breakup on the other. Maybe we ought to take the position that if people have defrauded the Government, they should not cohabit anyway. It is a tough area. The Senator has identified a real problem.

If this amendment passes, we have to deal with these other possible problems that this is setting up. We all know the history of legislation. You try to take one problem on and you end up creating other problems. I am afraid that is what we may be doing here. Whatever happens, I will certainly work with the Senator in conference on it and try to work something out that will alleviate some of these concerns.

Mr. DOMENICI. I am only going to take 2 minutes and ask for a vote.

Mr. President, let me just suggest that the argument here tonight was made by some of the best Senators around, but, frankly, the arguments that are made here were brought to our offices by the military people who do not want us to do this. These two arguments were conjured up by them and trickled down from up in their minds, down to here to legal counsel, and now they are here.

First, we hear there are only three or four people going to benefit. We hear that is going to have a ripple effect beyond all consequences. We do not know how many more are going to use it for other purposes. I submit this is very simple. The matter needs a lot of study. We have their attention. In the meantime, mandate the study that is in this amendment of mine and tell the military for this one very, very serious problem of 20 years of marriage in the military, give them their pension. It is very simple.

So, Mr. President, with that I yield the remainder of my time. I assume there is no time remaining on their side; is that correct?

The PRESIDING OFFICER. There are 7 minutes available on the other side.

Mr. DOMENICI. I reserve 7 minutes, then.

Mr. WARNER. Mr. President, momentarily, the chairman will speak to this. I want to say to my good friend that, again, this was an awkward debate for me. I extend my greatest sympathies to the staff member who witnessed one of these tragic cases.

Mr. NUNN. Mr. President, I believe this is one where there is a real problem. It ought to be dealt with. There are other potential problems that inadvertently could flow from this. I pledge to work with the Senator. I suggest we pass this amendment, take it to conference, and continue to work with the Senator and his staff and the military and see if we cannot figure out a way to cure his problem without creating another one.

Mr. DOMENICI. I yield the remainder of my time.

Mr. NUNN. I yield my time. I do not believe we need a rollcall vote on this. I urge a voice vote.

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

The amendment (No. 3075) was agreed to.

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

Mr. DOMENICI. 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 Arkansas is recognized.

Mr. PRYOR. Mr. President, if I might inquire, would the managers like for me to proceed with the amendment? I am ready to proceed if they are ready to proceed.

Mr. NUNN. I will be delighted for the Senator to proceed. What is the pending business? We have to lay our amendment aside.

Mr. President, I ask unanimous consent that the pending amendments be laid aside for the purpose of the Senator from Arkansas offering his amendment provided that there be no second-degree amendments thereto.

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

It is understood that the time agreement on this is 15 minutes on the side of the Senator from Arkansas and 15 minutes under the control of the managers of the bill.

Mr. PRYOR. Mr. President, I thank the Chair very much and the distinguished managers. I will try not to use all of that time.

AMENDMENT NO. 3076

(Purpose: To prohibit the use of funds for the procurement of the Airborne Self Protection Jammer system)

Mr. PRYOR. Mr. President, in behalf of Senator ROTH of Delaware and myself, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself and Mr. ROTH, proposes an amendment numbered 3076.

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

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

The amendment is as follows:

On page 22, strike out lines 16 through 25, and insert in lieu thereof the following:

SEC. 123. AIRBORNE SELF PROTECTION JAMMER.

None of the funds available to the Department of Defense for fiscal year 1993 or any fiscal year before fiscal year 1993 may be used for the procurement of the Airborne Self Protection Jammer system except for the payment of the costs of terminating existing contracts for the procurement of the Airborne Self Protection Jammer system.

Mr. PRYOR. Mr. President, this amendment would block all fiscal year 1993 and prior year funding for any further production of the Navy's Airborne Self Protection Jammer, better known as the ASPJ.

Mr. President, few Americans have ever heard of the ASPJ. This system is supposed to protect our Navy pilots who fly the F/A-18 by cloaking the plane's position during combat. It is supposed to jam enemy radar.

After 16 years of development at a cost of some $1.5 billion, the ASPJ still has not worked. It has never worked.

Just last month Navy testers concluded the jammers failed key operational tests that show whether it will ever work in combat. It was tested and once again it failed.

When the ASPJ was first dreamed up it was intended to be a radar program for the Air Force and the Navy planned to produce a few hundred systems as well. That was in 1975. By 1989, after realizing that this particular system was more trouble, more money than it was worth, the Air Force decided to abandon this program. They dropped out leaving only the Navy behind to deal with this big turkey.

Needless to say, this was a critical moment for the ASPJ. The unit cost skyrocketed and no one knew if the ASPJ would ever work. As a result, Secretary Cheney actually killed the ASPJ program only to have his deputy, Mr. Donald Atwood, resurrect this program just weeks later. Secretary Atwood gave the ASPJ another chance. He said he would give the ASPJ one more year to prove itself reliable and effective. If not, he said, and I quote: "Then the program must be canceled." That was 1989.

Mr. President, I ask unanimous consent the memo from Donald J. Atwood, the Deputy Secretary of Defense, be printed in the RECORD.

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, July 31, 1989.

Memorandum for: Mike Stone

Subject: Airborne Self Protection Jammer (ASPJ).

This is in response to your memorandum of July 25, 1989, relative to the Airborne Self Protection Jammer.

Your memorandum indicates that the program has been in development since March 1976, and to date it has not satisfactorily passed the tests established relative to cost, performance and reliability. This is a clear case of not meeting the exit criteria established for transition from the Full Scale Development Phase to the Production Phase. Therefore, it appears mandatory that one of two actions be taken:

1. Cancel the program.

2. Discontinue all production efforts and relegate the program to an effective test and evaluation activity. If the system demonstrates the required performance and reliability and is cost effective, then a production program could be initiated.

There is one alternative to the above which could be considered. This is based on the fact that the services feel that the system is essential and that it will ultimately meet the performance and reliability targets. If this is the case and can be demonstrated within a reasonable period (i.e. one year), then inorder to maintain program continuity, it might be acceptable to proceed with a very limited production phase while test and evaluation is conducted.

However, it is difficult to see how this is realistic given that the system has been in development for 13 years and as yet has not proven out. If, in spite of this, you decide to go ahead with a very limited production, then it must be mandatory that full demonstration of the performance and reliability be demonstrated within one year. If it is not, then the program must be canceled.

DONALD J. ATWOOD.

Mr. PRYOR. Today the ASPJ is still alive but it still does not work. It has never worked. Shortly after Secretary Atwood's 1-year deadline expired I began trying to find out the truth behind the ASPJ Program. I held a hearing in 1990 with Senators ROTH, GRASSLEY, LIEBERMAN, and KOHL. At this hearing the Department of Defense Inspector General's Office informed us that after investigating a random hotline phone call they discovered that ASPJ testing reports had been blatantly manipulated to downplay the flaws and highlight the strengths of the jammers.

At this hearing, Mr. President, we were assured that future testing results would be reported in a proper, straightforward manner. However, the Government Accounting Office reported earlier this year that the Navy once again had skewed the test reports. So I called another hearing in March of this year. At this hearing the Pentagon downplayed the test failures once again, because they occurred in the laboratory they said, rather than during operational testing.

I was told that operational tests, which were designed to show if the system will work in combat, would soon determine the fate of the ASPJ.

Every Pentagon official, Mr. President, who has testified before our subcommittee has promised that the ASPJ would pass strict operational testing guidelines or else the program would be terminated. Deputy Secretary Donald Atwood, Acquisitions Secretary Donald Yockey, former Navy Secretary Lawrence Garrett, and Navy Acquisition Secretary Gerald Cann, all promised on the record that if the ASPJ Program failed operational tests then the program would be killed.

Mr. President, in July 1992, we saw the final failures of the ASPJ system. The ASPJ once again flunked its operational tests, which were completed just this year. Sixteen years and $1.5 billion later it still does not work.

The jammers were tested repeatedly. They were deemed unreliable now by the Navy's own operational test and evaluation force. The testers also reported that the ASPJ is not much better than the present radar jammers that our pilots currently use. After 16 years, $1.5 billion, the Navy has made no progress in upgrading their radar jammers. They wasted their time and they wasted the taxpayers' money defending this failed system called the ASPJ. Now, it is back to the drawing board.

I would like to point out, Mr. President, that during the 16 years while the jammers were failing test after test, the Pentagon still managed to produce over 136 ASPJ's; 20 percent of the whole program has been purchased and produced. Not one of these systems work.

Mr. President, I can only assume that the Pentagon will soon announce its plan to scrap this program, regroup, and work out a new plan for the future of the Navy's electronic warfare jammers. But there is a very important lesson. We must learn from this 16-year fiasco.

Mr. President, I question the commitment of Secretary Cheney's fly-before-you-buy principle. It was this concept that prompted Senator ROTH and myself to help create the Pentagon Office of Testing and Evaluation in the early 1980's so we would have an independent analysis of our expensive military programs before we wasted taxpayer money further on costly lemons like the ASPJ.

Mr. President, I do not fault the operational testing process for this acquisition disaster. This program was a flop before it ever reached the operational testing phase in its 15 years.

Mr. President, I hope that we have learned a lesson. That lesson is going to be that we will certainly in the future fly before we buy, that we will not continue to fund these programs when they do not work, that we will test these programs to make certain that they work before we go into purchasing and acquiring these programs.

Mr. President, since I began tracking the ASPJ in 1989, I have never called for the termination of this program. I never challenged the Navy's right to upgrade its jammers. I simply said test it fairly and do not continue to buy more jammers until we know if they will work. My pleas were not heeded. The Navy spent $1.5 billion on 136 jammers that do not work. What happened to fly before you buy? With the ASPJ, the rule has been, "But it now, fix it later."

Should this amendment be successful, the ASPJ will finally be laid to rest. It will be history and we will have seen that very rare event that Congress very seldom sees and that is the death of a weapons system.

Mr. President, I ask unanimous consent that an article from Defense Week appear in the RECORD.

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

[From Defense Week, Sept. 8, 1992]

BILLION-DOLLAR JAMMER STILL IS NOT SUITABLE FOR COMBAT, ACCORDING TO NAVY TESTERS

(By Tony Capaccio)

In what may be the coup de grace to one of the Pentagon's longest running procurement fiascos, Navy testers concluded last month that an electronic jamming device in development since March 1976 "does not demonstrate a significant improvement" over current jammers, Defense Week has learned.

The testers also concluded in an Aug. 17 report that despite years of attempts to correct nagging reliability problems with the 53.6 billion Airborne Self-Protection Jammer (ASPJ), the system has yet to meet reliability goals.

The ASPJ since its inception has been touted as the Pentagon's most advanced device capable of protecting all Navy fighters from missile attacks. But after 16 years of development, including a decade of full-scale development, the jammer's promise has not been realized, the testing report said.

The jammer has been plagued by glitches in built-in-test equipment designed to provide pilots electronic warnings that certain components are failing.

"ASPJ was determined to be not operationally suitable," said the still-unreleased report by the Navy's Operational Test and Evaluation Force.

"ASPJ failed reliability, human factors and built-in test (BIT), all due to BIT deficiencies."

The Navy testers rendered a similar conclusion in late 1989 saying the device was only marginally effective and suitable for fielding. The just-completed report evaluated the results from operational tests concluded between August 1991 and last month.

Navy officials have softpeddled past BIT problems, saying that even with the failures, the jammer offers better protection than the current AN/ALQ-126B. The test report, however, undercuts this claim. "In the context of current operational doctrine, ASPJ does not demonstrate a significant improvement in aggregate survivability over the AN/ALQ-126B," the report said.

The report's conclusions caused Pentagon officials to postpone an Oct. 6 Defense Acquisition Board meeting that was to review whether the jammer was ready for full-scale production. The meeting has not yet been rescheduled.

The conclusions also come as the Senate defense appropriations subcommittee, a program critic, approaches its mark-up of the fiscal 1993 defense budget. The Pentagon has requested about $67 million in fiscal 1993 for the jammer and has yet to obligate $196 million approved in prior years.

"We are deliberating on it right now," said acting Navy Secretary Sean O'Keefe about the program, during in brief remarks to Defense Week. "There is no question this is yet another failure and we've got to make a definitive decision. We've just got to get on with it."

During his stint as Comptroller, O'Keefe was a constant ASPJ critic, at one point labeling it "a dog," according to Pentagon sources.

Gerald Cann, the Navy acquisition chief, declined an interview on the test results, saying through his secretary that he was still "working on the program" and that it would take about a month to sort out.

The Navy test results were deemed so serious by the Pentagon's top tester—Operational Test and Evaluation Director Robert Duncan—that he told top Pentagon officials he could not approve moving the device into full-scale production, said two government sources.

"Dr. Duncan has said it is highly unlikely that he can certify," confirmed Pentagon spokeswoman Chris Cimko in a statement. "However, please note that the analysis is incomplete at this time."

The test report comes as a blow to the contracting team of Westinghouse Electronics Systems Group and ITT Avionics Division.

Spokeswoman Rachelle Tucci in a statement: "To the best of our knowledge, the test report has not yet been released. Therefore, we cannot comment on the validity of the (report) statements."

"We understand that the Navy may have encountered a problem with the test process and associated data. Up until this time, all indications were that the ASPJ system operated as required in tests and that the hardware's reliability and maintainability performance exceeded the requirements. Other than experiencing the minor problems encountered by most programs with an operational test of this nature, all indications were that the system performed satisfactorily."

The Navy test results will likely be used by program critics such as Sen. David Pryor (D-Ark.) and William Roth (R-Del.) to force the hand of at least one top Pentagon official, Deputy Secretary Donald Atwood.

Atwood wrote on July 31, 1989 after the jammer had flunked its first round of operational tests that "it must be mandatory that full demonstration of the performance and reliability be demonstrated within one year. If it is not, then the program must be cancelled."

Mr. PRYOR. The news of the ASPJ's failures has been public for weeks. Still at the arms bazaar held just 2 days ago, we had our own defense contractors handing out pamphlets on the ASPJ to those who were participating in the arms bazaar. We find ITT in Defense Avionics advertising just 2 days ago that the ASPJ is reliable, that it has passed all performance reliability tests.

Mr. President, the fact is this system has never worked. It is a turkey that has gobbled up $1.5 billion of taxpayer's dollars funded into it, and now needs to end. We need to kill it, and we need to move on and find a system that will best protect our Navy pilots.

Mr. President, I would like to express my appreciation to Senator WILLIAM ROTH of Delaware who had worked together with me in this effort. I ask unanimous consent that his statement be printed in the RECORD at this time.

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

STATEMENT OF SENATOR WILLIAM V. ROTH, JR.

Mr. President, the airborne self protection jammer is over budget, way behind schedule, and, even after $1.5 billion has been spent, it still won't work. Moreover, the Navy's Operational Testing Command determined that the jammer should not be fielded even after the Navy eased stringent operational test criteria. It is time to stop spending the taxpayer's money to buy more jammers that may never be fielded because they cannot pass operational tests.

Mr. President, I am bothered by the General Accounting Office and Defense inspector general's reports of waste and management actions in the ASPJ Program. I am bothered that the Under Secretary of Defense approved the Navy's request last year to buy more ASPJ units when he knew they did not work, even though his boss, Mr. Atwood, promised the Congress that the Pentagon would not do so. I am bothered by the fact that the Navy wants to keep producing the jammer, even though operational tests show that it doesn't work.

Two years ago, the Congress required that the Director of Operational Testing and Evaluation certify that the jammer passed operational testing before full rate production could begin. In 1991, the Deputy Secretary of Defense promised the Governmental Affairs Committee that the jammer would have to pass operational testing and evaluation by showing that it could meet existing performance criteria. In March of this year, the Director of Operational Testing, the Under Secretary of Defense for Acquisition, and the Assistant Secretary of the Navy for Research, Development, and Acquisition testified before the Governmental Affairs Subcommittee. They reiterated that firm criteria for determining the jammer's operational effectiveness had been defined and that those criteria would not be modified.

In July, we uncovered internal Navy documents that show each of the three operational testing and evaluation criteria for the jammer's built in test were altered. One criterion, the false removal rate, was dropped and two other criteria were loosened. The built in test indicates whether the jammer is working and, therefore, is important to pilots who depend on electronic jammers for protection. The significance of the Navy's changes is that critical failures may not be counted and the system would appear more reliable than it is. It's like having a smoke detector in your house that indicates it's working when it is not.

Mr. President, now we have received the operational test results, and they show very clearly why this system should be killed. In spite of the attempts by some in the Navy to ease the testing criteria, it appears that the Navy's operational testing and evaluation command held firm—the Commander, Operational Testing and Evaluation Force should be commended for his efforts in this regard. The Navy's operational testing report states that the jammer failed testing and is not suitable for use by Navy pilots. The report states: "The ASPJ was determined to be not operationally suitable. ASPJ failed reliability, human factors, and built in test, all due to BIT deficiencies." Dr. Duncan, the director of operational testing and evaluation, in his August 20 letter to us wrote: "On July 17, 1992, I informed the Under Secretay of Defense for Acquisition in writing that it was highly unlikely that I could certify to the congressional defense committees that ASPJ meets or exceeds all established criteria." We have since been informed that Dr. Duncan will not certify the ASPJ.

Mr. President, the ASPJ was officially kicked-off 16 years ago, in 1976, and, it is over budget and behind schedule. It has failed three sets of operational tests, and the 136 that have been bought cannot be fielded until the Navy figures out how to make them work. Yet, the Navy continues to ask for more money to buy ASPJ's, and taxpayers eventually will foot the bill to fix them. The General Accounting Office recently informed us that the Navy plans to spend $275 million in 1992 and 1993 to buy more of these Jammers that do not work. In addition, it now appears that the Navy has entered into foreign military sales agreements and has hidden funding for the jammer in other Navy programs.

Mr. President, the Defense Department predicted that the ASPJ would cost $1.7 million a copy to buy. However, today the Navy is spending $3.2 million per unit. And, there is every indication that the costs will continue to grow as modifications are made so that the system works well enough to pass operational testing. It is important to note that a large portion of the cost increase resulted from the Air Force's recognition of the ASPJ's problems and its subsequent decision not to buy the ASPJ and to pursue an alternative approach. It appears that the Navy and the Defense Acquisition Board have not yet seen the wisdom of the Air Force's approach. But, the American taxpayers ultimately pay the cost, since they now have to support at least two jammer systems, instead of enjoying the economies of scale from one joint program.

Two weeks ago, we received a letter from the Defense Department's inspector general. He reported on the operational test results, and strongly concluded that the ASPJ should be killed. I encourage any of my colleagues to read this report if they have any doubts on the amendment now before us.

Mr. President, the amendment that Senator PRYOR and I are proposing will send a strong message to the Defense Department. It tells them that the Congress will not accept the bending of the rules in order to cover up problems in a weapons program. And, it tells them that the Congress will not continue throwing money at weapons that cannot pass operational testing.

Mr. PRYOR. Mr. President, Senator ROTH and I have worked together for many years on the ASPJ Program, and hopefully, Mr. President, in a few moments we are getting ready to see the beginning of its end.

I wish to thank also several individuals who we have worked so long and hard with us to bring this amendment to the floor.

Lou Rodriques and Chuck Ward of the General Accounting Office have been absolutely superb. Russell Rau and Harry Followell of the Department of Defense Inspector General's Office have done fine work as well. Mark Forman of Senator ROTH's staff, Mr. President, has been of invaluable assistance. And Kirk Robertson and Steve Ronnel on our staff have been true soldiers, if I might use that term, in bringing this amendment to the floor and hopefully bringing this matter of the ASPJ to a final end.

Mr. President, at this time I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, in response to the Senator from Arkansas, both his amendment and his arguments, let me say the ASPJ Program is currently in an operational testing mode. The bill last year—and Senator PRYOR has been skeptical and on top of the situation for several years and our committee has responded to both his concern and our own concern—last year in the bill we basically said that either this program passed the test or it was dead.

We repeated that provision in this year's bill, because we have not been officially notified about the test. The Senator referred to the test. So the provision of last year's bill and this year's bill basically say if this program does not pass the test, the operational testing, it is killed.

We have also put some fences around money so there is about $175 million if this program is killed that will be saved and will probably have some of it spent in determination costs that have already been appropriated but not yet expended, I am informed.

We have heard that this test did not go well and we have heard that the ASPJ failed the test. The Senator from Arkansas, I believe, alluded to that. We have not received official word on that though, and the director of operational test and evaluation has not finished his evaluation.

The committee-reported bill this year contains a provision that will basically kill this program if it does not pass the test. So for that reason I did not believe that Senator PRYOR's amendment was necessary. I still do not think it is essential, but the Appropriations Committee has already taken this step in light of that. And in light of the fact that we have heard that the test has failed, I see no need in having a big battle on the floor tonight, since it looks to me as if this program has failed and the test has failed and, therefore, the provision in last year's bill will be applicable in the next few weeks, as soon as they announce this. If we find that is not accurate, then, of course, we would have to revisit this issue in the conference. But it is my recommendation that the Senator's amendment be accepted.

Mr. WARNER. Mr. President, I wish to associate myself with the remarks made by the distinguished chairman. We accept the amendment and commend our distinguished colleague from Arkansas.

Some of us last week got the watchdog of the Treasury—bulldog or something—award. I think we have to set up an award around here for Senator PRYOR. He is a watchdog of the defense contracts here. And I think on this one, he deserves a watchdog award.

There is another one coming along where this dog is going to maybe bite at him a little bit, but until that time, he certainly earned his spurs on this one.

Mr. PRYOR. Mr. President, let me thank the Senator from Virginia and also the Senator from Georgia, the distinguished chairman. Both Senators have been very easy to work with, I must say, during the last several days in preparing to bring this amendment to the floor. I appreciate very much the Senators accepting the amendment.

Mr. President, I have a letter here from Robert C. Duncan, the director of the operational test and evaluation Office of Secretary of Defense. I think this letter states that on July 17, the Acquisition Secretary was informed that the ASPJ did not meet operational testing, and that certification was highly unlikely. In addition, I have been informed that Dr. Duncan's office has notified the GAO that they will not certify the ASPJ.

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

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

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, August 20, 1992.

Hon. DAVID PRYOR,
Chairman, Subcommittee on Federal Services, Post Office, and Civil Service, U.S. Senate, Washington, DC.

DEAR SENATOR PRYOR: In your July 31, 1992, letter, you and Senator Roth expressed concern that I had approved test and evaluation master plan (TEMP) changes that reduced the Airborne Self-Protection Jammer (ASPJ) performance requirements. As the Director, Operational Test and Evaluation, I do not establish the operational requirements or criteria for any weapons system. Those requirements and criteria are set by the Service user. For programs under the purview of the Defense Acquisition Board, the most critical requirements are listed in the acquisition program baseline (APB) and are validated by the Joint Requirements Oversight Council (JROC), chaired by the Vice Chairman of the Joint Chiefs of Staff, before the APB is approved by the Under Secretary of Defense for Acquisition (USD(A)). I do, however, review those operational requirements listed in the TEMP for Testability, operational utility, and consistency with the APB and other requirements documents.

In the case of the ASPJ, the most recent TEMP was submitted to me in November 1990 and contained measures of effectiveness (MOEs) that were structured differently than those in the previous TEMP. As a result, I did not approve that TEMP, and the USD(A) directed the Navy to provide an audit trail from the previously approved MOEs. This audit trail did not confirm that MOEs had not been degraded. Therefore, in May 1991, I recommended to the USD(A) that the JROC validate the new MOEs. The USD(A) requested the MOE review, and I returned the TEMP to the Navy pending the outcome. In August 1991, the JROC validated the performance requirements contained in the APB, and the USD(A) approved that APB in December 1991. A TEMP change submitted in November 1991 was consistent with the APB, and I approved the TEMP in January 1992.

The final TEMP included changes to three parameters from the 1990 submission. The built-in-test (BIT) criteria for fault detection and fault isolation rates had both been lowered from 0.95 to 0.90. The new values were consistent with the APB and the previously approved TEMP and apparently reflected an administrative error in the 1990 version. The third change was the deletion of the false removal rate requirement. This was consistent with the APB and earlier requirements documents but was a change from the 1987-approved TEMP. Because this change originated from the Service user representative and was not inconsistent with the APB, I saw no reason not to approve the TEMP. It is this latest TEMP and the APB that will provide the criteria for my ASPJ certification.

As I indicated in my remarks to your committee in March 1992, I will count all failures in the operational test, including software failures resulting from a BIT-indicated false removal. False removals are important because if the BIT tells the pilot the ASPJ is not working, the pilot will react as if the system has failed, whether the failure is real or false. However, the problem is not the false removal rate but the total number of removals, real and false, that impact mission reliability and logistics supportability, both of which have criteria in the APB and TEMP. In our preliminary analysis of operational test data, we have classified several BIT-indicated failures as critical even though they were later determined to be false removals. These false removals degraded ASPJ mission reliability. (Therefore, on July 17, 1992, I informed the USD(A) in writing that it was highly unlikely that I could certify to the congressional defense committees that ASPJ meets or exceeds all established criteria.) I can assure you that there was no intent on my part to make it easier for ASPJ to pass its operational test.

Before the next Defense Acquisition Board meeting on ASPJ, I will provide the Board with a thorough and independent evaluation of the results of the ASPJ operational tests. Furthermore, before there is a decision to proceed beyond low-rate initial production, I will provide the appropriate committees of Congress with my report on test adequacy and my assessment of ASPJ operational effectiveness and suitability. A copy of this report will be made available to you. I also repeat my offer to brief you or your staff on the test results after our assessment is complete.

I have also provided this information to Senator Roth.

Sincerely,

ROBERT C. DUNCAN,
Director.

Mr. PRYOR. Finally, Mr. President, should this amendment ultimately

come to fruition, not only be accepted but be implemented, which I hope it will be, it is my understanding we would save approximately $198.3 million in fiscal 1992 funds, unobligated, which were fenced, and that we would also save roughly an additional $67 million which had been requested for expenditures for production in this coming 1993 fiscal year.

So we are talking about roughly $265 million being saved this year, and millions more in the outyears if this amendment is ultimately accepted and signed off on and effectuated.

Mr. President, I ask unanimous consent that the GAO recommendation to the Senate Armed Services and Appropriations Committees on ASPJ fiscal year 1993 funds be printed in the RECORD.

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

POTENTIAL REDUCTION TO AIRCRAFT PROCUREMENT, NAVY BUDGET FOR COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE PROGRAMS

We identified $67.7 million in potential reductions to the Navy's fiscal year 1993 Aircraft Procurement, Navy budget activity 01, line items 05 and 06, F-14 and F/A-18, related to command, control, communications, and intelligence programs. The following sections provide a brief description of the Aircraft Procurement, Navy line items we examined and the results of our analysis.

ASPJ

The Airborne Self-Protection Jammer (ASPJ) is an electronic warfare jammer intended to protect some of the Navy's F/A-18 and F-14 aircraft from threat weapons. DOD authorized initial production of 100 jammers in fiscal year 1989, despite ASPJ's marginal performance in Navy and Air Force operational testing. In response, the Congress provided no procurement funding in fiscal year 1990 for ASPJ.

For fiscal year 1991, Congress reduce funding for ASPJ and two Air Force jammer programs, requiring the Director, Operational Test and Evaluation (DOT&E) to certify that ASPJ and the Air Force jammers meet all operational requirements before producing at above minimal essential rates of production. In August 1991, the Navy contracted for 36 additional jammers using $63.1 million in FY 1991 funds appropriated for jammers and reprogrammed an additional $27.8 million for ASPJ from the Navy's Operational Safety and Improvement Program.

For FY 1992, the Navy has designated, but not yet obligated, $172.1 million and $26.2 million for the full rate production of ASPJ from the F/A-18 and F-14 line items, respectively. As of June 1992, however, ASPJ had not not yet been certified by DOT&E as required by the Congress. The Navy's fiscal year 1993 budget request for the F/A-18 include $65.6 million for procurement of 28 additional ASPJ systems and an additional $2.1 million for ASPJ procurement is in the F-14 line item.

RESULTS OF ANALYSIS

The Navy's request for $67.7 million for fiscal year 1993 for 28 additional ASPJ systems can be deferred. The Navy currently has 136 low rate production units on contract and the two contractors just began deliveries in January 1992. If the current congressionally-mandated minimum essential production rate is maintained, we estimate that the two contractors will not complete deliveries of the 136 units until November 1994. Furthermore, the Navy has on hand $198.3 million in fiscal year 1992 funds that have not yet been obligated. The Navy intends to use these funds to procure an additional 69 ASPJ systems. Hence, funding for procurement of additional ASPJ systems is not required in fiscal year 1993. Finally, deferral of the fiscal year 1993 funding request until 1994 will allow the Congress to consider the results of currently ongoing operational testing of ASPJ in making future budget decisions.

POTENTIAL REDUCTION

Table —.1: F/A-18 and F-14, shows the funds requested for fiscal year 1993, appropriated for fiscal year 1992, spent fiscal year 1991, and a $67.7 million potential reduction for ASPJ for fiscal year 1993.

Potential Reduction to Aircraft Procurement, Navy Budget For Command, Control, Communications, and Intelligence.

TABLE —.1: F/A-18 and F-14 FISCAL YEAR 1993 BUDGET REQUEST AND POTENTIAL REDUCTION FOR ASPJ

[Dollars in millions]

Budget line	Fiscal year		
	1993	1992	1991
APN-06, F/A-18	1807.8	2175.5	1756.7
APN-05, F-14	143.1	172.5	1079.1
Potential reductions APN-06, F/A-18	65.6	—	—
APN-05, F-14	2.1	—	—

Mr. NUNN. I think the Senator is correct. The Senator deserves a great deal of credit for his vigilance and his willingness to look into this program in great detail. It has certainly been a troubled program. The Senator is correct on that. Most of the money spent on this program was spent before it got into trouble and before the Senator looked at it as carefully as he has in the last 3 years. Since he started looking at it, it has been on a go-slow basis and the funds have not been extended, the funds for the operation testing have been.

So it is true this program, unfortunately, has had a large amount of expenditure, but it is also true the program has only been in trouble in about the last 3 years, as I understand it.

But the Senator has performed a real service here, and I hope we can save a substantial amount of money. I hope also that we do not have a repeat of this kind of incident very often. But in a high-technology age you are going to have some failures, and this is, unfortunately, one based on the information we received.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. All the time has expired.

Mr. PRYOR. Mr. President, if I could have 60 seconds, I wish to respond to the distinguished chairman.

I think if the military establishment, the Department of Defense, and all those involved in acquisition would simply come to the Congress and level with us, if they would tell us the truth, if they would say this program is in trouble, this program is not passing the test, we think that we can fix it; if they would just level with us and tell us the truth before they encourage us to go forward and purchase these weapons systems, I think then that we would be a lot better off, not only in our procurement system, but certainly the Congress I think would have a lot more reason to find their statements credible when they came before the committees.

Mr. NUNN. Mr. President, I agree with the Senator from Arkansas. I think this program is an example of that, because the military would raise their credibility on the programs they are championing if they kicked in the towel sooner on those that are in trouble, and we would also save an awful lot of money. The Senator is correct on that.

Mr. PRYOR. Mr. President, I thank the distinguished chairman.

I yield the floor.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment.

The amendment (no. 3076) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table as agreed to.

Mr. NUNN. Mr. President, I see the Senator from West Virginia on the floor. He has an amendment that we have worked with him on.

I ask unanimous consent that the pending amendment be set aside for the purpose of considering a Byrd amendment, which we have discussed with him, and there would be no second-degree amendment in order.

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

AMENDMENT NO. 3077

(Purpose: To amend the Defense Production Act of 1950 to require the President to submit a report to the Congress upon review of certain mergers, acquisitions, and takeovers, and for other purposes)

Mr. BYRD. Mr. President, I thank the distinguished chairman of the committee, Mr. NUNN. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. EXON, Mr. RIEGLE, Mr. SARBANES, Mr. BINGAMAN, and Mr. DIXON proposes an amendment numbered 3077.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . DEFENSE PRODUCTION ACT AMENDMENTS.

(a) INVESTIGATIONS OF CERTAIN MERGERS, ACQUISITIONS, AND TAKEOVERS.—Section 721

of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) MANDATORY INVESTIGATIONS.—The President or the President's designee shall make an investigation, as described in subsection (a), in any instance in which an entity controlled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover of a person engaged in interstate commerce in the United States that could affect the national security of the United States. Such investigation shall—

"(1) commence not later than 30 days after receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated pursuant to this section; and

"(2) shall be completed not later than 45 days after its commencement.

(b) CONSIDERATIONS OF THE PRESIDENT.—Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) (as redesignated by subsection (a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting a comma; and

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

"(4) the potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

"(A) identified by the Secretary of State—

"(i) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

"(ii) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

"(iii) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons; or

"(B) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978 on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list; and

"(5) the potential effects of the proposed or pending transaction on United States international technology leadership in areas affecting United States national security.".

(c) REPORT.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) (as redesignated by subsection (a)) is amended to read as follows:

"(g) REPORT TO THE CONGRESS.—The President shall immediately transmit to the Secretary of the Senate and the Clerk of the House of Representatives a written report of the President's determination of whether or not to take action under subsection (d), including a detailed explanation of the findings made under subsection (e) and the factors considered under subsection (f).".

(d) SENSE OF THE CONGRESS REGARDING THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—It is the sense of the Congress that the President should include in the membership of the Committee on Foreign Investment in the United States (established by Executive Order No. 11858)—

(1) the Director of the Office of Science and Technology Policy; and

(2) the Assistant to the President for National Security.

(e) INTELLIGENCE STUDY.—

(1) IN GENERAL.—In order to assist the Congress in its oversight responsibilities with respect to section 721 of the Defense Production Act (as amended by this section), the Director of the Federal Bureau of Investigation and the Director of Central Intelligence shall jointly submit to the Congress a report that evaluates whether—

(A) there is credible evidence of a strategy by 1 or more foreign countries or companies to acquire United States companies involved in the research, development, or production of defense critical technologies of which the United States is a leading producer; and

(B) such strategy is intended as a means—

(i) of obtaining access to defense critical technologies that the foreign entity would not otherwise have; or

(ii) of gaining substantial control of the market for such technologies.

(2) SUBMISSION.—The report required under paragraph (1) shall be submitted—

(A) not later than 1 year after the date of enactment of this Act; and

(B) upon the expiration of every 4-year period thereafter.

Mr. BYRD. Mr. President, the recent attempt by a French firm to buy a major United States defense contractor has highlighted a problem that will undoubtedly grow more severe as the defense industry continues to contract. We face the dilemma of how to prevent foreign companies, particularly those controlled by their governments, from raiding the U.S. economy and snatching up the prized jewels of America's industrial base without discouraging legitimate foreign investment in our economy.

Nations around the world, both our former adversaries and our long time allies, have begun dramatically reducing their defense spending. We can all cheer the lifting of the tremendous financial burden of the cold war. But, this defense drawdown is not without negative side effects—one being that the consolidation of the defense industry will lead inevitably to the failure of some of the weaker defense firms. Some of these companies may simply shut their doors and close up shop, but many will be acquired by healthier firms, both domestic and foreign. Any acquisition by a foreign firm must be carefully evaluated to ensure that it does not adversely affect U.S. national security.

The amendment which I am offering makes adjustments to the process by which the executive branch reviews foreign acquisitions of U.S. companies, if a purchase has implications for our national security. Authority for these reviews is provided by section 721 of the Defense Production Act of 1950, as amended, commonly called the Exon-Florio amendment. This provision, coauthored by the distinguished Senate from Nebraska [Mr. EXON], grants extremely broad authority to the President to take action to block an acquisition if he determines that a sale might damage U.S. national security. This is a well-crafted provision that provides all the tools the President needs to ensure the stability and safety of our industrial base, and I commend Senator EXON for his draftsmanship and for all of his work in this area.

Unfortunately, since the adoption of the Exon-Florio amendment in 1988, the administration has chosen not to use the tools provided to it. Of the more than 700 cases that have come up for initial review, only 15 have received the extended 45-day investigation, and only 1 has been blocked. I do not intend to argue the merits of past actions or of any particular case, but I fear that we have established a pattern where only the most blatantly risky cases receive scrutiny, and even then they are likely to get the go-ahead.

Given the situation faced by the defense industry, we cannot allow this pattern to continue. It is time to send a signal to the administration of the importance that the Congress places on this issue, and to make adjustments in the review process to take into account the experience of implementing the Exon-Florio amendment. I, along with my staff, have worked with Senator EXON, as well as Senators RIEGLE, SARBANES, and BINGAMAN, to try to craft an amendment that modifies the existing legislation while retaining its basic approach and keeping the broad authority that it gives to the President.

I will briefly highlight the provisions of this amendment. First, it requires that any acquisition that involves a company controlled by a foreign government, as was the case with Thomson's attempt to buy LTV Corp.'s missile division, must automatically receive the more detailed 45-day investigation. The second section requires the President to send a report to the Congress for each case that goes to the investigation phase. Currently, a report is required only if the deal is blocked, and the Congress is left in the dark whenever a deal is approved. The third part expands the list of factors that the President must consider. The fourth section recommends that the President add two more members, the President's Science Advisor and National Security Advisor, to the review process. The final provision asks for a study to determine the extent to which foreign countries or companies may target for takeover U.S. firms involved in critical technologies as a way of siphoning off that technology.

Mr. President, I would describe this as a package of minor adjustments that make very important improvements to the review process and I hope that the Senate will adopt this amendment.

Mr. WARNER. Mr. President, the amendment offered by my friend, the senior Senator from West Virginia, and others is accepted by our side. However, I am advised that my staff was only shown the text of it this morning. This language amends a section in the U.S. Code that is not in our commit-

tee's jurisdiction. I, therefore, reserve the right to review this language more carefully as we discuss it in conference and to propose appropriate changes.

Mr. EXON. Mr. President, I am pleased to rise in support of the Byrd-Exon amendment to the Exon-Florio law. The Exon-Florio law gives the President the power to investigate, and if necessary, to stop a foreign purchase of an American Company when the President determines that the national security might be threatened by the transaction.

The Exon-Florio was enacted in 1988 as part of the Omnibus Trade and Competitiveness Act. It is the Nation's leading statute on foreign investment. It is a piece of legislation of which I am very proud. As the Nation downsizes its military budget, the Exon-Florio law will be a critical tool in managing this change.

There is a real danger that foreign interests may seek to gain control of some of America's crown jewels of technology. These high technological companies represent investments of millions of dollars of American tax dollars.

President Bush has used his powers rather conservatively under the Exon-Florio statute. While I have not agreed with every decision that the President has made under this important statute, I believe that his actions have fallen within the range of what had reasonably been expected. The staff members of the Committee on Foreign Investment in the United States which administers the statute have worked diligently over the years to meet the very strict timetables contained in the law and have put in many long hours to assure that important issues are investigated and discussed. Over all, the Exon-Florio law has worked.

The amendment that the President pro tempore and I propose would add language to the Exon-Florio law which takes into consideration what has been learned over the last several years and what can be expected in the postcold war era.

The Nation got a preview of the future when the Thomson-CSF, a subsidized and government-controlled company of France attempted to purchase the LTV missile division. Fortunately, the system worked. I am concerned, however, that future transactions of a similar nature may not catch the public attention as did the LTV case.

The amendment we propose requires a mandatory Exon-Florio investigation when a foreign government controlled entity attempts to acquire an American company in the national security sector; adds new factors relating to American technological leadership and weapons proliferation for the President to consider when reviewing a proposed foreign acquisition; and requires the President to more fully report to the Congress on Exon-Florio investigations.

The amendment also requires the CIA and FBI to conduct an intelligence investigation as to whether there is credible evidence of coordinated strategies by foreign entities to acquire critical American defense technologies. Finally, the amendment expresses the sense of the Senate that the President should appoint the Assistant to the President for National Security and the Director of the Office of Science and Technology Policy to the Committee on Foreign Investment in the United States.

These provisions will be very helpful to the Exon-Florio process. They recognize that this is a new era. They build on the many successes of the current law. As the author of the original law, I am very protective of the Exon-Florio process, I am pleased to have worked closely with Senator BYRD on this friendly amendment and encourage my colleagues to vote for the Byrd-Exon amendment.

Mr. RIEGLE. Mr. President, I rise in support of the amendment offered by Senator BYRD to strengthen and clarify the so-called Exon-Florio provisions of the 1988 Omnibus Trade Competitiveness Act. This amendment is being cosponsored by Senators EXON, BINGAMAN, SARBANES, and myself. The Exon-Florio provision of the trade bill was codified as section 721 of the Defense Production Act, a statute within the jurisdiction of the Banking Committee. It authorizes the President to suspend or prohibit any takeover of an American firm by a foreign interest, if the President determines there is credible evidence that foreign control would impair the national security. In 1988 President Reagan delegated responsibility for administering Exon-Florio to the Committee on Foreign Investment in the United States [CFIUS], a panel chaired by the Secretary of the Treasury.

On June 4, the Subcommittee on International Finance and Monetary Policy of the Banking Committee held a hearing to review how the Bush administration is implementing Exon-Florio. During the almost 4 years that have passed since that provision's enactment very serious concerns have arisen about the way it has been implemented by the Reagan/Bush administration—which opposed its enactment.

During the 1980's, under the Reagan/Bush administration, foreign ownership of U.S. assets grew to become a public issue. Our low savings rate and massive budget and trade deficits meant that there was not enough domestic capital to spur the economic development necessary for an expanding economy and jobs for our workers. Countries which ran trade surpluses with the United States reinvested some of their dollars back into our country. We thus became a capital importing society during the 1980's and that meant increased foreign investment and foreign ownership of our assets. Congress' passage of Exon-Florio was a policy directive to the administration that not all U.S. companies should be open for purchase by foreigners. Congress clearly wanted the President to prevent foreign acquisitions of domestic companies that give the United States technological leadership in areas affecting national security.

Unfortunately, as was all too clear at our committee's June 4 oversight hearing, the Reagan/Bush administration has failed to heed Congress' views on this matter. Rather, the Reagan/Bush administration, blinded by its free trade and open investment ideology, has taken a much too narrow view of the authority Exon-Florio gives it. It has failed to take a broad look at the financial and trade strategies of our industrial competitors and the effect such strategies are having on our technology and financial base. The administration examines takeovers on an isolated case by case basis and is missing the cumulative impact of such takeovers. The President's science adviser, Dr. Allan Bromley, has voiced concerns about this matter. He warned policymakers that "our technology base can be nibbled from under us through a coherent plan of purchasing entrepreneurial companies." In September 1990 Donald Peterson, former chairman of the Ford Motor Co., told the Banking Committee that we should take a broader view of the impact that takeovers of small companies are having on the technological foundations of our industrial base.

The GAO in a recent study reported that the administration is not examining the larger issues dealing with foreign investment such as: First, whether there are certain industry sectors, or types of firms that we must preserve for U.S. ownership and if so how to accomplish that; second, why foreign investors are placing more value than U.S. firms do on achieving predominance in certain high technology sectors; and third, what parts of the U.S. defense industrial base are being hollowed out as foreign investors acquire U.S. firms which are suppliers to the Department of Defense.

This latter issue was highlighted by the French Government owned Thomson Co.'s recent attempt to purchase the LTV Corp.'s missile division.

Another issue is what our policy should be when foreign government-owned or controlled firms buy U.S. firms engaged in the production or development of leading technologies. At our June 4, 1992 Banking Committee hearing Dr. Laura Tyson told us that—

> An open-door policy in favor of foreign direct investment * * * must be reconsidered when foreign governments are involved. * * * When a foreign government is the investor, foreign national interests are

at play, and these may conflict with American national interests.

In addition to conflicting national interests, the purchase of U.S. private sector firms by foreign governments also raises concerns about the selling of critical technologies developed at U.S. taxpayer expense. This is one concern that made so many Americans uneasy about the proposed purchase of McDonnell Douglas by a Taiwanese Government-owned company. Much of our aerospace technology has been developed at government expense and it is one area in which we still have major exports.

Mr. President, this amendment does not cure all the weaknesses of our present investment policy. It does ensure that acquisitions by foreign governments or foreign government-controlled firms of U.S. firms, whose acquisition could affect our national security, would at least be carefully examined by CFIUS. The amendment also brings a measure of long-needed transparency and accountability to the CFIUS review by requiring the President to submit a report to Congress after the conclusion of an Exon-Florio investigation. This amendment also directs the President in reviewing foreign acquisitions of U.S. companies to take into account the potential effects of the transaction on U.S. technological leadership in areas affecting national security. Another factor the President must consider under this amendment is the potential effect of the transaction on the proliferation of chemical and biological weapons to countries that support terrorism.

The amendment also contains a sense-of-the-Congress resolution that the President should add the Director of the Office of Science and Technology Policy and the Assistant to the President for National Security as members of CFIUS.

Finally, the amendment would require the Directors of the FBI and the CIA to submit a report jointly to the Congress that evaluates whether there is credible evidence of a strategy by one or more foreign countries or companies to acquire United States companies involved in the research, development, or production of defense critical technologies of which the United States is a leading producer.

Mr. President, this amendment will improve the implementation of Exon-Florio and I urge its passage. I salute Senator BYRD for taking the lead in developing this amendment and thank him for asking me, Senator SARBANES and Senator BINGAMAN to participate in perfecting it. I also salute Senator EXON for his original foresight in addressing the foreign investment issue in the trade bill and for his participation in developing this amendment.

Yet, there is an even larger issue regarding foreign investment that the administration is not addressing. That is whether there are certain industry sectors or types of firms that should not be sold to foreign owners because we must preserve their U.S. ownership in order to safeguard our economic strength and industrial leadership. The failure of the administration to address this issue is part of its larger failure to have a national economic strategy for our country. We must develop and implement such a strategy if America is to remain a leading economic and political power in the 21st century.

Mr. SARBANES. Mr. President, I rise in support of the amendment offered by Senator BYRD, Senator EXON, Senator RIEGLE, Senator BINGAMAN, and myself. This amendment would make several modifications to section 5021 of the Omnibus Trade and Competitiveness Act of 1988, the so-called Exon-Florio provision. I would particularly like to commend Senator Byrd and Senator EXON for the leadership they have provided on this important issue.

The Exon-Florio provision authorizes the President to "suspend or prohibit any acquisition, merger, or takeover, of a person engaged in interstate commerce in the United States * * * by or with foreign persons so that such control will not threaten to impair the national security." The provision provides that the President or his designee may make an investigation to determine the effects on national security of mergers, acquisitions, and takeovers by or with foreign persons which could result in foreign control of persons engaged in interstate commerce in the United States. If it is determined that an investigation should be undertaken, it must commence no later than 30 days after the President or his designee receives written notification of the proposed merger, and the investigation must be completed no later than 45 days after the determination. The President must announce his decision to take action pursuant to this provision not later than 15 days after the investigation is completed.

The provision authorizes the President to exercise his authority to suspend or prohibit any merger, acquisition, or takeover if he finds that: First, there is credible evidence that leads him to believe that the foreign interest exercising control might take action that threatens to impair the national security; and second, provisions of law, other than this provision and the International Emergency Economic Powers Act [IEEPA] do not in the President's judgment provide adequate authority for him to protect the national security in the matter before him.

In making his decision, the provision provides that the President may, taking into account the requirements of national security, consider among other factors: First, domestic production needed for projected national defense requirements; second, the capability and capacity of domestic industries to meet national defense requirements; and third, the control of domestic industries and commercial activity by foreign citizens as it affects the capability and capacity of the United States to meet the requirements of national security.

If the President determines to take action under this provision, he is required to submit a written report of the action he plans to take immediately to the Congress, including "a detailed explanation of the findings" he is required to make by the provision.

This provision was included in the 1988 trade bill by the distinguished Senator from Nebraska [Mr. EXON] as an amendment to the Defense Production Act. That Act falls under the jurisdiction of the Banking Committee, of which I am member and of which I chair the Subcommittee on International Finance and Monetary Policy. In that capacity, I worked closely with Senator EXON in 1988 in fashioning the provision which was included in the trade bill.

The amendment offered today would make three modest modifications to the Exon-Florio provision. These modifications address serious problems that were raised in an oversight hearing that I chaired in June. First, it would require the President or his designee to make a 45-day investigation "in any instance in which an entity controlled or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover of a person engaged in interstate commerce in the United States that could affect the national security of the United States."

This change reflects a concern raised by the recent case investigated by CFIUS in which a French defense electronics firm, Thomson-CSF, attempted to acquire the LTV Aerospace and Defense Corp., a United States company which is the prime contractor or subcontractor on several United States weapons systems and is a world leader in missile technology. Sixty percent of Thomson's shares are owned by the French Government, and the French Government controls 75 percent of the voting stock.

This case went through the 45-day investigation process by the Committee on Foreign Investment in the United States [CFIUS]. By executive order in December 1988, the President designated CFIUS to be responsible for the implementation of the Exon-Florio provision. CFIUS is currently chaired by the Secretary of the Treasury and includes the Secretaries of State, Defense, and Commerce, the U.S. Trade Representative, the Chairman of the Council of Economic Advisers, the Attorney General, and the Director of OMB. Before CFIUS could forward a recommendation to the President on the case, Thomson withdrew its offer because of the concern raised by the

case. This case, along with the recent attempt by the Taiwan Aerospace Corp., which is owned in substantial part by the Taiwan Government, to acquire 40 percent of the commercial aircraft operations of the McDonnell Douglas Corp., the largest defense contractor in the United States, has focused attention on the particular category of cases which may arise under Exon-Florio in which a foreign company owned or controlled by a foreign government seeks to acquire a U.S. company important to the national security of the United States.

Cases involving a foreign-owned company, by definition, fall into a different category because they are not dictated strictly by market forces. As testimony presented by the General Accounting Office at a hearing of the Subcommittee on International Finance of the Banking Committee on June 4 to review the operation of the Exon-Florio provision since its enactment in 1988 pointed out:

There is also the generic issue of foreign government ownership of U.S. defense contractors. The U.S. government does not own its own defense contractors. Thus it is appropriate to ask whether it would be a good idea to have one of our prime defense contractors owned by a foreign government-controlled company.

The amendment being offered would simply require that in any instance in which an entity controlled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover of a U.S. company that could affect the national security of the United States, a 45-day investigation be undertaken by CFIUS. This would ensure that such cases, which are on their face different from cases involving strictly private sector parties, would receive the close scrutiny they deserve.

The second change would add two considerations for deciding whether a takeover affects the national security to the three considerations now in the law. The three considerations listed under current law all apply to the strength of the United States' defense base. However, our national security also depends on our defense capabilities relative to foreign countries' capabilities.

The first new consideration concerns the potential effects of a proposed or pending transaction on sales of military goods, equipment or technology to any country identified by the Secretary of State under the Export Administration Act as a country that supports terrorism, as a country of concern regarding missile proliferation or the proliferation of chemical and biological weapons, or is listed under the Nuclear Non-Proliferation Act of 1978 on the nuclear non-proliferation special country list.

With the second new consideration added by this amendment, the President would also be permitted to consider as a factor in making his decision "the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security." Congressional hearings on the Taiwan-McDonnell Douglas deal and the Thomson-LTV deal both highlighted the problem that acquisitions of United States technology leaders may raise foreign technology relative to United States technology at the expense of our national security. This provision insures that not just the absolute level of technology in the U.S. defense base but also the comparative level of our technology is taken into consideration.

The third change would require the President to transmit immediately to the Congress a written report in each case in which he makes a determination either to take or not to take action under the provision, including a detailed explnation of the findings he is required to make under the provision and the factors which he may take into consideration in making his determination. This is a change about which I feel very strongly.

Under current law, the President is required to submit a report to Congress only in cases in which he makes a determination to take action under the provision. He is not required to submit a report on cases which go through the 45-day investigation process, are referred to the President for final decision, and in which he decides not to take action. As a result, the Congress and the public have no understanding of the rational underlying the decisions in these cases or the policy being developed by the President in applying the Exon-Florio provision.

This is particularly true given the fact that of the 700 notices of proposed or pending mergers that have been filed with the President under Exon-Florio since the enactment of the provision in 1988, only 13 have been subject to an extended 45-day review. Of the 13, 4 cases were withdrawn and 9 went to the President for a final determination. Of these nine, only one was blocked by the President. As a result, of the nine cases that have actually been decided by the President, the Congress and the public have been given an explanation for the decision in only one of the cases. It is thus virtually impossible for the Congress and the public to know what policy has been developed by the administration in applying the Exon-Florio provision or to hold the administration accountable. The only document released in cases in which the President decides not to take action is a one-page press release. I am submitting for the record press releases issued for eight of these cases, which all contain the same boilerplate language.

The amendment also contains a sense-of-the-Congress resolution that the President should add the Director of the Office of Science and Technology Policy and the Assistant to the President for National Security as members of CFIUS.

Finally, the amendment would require the Directors of the FBI and the CIA to submit a report jointly to the Congress that evaluates whether there is credible evidence of a coordinated strategy by one or more foreign countries or companies to acquire U.S. companies involved in the research, development, or production of defense critical technologies of which United States is a leading producer.

Mr. President, in my view this is a very modest amendment that makes a number of commonsense changes to the Exon-Florio provision of the Omnibus Trade Act of 1988. I strongly urge its support by my colleagues.

Mr. BYRD. Mr. President, this amendment has been discussed with the managers.

Mr. WARNER. Mr. President, if the Senator will yield, it is cleared on this side.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3077) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank both the distinguished Senator from Georgia and the Senator from Virginia.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I just wanted to take this time to thank the managers but also to encourage any Senators on this side of the aisle, if you are going to offer the amendment, let the managers know. If you are going to insist on a rollcall let the managers know.

It is my understanding, with one or two exceptions, if we could have any rollcall votes now the rest of us could go home and the managers could stay and finish up this legislation. So I hope if anybody has an amendment that is going to demand a rollcall they could offer those now and that would make it easier for a lot of others later. Assuming of course it would not be a demand for a rollcall vote on final passage.

So I urge my colleagues on this side of the aisle, and the other side of the aisle for that matter, to let the managers know. They are working hard to finish this bill at a reasonable hour and I believe they will if they have the cooperation of Members of both aisles.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I join in the minority leader's plea in that respect. We know of two amendments that are controversial that may re-

quire rollcall votes. One of those is the Metzenbaum amendment on contractor indemnification. We are working with Senator METZENBAUM on that one. We expect to hear back from him on whether that one can be worked out or whether it will require extensive debate, or some debate and a rollcall vote.

We also have Graham-Mack Cuban democracy amendment. I know the Senator from Florida is on the floor.

Mr. President, I hope we could get some kind of time agreement on this amendment. I know the Senator from Connecticut is very involved, whether he is on the floor or not—I do not see him on the floor.

It would be my hope we could have some discussion now and see if we can get some time agreement on this amendment. The pending amendments are amendments that Senator WARNER and I are working on. We certainly would be delighted to set those aside if we could get some kind of indication from the Senator from Florida and the Senator from Connecticut about a time limit.

Mr. President, if I could say to the minority leader, if we could get an hour's time limit on the Cuban democracy amendment, it is my view we could finish this bill, as far as rollcall votes go, within about an hour. That would leave us here to finish any amendments that can be agreed to.

We are within basic sight of being able to finish this bill not at 12 or 1 but at 9, 9:30, 10 o'clock tonight if we can get by this hurdle.

Mr. DODD. If the Senator will yield, I missed the comments between the minority leader and the distinguished chairman. I understand my name has been mentioned several times today in connection with this Cuban Democracy Act amendment.

I want to state for the edification of my colleagues, I held a 6-hour hearing in the Foreign Relations Committee on this bill, offered a freestanding proposition to bring it up. This bill has no business on a Department of Defense authorization bill whatsoever. It really does not, in my view.

I have had an amendment Senator RUDMAN and I wanted to bring up. We were told there would be no time agreement. We understood that. So we are prepared to withdraw the amendment because there is a problem.

All I am suggesting is the authors of this amendment might want to accommodate the chairman by doing the same thing we have done, particularly on something that has no relationship to the substance of the bill before us.

It is a serious matter. It is one that Gerald Ford, President Ford, changed the rules on this in 1976 because of the economic hardship. It relates directly to the economy of the country today. I realize there is a dynamic to this because of how it is perceived, but it is a serious proposition. Six long hours before the committee, a hearing which I held on behalf of the two Senators from Florida with the agreement we do a freestanding proposition.

Now they want to come up on this bill. I withdrew my objections on the Export Administration Act, of which the Senator is aware. I know we have a problem. A colleague disagrees with that. We can tie this up forever. We do not want to have that happen. I would like to think my colleagues would extend the same accommodation to try to get this bill out and try to get it as a freestanding matter. That is the reason I have expressed the concerns about it. It is not frivolous opposition I am expressing here.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Florida.

Mr. GRAHAM. Mr. President, if it is not objectionable to the managers of the bill, I would like to send an amendment to the desk because I believe we are not going to dispose of this matter until we start debating this matter.

The PRESIDING OFFICER. The Chair advises the Senator from Florida that there are presently two amendments pending.

Mr. GRAHAM. Again, if agreeable to the managers of the bill, I move to set those amendments aside for purposes of considering this amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I suggest the absence of a quorum. I will be glad to discuss this with the Senator from Florida.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. EXON assumed the chair.)

Mr. NUNN. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside for the purpose of taking up a Leahy amendment on land mines to which there will be no second-degree amendment.

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

AMENDMENT NO. 3078

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of myself, Mr. KERRY, Mr. KERREY, Mr. KENNEDY, Ms. MIKULSKI, Mr. DECONCINI, Mr. HATFIELD, Mr. JEFFORDS, Mr. WOFFORD, Mr. ADAMS, Mr. HARKIN, Mr. MOYNIHAN, Mr. DODD, Mr. CRANSTON, Mr. KOHL, Mr. BRYAN, Mr. RIEGLE, Mr. SANFORD, Mr. FORD, Mr. ROCKEFELLER, Mr. AKAKA, Mr. INOUYE, Mr. SPECTER, Mr. D'AMATO, Mr. REID, Mr. MITCHELL, Mr. SIMON, Mr. DASCHLE, Mr. SARBANES, Mr. METZENBAUM, Mr. PELL, Mr. CONRAD, Mr. LAUTENBERG, Mr. ROBB, and Mr. BUMPERS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. KERRY, Mr. KERREY, Mr. KENNEDY, Ms. MIKULSKI, Mr. DECONCINI, Mr. HATFIELD, Mr. JEFFORDS, Mr. WOFFORD, Mr. ADAMS, Mr. HARKIN, Mr. MOYNIHAN, Mr. DODD, Mr. CRANSTON, Mr. KOHL, Mr. BRYAN, Mr. RIEGLE, Mr. SANFORD, Mr. FORD, Mr. ROCKEFELLER, Mr. AKAKA, Mr. INOUYE, Mr. SPECTER, Mr. D'AMATO, Mr. REID, Mr. MITCHELL, Mr. SIMON, Mr. DASCHLE, Mr. SARBANES, Mr. METZENBAUM, Mr. PELL, Mr. CONRAD, Mr. LAUTENBERG, Mr. ROBB, and Mr. BUMPERS, proposes an amendment numbered 3078.

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

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

The amendment is as follows:

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

SEC. . LANDMINE MORATORIUM ACT.

(a) This section shall be titled the "Landmine Moratorium Act of 1992".

(b) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are specifically designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers, primarily in insurgencies in poor developing countries. Noncombatant civilians, including tens of thousands of children, have been the primary victims.

(2) Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing untold suffering to civilian populations. In countries like Afghanistan, Cambodia, Laos, Vietnam, and Angola, tens of millions of unexploded landmines have rendered whole areas uninhabitable. In Afghanistan, an estimated hundreds of thousands of people have been maimed and killed by landmines during the 14-year civil war. In Cambodia, more than 20,000 civilians have lost limbs and another 60 are being maimed each month from landmines.

(3) Over 35 countries are known to manufacture landmines, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Department of State has approved ten licenses for the commercial export of anti-personnel landmines valued at $980,000, and during the past five years the Department of Defense has approved the sale of 13,156 anti-personnel landmines valued at $841,145.

(4) The United States signed, but has not ratified, the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. The Convention prohibits the indiscriminate use of landmines.

(5) When it signed the Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(6) The Administration should submit the Convention to the Senate for ratification, and the President should actively negotiate under United Nations or other auspices an international agreement, or a modification

of the Convention, to prohibit the sale, transfer or export of anti-personnel landmines. This would be an appropriate response to the end of the Cold War and the promotion of arms control agreements to reduce the indiscriminate killing and maiming of civilians.

(7) The United States should set an example for other countries in such negotiations, by implementing a one-year moratorium on the sale, transfer or export of anti-personnel landmines.

(c) STATEMENT OF POLICY.—

(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the use, production, possession and deployment of anti-personnel landmines.

(2) It is the sense of the Congress that the President should actively seek to negotiate under United Nations or other auspice an international agreement, or a modification of the Convention, to prohibit the sale, transfer or export of anti-personnel landmines.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of 1 year beginning on the date of enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

In section ——, amend the table of contents by inserting after the item relating to section —— the following new item:

Sec. 17. Landmine Moratorium Act of 1992.

Mr. LEAHY. Mr. President, I know the hour is late so I will take only a couple of minutes to explain my amendment. I do not think it is controversial. I think as the Presiding Officer may have noted by the wide range of cosponsors from both parties and across the political spectrum, this is an amendment that has broad support. It is almost identical to S. 3098, a bill I introduced in July with a number of cosponsors. My amendment is simple. It imposes a 1-year moratorium on the sale, transfer, or export abroad of anti-personnel landmines by the United States. It calls on the President actively to seek to negotiate an international agreement to stop the world sales and transfers of these deadly weapons. And, it declares it the policy of the United States to seek agreements to further limit the production, possession, use and deployment of anti-personnel landmines.

One of the reasons so many veterans of past wars have supported this amendment is that those who faced them know how terrifying landmines can be. Antipersonnel landmines are designed for one thing and one thing only: to maim and kill people. In past wars, we have seen the horrible toll they have taken on American soldiers. But today, in the vast majority of cases, the victim is a noncombatant civilian, often an unsuspecting child.

Landmines are manufactured in over 35 countries, and they come in every shape and size. The Russians used them in Afghanistan, made to look like toys so children would pick them and lose an arm or a leg or eyesight. Hundreds of thousands of innocent men, women, and children step on these explosives. They remain undetected fro years after the conflict ends. Afghanistan may never be rid of the estimated 10 million landmines scattered there. In Cambodia alone, 20,000 people have lost an arm or a leg from these deadly weapons.

I think of the time when I was in the jungle of Honduras, and I visited a field hospital. It was a very hot day. Inside I saw a young boy who was hobbling along on a homemade crutch. He had one leg. I found out from him that he had lost his leg from a landmine, walking along a jungle trail near the Honduras-Nicaragua border. I asked him if he thought the landmine was put there by the Contras or by the Sandinistas. He did not know, and it made no difference to him.

But he did know he only had one leg. He knew that he was from a peasant family and that his life was shattered. He had no rehabilitation available to him. He had no way to get a job. He had no idea how to get an artificial leg.

So, I think of him. I think, as I said, of all our men and women who served in Vietnam, Korea, World Wars I and II, who were killed or maimed by landmines. I think of our brave troops who were in Desert Storm who faced miles of sand dunes strewn with landmines. I also think of the countless civilians in so many countries, often the poorest countries—like Angola, Somalia, Vietnam, Cambodia, El Salvador—who live in fear of landmines placed indiscriminately. They are weapons of terror,and the people who are maimed, who are killed, who are terrorized are so often the people who have really no part in the conflict. They are not the combatants. They are not the political leaders. They are people carrying on their daily lives, until suddenly their lives are ended in a blinding explosion or altered forever.

Ten years ago the United States signed the Landmines Protocol, the international agreement to regulate the use of landmines. At the time, the United States praised the protocol as a first step to protect civilians from the indiscriminate use of these weapons. But the administration has not submitted the protocol to the Senate for ratification, and since then the use of land mines has skyrocketed.

This amendment will set an example of all countries that produce and export landmines. It calls on the President to submit the protocol to the Senate for ratification, and to seek an international agreement to stop the trade in antipersonnel landmines.

My amendment is supported by the Vietnam Veterans of American Foundation, and by many American private voluntary organizations that work in wartorn countries where landmines have left a legacy of misery. I ask unanimous consent that a letter from Robert Muller, the executive director of the VVAF, be printed in the RECORD.

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

VIETNAM VETERANS OF AMERICA FOUNDATION,
Washington, DC, July 29, 1992.

Senator PATRICK LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: On behalf of the Vietnam Veterans of America Foundation, I would like to congratulate you on the leadership role you have taken with your introduction of legislation to impose a one-year moratorium on the sale, transfer or export of anti-personnel landmines.

As you graphically point out, landmines are insidious weapons that do not discriminate—they kill and maim tens of thousands of civilians around the world long after the wars in which they were sown are over. This indiscriminate effect, which can last through decades of peace, is clearly not proportionate to any military gain of the moment.

The VVAF endorses this legislation as a first step toward ending this senseless slaughter. Further, it endorses the language that would set the policy of the United States to work toward the eventual "termination of production, possession or deployment of anti-personnel landmines."

The VVAF hopes that your leadership will be further reflected by the U.S. Senate with the passage of this legislation as an amendment to the Defense Authorization bill.

Sincerely,

ROBERT O. MULLER,
Executive Director.

Mr. LEAHY. Mr. President, I ask unanimous consent that the distinguished Presiding Officer, the senior Senator from Nebraska [Mr. EXON] be added as a cosponsor.

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

Mr. LEAHY. Mr. President, I know that the distinguished managers of this bill want to go on to other matters. Let me just close with this. Nobody, not those who have faced the threat of landmines in combat nor the civilian victims, ever really condoned the use of these weapons. They have gone way beyond a military use. They are now

being used more and more indiscriminately as weapons of terror.

We can stop this. We can stop it easily. We can tell the world that the United States will no longer be party to this horror. And we can call on other countries that now manufacture and export them around the world to follow our example. It will not bring back those who were killed. It will not repair those who are crippled. But perhaps we will begin a new century and a new millennium by giving hope to people around the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this amendment has been carefully considered on both sides and the chairman and I desire to accept it. We find that the distinguished Senator from Vermont has described an area which indeed is one that should be addressed with such an amendment and, therefore, it is our hope that we can accept this on a voice vote and proceed on with other elements of the bill.

Mr. LEAHY. Mr. President, that certainly, of course, would be acceptable to me, and I thank the courtesy of the distinguished senior Senator from Virginia. I note that he also has brought to my attention in private conversations not only the terror but the horrifying injuries that our military people have faced over years past.

The distinguished Senator from Virginia served in the Marine Corps. I recall vividly the tales told by my own son as he went through Parris Island boot camp training and Camp Lejeune afterwards, and he described how they go forward to find landmines to disarm them.

Frankly, I was chilled to the bone at his description, even in training.

So, Mr. President, I hope my amendment will be adopted.

The PRESIDING OFFICER. Is there further debate of the amendment offered by the Senator from Vermont? The Chair gets the impression it had been cleared on both sides.

The question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 3078) was agreed to.

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

Mr. WARNER. 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 Virginia.

Mr. WARNER. Mr. President, I just wish to thank the distinguished Senator from Vermont for his cooperation on this matter.

Parliamentary inquiry, Mr. President. Am I correct that the pending business are two amendments, the underlying amendment of the Senator from Virginia as amended by an amendment in the second degree by the Senator from Georgia.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Mr. President, I would say to my good friends from Florida that I would await the return of the chairman as a matter of courtesy. I know he has been involved with both Senators and indeed the leadership of the Senate on the matter which the Senator from Florida is about to address.

Mr. GRAHAM. I appreciate that. I would only reiterate that Senator MACK and I are anxious as we have been throughout the day to offer our amendment, are prepared to go forward, and are willing to accept a very short time agreement. We are not going to request a rollcall vote. We believe that this matter of the Cuban democracy amendment is well understood. It has been strongly supported in the past. We are hopeful it will be strongly supported here again today. We are anxious to get about the business of its consideration.

Mr. WARNER. Mr. President, I clearly understand the position of the Senator from Florida. But again I shall feel constrained to put in a quorum call until the chairman returns, because I have been working on matters other than the amendment addressed by the Senator from Florida and that has been within the domain and responsibility taken by the chairman.

I suggest perhaps that the distinguished Senator from Florida might go ahead and utilize the time just to speak, recognizing the pending amendments are those of the managers.

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

Mr. GRAHAM. Mr. President, if the proposal is to place us into a quorum call, I ask unanimous consent that I may make a statement as if in morning business relative to a matter dealt with earlier this afternoon, the supplemental appropriations bill.

Mr. WARNER. There is no objection.

The PRESIDING OFFICER. If there is no objection, the Senator from Florida is recognized for the purpose of making a statement as in morning business.

Mr. GRAHAM. Thank you, Mr. President.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. GRAHAM. Mr. President, earlier this afternoon the House and now the Senate completed action on the Supplemental Appropriations Act. That act contained many significant items, but a block of those items that were especially important to the citizens of Florida were those that related to the Federal response to Hurricane Andrew and all of the havoc that it wrought upon our State.

I wish to extend my thanks to virtually every Member of this Chamber who have been so considerate, generous, and compassionate.

The Presiding Officer, as chairman of not only an important subcommittee of the Appropriations Committee but also as chairman of the Agriculture Committee, was very understanding of some of the special issues relative to agriculture that were contained in this legislation. I wish to express my appreciation to the distinguished senior Senator from Vermont and, through him, to our colleagues for their very expeditious and considerate attention to this matter.

Mr. President, most Americans are familiar with what transpired on that early morning of August 24, when a massive category 5 hurricane, Hurricane Andrew, cut through a section of our State of Florida. Thanks to the early warning and effective evacuation, loss of life was miraculously low.

I would point out to the distinguished Presiding Officer and to my colleagues that in other hurricanes of this or even lesser intensity the loss of life has been in the hundreds. In this instance, the loss of life as of latest count was held to under 50. This was largely due to a massive evacuation. Over one-third of the population of the largest county in my State, Dade County, left their homes and went into safe shelter in order to avoid the devastation of this killer hurricane.

The damages inflicted upon this hurricane as of the middle of this week—and I might say that, as in any emergency such as this, the focus for the first days is on the saving of life and the protection of life, not on the accounting for the damages—but as those figures are available today, total property damage in Florida will be in the range of $20 to $30 billion, the largest property loss inflicted by a natural disaster in our Nation's history.

Residences destroyed or subject to major damage, over 70,000; other residences which were damaged generally to the point that they were rendered at least temporarily uninhabitable, 54,690; commercial damage is estimated at over $2½ billion; insurance losses at approximately $7.3 billion; public assistance grants—that is damage to local, county, State government facilities—over $1 billion; individual and family grants—that is funds to individuals for losses they suffered beyond insurance—over $750 million.

Governor Chiles has estimated total damages of $20 to $30 billion. Most of this will be reimbursed through private insurance and other ways. Governor Chiles estimates that Federal reimbursement for FEMA will be between $1.7 to 2 billion; $2 to $3 billion for SBA; $2 to $3 billion for economic redevelopment costs, and $1 billion to rebuild Homestead Air Force Base. Thus total Federal costs may run from $6.7 to $9 billion.

The supplemental appropriations bill currently before us requests $2.893 billion for FEMA's emergency programs plus contingent funds of $143 and $250 million loan level for community disaster loans—for loss of tax or other revenues;

For SBA there is $220.4 million in budget authority, which would support $1,200 million of which an additional $800 million would be available for new loans for economic development and housing; and $75 million for Economic Development Administration [EDA] assistance.

The funding for FEMA, SBA, and EDA will provide the core assistance for our recovery but other programs also included in the bill will provide help to individuals and families as well.

LOSS TO INDIVIDUALS AND FAMILIES

As of September 15, 1992, 87,671 applications have been received for the FEMA Individual and Family Grants Program. This number is approaching the largest number of disaster applications ever—including Hugo. Based on South Carolina's approval rate of 67 percent, Florida estimates that 58,740 current applicants will be qualified for these grants at an average of $4,500 each.

Overall, Florida estimates that 95,931 grants will be awarded at an average of $4,104. Given there are 95,931 applicants averaging $4,104 per grant the Federal share will be $310 million and Florida's liability will be $98 million.

The needs are extensive for individuals and families. The State has estimated the programs and the funding level for those programs which are as follows:

Child care block grants of $20 million will provide for approximately 6,400 children for 1 year in day care. Large numbers of families were using relative care that is no longer available; that is, relatives' homes destroyed; families in need of child care to attend to restoration of basic living needs; families in need of respite care; families in need of extended child care hours due to a longer commute to their jobs due to the displacement of their living arrangements, and families in need of child care so parents can seek employment which was lost due to the hurricane.

Foster care, $2.4 million; direct service aides, overtime and expenses for foster care programs, $4.6 million.

Post-trauma counseling, $6.4 million. These funds are needed to provide intensive preservation and stabilization assistance to families to prevent the breakup of the family and increased foster care placements; 28 programs at $230,000 each for 4,000 children.

Independent living services $168,000.

Aid to families with dependent children and food stamps $17.5 million.

Family support services $129,000.

Aging and adult services $2.3 million to locate clients and provide for their needs.

Adult and children's mental health services. The State estimates needs of $13.1 million for these services. South Carolina found that the demand for these services jumped 10 percent after their hurricane.

Plus Florida also has funding needs for medical complex services and services for the deaf and blind.

Finally housing provides a huge challenge. The supplemental provides for Federal Housing Administration [FHA] loan guarantees of a total loan level of $2,428 million. The State estimates the average loan value to be $50,000.

Migrant and farm worker housing: The bill provides $10 million for over 700 farm labor housing units for migrant farm workers.

LOSS TO BUSINESSES

The priorities for business and economic restoration of Florida will include business retention, commercial reconstruction and local priority in contracting opportunities. Florida businesses will have to rebuild destroyed facilities, renovate existing buildings, or relocate to other facilities. It is very hard to estimate at this time what those numbers will be. EDA and SBA will play a big role in these redevelopment efforts.

LOSS TO PUBLIC ENTITIES

The cities and counties of Florida estimate their losses to be $1,102 million while the State of Florida estimates their total costs to be $959 million, including operating, damage to buildings and grounds, and grants and aids.

The Florida Department of Education estimates their total costs to be $36 million. They are trying to get 79 schools open and will have to go to double sessions on Saturday and Sunday to make up for the delay in classes that Andrew caused.

The money we are putting in the bill for FEMA's public assistance grants should help with these costs.

I want to thank all those who have been so helpful to me, my staff, Governor Chiles and his staff. The staff of the Appropriations Committee as well as the staffs of OMB and FEMA have diligently worked with us to identify and fund Florida's needs. We are most grateful for this assistance.

Mr. President, there were many people who contributed substantially to the relief of those of our fellow citizens who were ravaged by this hurricane.

I want to particularly thank the thousands of volunteers who came from all over the country to render assistance. They did so by their personal presence and work; they did so by contributing to agencies such as the American Red Cross, the Salvation Army, and religious organizations; and they did so by providing food, baby supplies, and clothing to many thousands of citizens who had lost all of the above.

Mr. President, there were many people here in the Senate who contributed their assistance in identifying the needs and moving quickly to their resolution.

I would like, if I could, to particularly thank from the Appropriations Committee, Mr. Jim English, staff director, who took a great personal interest and gave extremely focused attention to this matter; also members of the Appropriations Committee staff: Mike Hall, Mike Walker, Sue Masica, Jim Morhard, and Jim Sourwine.

From the Armed Services Committee, which was particularly helpful on the issue of Homestead Air Force base: Mr. Arnold Punaro, Bob Bayer, Kevin Kelly, and Carrie Apostolou.

From the Agriculture Committee: Michael Knipe, Suzanne Smith, Lynnett Wagner, and Tom Herbert; from Senator MACK's staff: Mitch Bainwol, Bob Mottice, Scott Barnhart, Patrick Kearney, and Buzz Gorman; from Senator JOHNSTON's staff, Laura Hudson; from Senator BREAUX's staff, Johnny Broussard; and from the Office of Management and Budget: Tom Sculley and Janet Hale.

Mr. President, I want to make sure it is clear that all the numbers in the bill today are based upon estimates of the damage as of today. Thus, I want to make sure that the Members are aware that if we find our estimates increasing and the funds do not meet those needs we will then come back to the committee and the administration and seek further assistance.

Also, Mr. President, I have a draft statement that covers some of the particular areas as it relates to agriculture which I would like to have printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, I appreciate the opportunity to make this brief statement.

I see that the chairman of the Armed Services Committee has now returned to the Chamber, and again with my deepest appreciation to the family of the Senate for their response to these members of the family of America who have been hurt so severely as a result of this tremendous natural disaster, I express my best wishes, thanks, and yield the floor.

EXHIBIT 1

AGRICULTURE

To understand the extent of the damage that Hurricane Andrew inflicted on South Florida's growers, farmworkers, and agribusinesses you have to understand the unique circumstances under which most of South Florida's crops are cultivated.

South Florida's subtropical agricultural industry is unlike any other in the U.S.

We grow tropical and winter crops that aren't grown anywhere else in the U.S.

We have high land values, high crop values, and high production costs that require our farmers to be businessmen of the highest caliber.

We grow in seasons and cycles unique to our tropical weather for specialized and niche markets.

These factors make South Florida the largest producer of winter vegetables and nursery plants in the U.S. As a result, the industry also provides the region with $1 billion in economic value and employs tens of thousands of people.

Because agriculture is the economic bedrock of the region it is vitally important that we provide assistance to those growers—80% by some estimates—that suffered major losses from Hurricane Andrew.

However, South Florida's agricultural uniqueness also means it does not fit the disaster assistance mold created to help traditional crops and farmers rebuild after a natural disaster.

For example: there is no crop insurance for the malanga, the bonito or calabaza—our top three tropical vegetable crops; no disaster loan program that can help a grower co-op repair its packing house; and, the $2 million gross annual revenue means test for disaster assistance excludes many of our growers whose sales exceed the cap—but whose incomes fall far short of that amount.

Our growers are faced with enormous damages and very few federal assistance programs to help them recover and rebuild. Preliminary estimates reveal $441 million in crop damages, and $582 million in agricultural structural damage.

However, the Administration and Congress worked closely together to add funds to and amend existing agriculture assistance programs in a supplemental appropriations bill to provide help. I appreciate the help that the House and Senate appropriations committees and authorizing committees have provided throughout. Although Florida had pursued many changes to laws without success in order to increase their applicability to the special characteristics of South Florida agriculture, on many other changes we met with enthusiastic support. The result is a bill that provides additional funds for:

1. Tree Assistance Program (TAP): $48 million for reimbursement to commercial tree crop growers for losses due to a natural disaster. Funds can be used for reseeding, replanting, rebudding, and repairing damaged and destroyed trees. These funds are crucial to our tropical fruit and tree nursery industries. In a September 17 meeting, Secretary Madigan pledged his help to get the funds out fast to reduce tree losses.

2. Rural Business Loans: $305 million in federally guaranteed loans for agri-businesses through the Farmers Home Administration Business and Industry program. These loans (also called Business and Industry loans) are made by private lenders to agriculture-related businesses to provide them with funds to begin rebuilding and operating. Because the loans are federally guaranteed (up to 90%) lenders will be able to make the loans available at a more affordable rate; the borrower can qualify for up to $10 million.

We shaped this program to specifically help the agri-businesses in South Florida. Without the packing houses, the shippers, the feed and seed stores, etc . . . South Florida's largest and most important industry's recovery could stumble.

3. Disaster Assistance Payments: $482 million in disaster assistance funds that will be made to qualified farmers to cover crop losses.

Although there are limitations on these payments that will reduce the number of growers assisted, these grants will help some of the area's growers recoup a portion of their extensive crop losses. We obtained from Secretary Madigan's assurances that all of our foliage and nursery crops will be included as crops eligible for disaster payments. In addition, Florida and Louisiana's aquaculture industries will be able to apply for these payments; because the vast majority of aquaculture farms in Florida are growing ornamental fish, the USDA definition of aquaculture must include non-food fish for purposes of ASCS payments.

4. Farm worker housing assistance: $10.5 million in grants for temporary housing assistance for farm workers dislocated by Hurricane Andrew.

5. Emergency Conservation Program: $27 million for funds to clear debris from farm land and assist growers in restoring farm structures.

One of the most important steps our farmers can take is to proceed with debris removal, the initial step to replanting. Secretary Madigan has responded to our concerns that the ECP funds for cleanup be disbursed as quickly as possible. The local ASCS office will allow growers to submit receipts for the cleanup work they have done, rather than wait for the funds to reach the local level.

6. Miami Subtropical Horticultural Lab: $15 million to rebuild this and other federal agricultural research buildings.

7. Farmers Home Emergency Loans: $162.3 million in emergency low interest loans to farmers to cover physical and production losses because of natural disasters like Hurricane Andrew.

8. Farmers Home Very Low-Income Elderly Housing Grants: $10 million for housing grant to repair and replace rural homes of the very low-income elderly damaged by natural disasters like Hurricane Andrew.

9. Food Stamp program: $400 million in additional Food Stamp benefits to make sure the program has adequate resources to respond to the needs generated by Hurricanes Andrew and Iniki, and Typhoon Omar.

Mr. President, there are additional funds and programs that will focus on the effort to rebuild the single most significant industry in Andrew-ravaged Florida: agriculture. I appreciate the efforts of all involved in getting these funds approved and disbursed to those in need as quickly as possible.

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, is there a time agreement?

The PRESIDING OFFICER. No. The Chair would note that the Senator from Florida was speaking as in morning business. The Senator from Florida has now yielded the floor and we are back on the bill.

Mr. NUNN. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of an amendment from the Senator from Florida.

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

The Senator from Florida.

AMENDMENT NO. 3079

(Purpose: To promote a peaceful transition to democracy in Cuba through the application of appropriate pressures on the Cuban Government and support for the Cuban people)

Mr. GRAHAM. 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 Florida [Mr. GRAHAM] proposes an amendment numbered 3079.

Mr. GRAHAM. 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 494, between lines 4 and 5, insert the following:

TITLE XII—CUBAN DEMOCRACY ACT OF 1992

SEC. 1201. SHORT TITLE.

This title may be cited as the "Cuban Democracy Act of 1992".

SEC. 1202. FINDINGS.

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking hazardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba's external support and threaten Cuba's food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba's economy to survive current trends, provide the United States and the international democratic community with an unprecedented oppor-

tunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

SEC. 1203. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from any of the independent states of the former Soviet Union;

(5) to continue vigorously to oppose the human rights violations of the Castro regime;

(6) to maintain sanctions of the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights;

(7) to be prepared to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba;

(8) to encourage free and fair elections to determine Cuba's political future;

(9) to prevent Cuba from evading the United States embargo of that country through a North American Free Trade Agreement;

(10) to request the speedy termination of any military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from the government of any other country; and

(11) to initiate immediately the development of a comprehensive United States policy toward Cuba in a post-Castro era.

SEC. 1204. INTERNATIONAL COOPERATION.

(a) CUBAN TRADING PARTNERS.—The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this title.

(b) SANCTIONS AGAINST COUNTRIES ASSISTING CUBA.—

(1) SANCTIONS.—The President may apply the following sanctions to any country that provides assistance to Cuba:

(A) The government of such country shall not be eligible for assistance under the Foreign Assistance Act of 1961 or assistance or sales under the Arms Export Control Act.

(B) Such country shall not be eligible, under any program, for forgiveness or reduction of debt owed to the United States Government.

(2) DEFINITION OF ASSISTANCE.—For purposes of paragraph (1), the term "assistance to Cuba"—

(A) means assistance to or for the benefit of the Government of Cuba that is provided by grant, concessional sale, guaranty, or insurance, or by any other means on terms more favorable than that generally available in the applicable market, whether in the form of a loan, lease, credit, or otherwise, and such term includes subsidies for exports to Cuba and favorable tariff treatment of articles that are the growth, product, or manufacture of Cuba; and

(B) does not include—

(i) donations of food to nongovernmental organization or individuals in Cuba, or

(ii) exports of medicines or medical supplies, instruments, or equipment that would be permitted under section 1205(c) of this Act.

(3) APPLICABILITY OF SECTION.—This section, and any sanctions imposed pursuant to this section, shall cease to apply at such time as the President makes and reports to the Congress a determination under section 1208(a).

SEC. 1205. SUPPORT FOR THE CUBAN PEOPLE.

(a) PROVISIONS OF LAW AFFECTED.—The provisions of this section apply notwithstanding any other provision of law, including section 620(a) of the Foreign Assistance Act of 1961, and notwithstanding the exercise of authorities, before the enactment of this Act, under section 5(b) of the Trading With the Enemy Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979.

(b) DONATIONS OF FOOD.—Nothing in this or any other title shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.

(c) EXPORTS OF MEDICINES AND MEDICAL SUPPLIES.—Exports of medicines or medical supplies, instruments, or equipment to Cuba shall not be restricted—

(1) except to the extent authorized by section 5(m) of the Export Administration Act of 1970 or section 203(b)(2) of the International Emergency Economic Powers Act;

(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

(d) REQUIREMENTS FOR CERTAIN EXPORTS.—

(1) ONSITE VERIFICATIONS.—(A) Subject to subparagraph (B), an export may be made under subsection (c) only if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.

(B) EXCEPTION.—Subparagraph (A) does not apply to donations to nongovernmental organizations in Cuba of medicines for humanitarian purposes.

(2) LICENSES.—Exports permitted under subsection (c) shall be made pursuant to specific licenses issued by the United States Government.

(e) TELECOMMUNICATIONS SERVICES AND FACILITIES.—

(1) TELECOMMUNICATIONS SERVICES.—Telecommunications services between the United States and Cuba shall be permitted.

(2) TELECOMMUNICATIONS FACILITIES.—Telecommunications facilities are authorized in such quantity and of such quality as may be necessary to provide efficient and adequate telecommunications services between the United States and Cuba.

(3) LICENSES OF PAYMENTS TO CUBA.—(A) The President may provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services authorized by this subsection, in a manner that is consistent with the public interest and the purposes of this title, except that this paragraph shall not require any withdrawal from any account blocked pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(B) If only partial payments are made to Cuba under subparagraph (A), the amounts withheld from Cuba shall be deposited in an account in a banking institution in the United States. Such account shall be blocked in the same manner as any other account containing funds in which Cuba has any interest, pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(4) AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION.—Nothing in this subsection shall be construed to supersede the authority of the Federal Communications Commission.

(f) DIRECT MAIL DELIVERY TO CUBA.—The United States Postal Service shall take such actions as are necessary to provide direct mail service to and from Cuba, including, in the absence of common carrier service between the 2 countries, the use of charter service providers.

SEC. 1206. SANCTIONS.

(a) PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.—

(1) PROHIBITION.—Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

(2) APPLICABILITY TO EXISTING CONTRACTS.—Paragraph (1) shall not affect any contract entered into before the date of the enactment of this Act.

(b) PROHIBITIONS ON VESSELS.—

(1) VESSELS ENGAGING IN TRADE.—Beginning on the 61st day after the date of the enactment of this Act, a vessel which enters a port or place in Cuba to engage in the trade of goods or services may not, within 180 days after departure from such port or place in Cuba, load or unload any freight at any place in the United States, except pursuant to a license issued by the Secretary of the Treasury.

(2) VESSELS CARRYING GOODS OR PASSENGERS TO OR FROM CUBA.—Except as specifically authorized by the Secretary of the Treasury, a vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national, as defined in section 515.302 of the Office of Foreign Assets Control Treasury Regulations, has any interest may not enter a United States port.

(3) INAPPLICABILITY OF SHIP STORES GENERAL LICENSE.—No commodities which may be exported under a general license described in section 771.9 of title 15, Code of Federal Regulations, as in effect on May 1, 1992, may be exported under a general license to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

(4) DEFINITIONS.—As used in this subsection—

(A) the term "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft; and

(B) the term "United States" includes the territories and possessions of the United

States and the customs waters of the United States (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)).

(c) RESTRICTIONS ON REMITTANCES TO CUBA.—The President shall establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States, in order to ensure that such remittances reflect only the reasonable costs associated with such travel, and are not used by the Government of Cuba as a means of gaining access to United States currency.

(d) CLARIFICATION OF APPLICABILITY OF SANCTIONS.—The prohibitions contained in subsections (a), (b), and (c) shall not apply with respect to any activity otherwise permitted by section 1205 or section 1207 of this title or any activity which may not be regulated or prohibited under section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)).

SEC. 1207. POLICY TOWARD A TRANSITIONAL CUBAN GOVERNMENT.

Food, medicine, and medical supplies for humanitarian purposes should be made available for Cuba under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 if the President determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government in power in Cuba—

(1) has made a public commitment to hold free and fair elections for a new government within 6 months and is proceeding to implement that decision;

(2) has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms; and

(3) is not providing weapons or funds to any group, in any other country, that seeks the violent overthrow of the government of that country.

SEC. 1208. POLICY TOWARD A DEMOCRATIC CUBAN GOVERNMENT.

(a) WAIVER OF RESTRICTIONS.—The President may waive the requirements of section 1206 if the President determines and reports to the Congress that the Government of Cuba—

(1) has held free and fair elections conducted under internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) is moving toward establishing a free market economic system; and

(5) has committed itself to constitutional change that would ensure regular free and fair elections that meet the requirements of paragraph (2).

(b) POLICIES.—If the President makes a determination under subsection (a), the President shall take the following actions with respect to a Cuban Government elected pursuant to elections described in subsection (a):

(1) To encourage the admission or reentry of such government to international organizations and international financial institutions.

(2) To provide emergency relief during Cuba's transition to a viable economic system.

(3) To take steps to end the United States trade embargo of Cuba.

(4) To enter into negotiations for a framework agreement providing for trade with Cuba.

SEC. 1209. EXISTING CLAIMS NOT AFFECTED.

Except as provided in section 1205(a), nothing in this title affects the provisions of section 620(a)(2) of the Foreign Assistance Act of 1961.

SEC. 1210. ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—The authority to enforce this title shall be carried out by the Secretary of the Treasury. The Secretary of the Treasury shall exercise the authorities of the Trading With the Enemy Act in enforcing this Act. In carrying out this subsection, the Secretary of the Treasury shall take the necessary steps to ensure that activities permitted under section 1205 are carried out for the purposes set forth in this title and not for purposes of the accumulation by the Cuban Government of excessive amounts of United States currency or the accumulation of excessive profits by any person or entity.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this title.

(c) PENALTIES UNDER THE TRADING WITH THE ENEMY ACT.—Section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16) is amended—

(1) by inserting "(a)" before "That whoever"; and

(2) by adding at the end the following:

"(b)(1) The Secretary of the Treasury may impose a civil penalty of not more than $50,000 on any person who violates any license, order, rule, or regulation issued under this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may not be imposed for—

"(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

"(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

"(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.".

(d) APPLICABILITY OF PENALTIES.—The penalties set forth in section 16 of the Trading With the Enemy Act shall apply to violations of this title to the same extent as such penalties apply to violations under that Act.

(e) OFFICE OF FOREIGN ASSETS CONTROL.—The Department of the Treasury shall establish and maintain a branch of the Office of Foreign Assets Control in Miami, Florida, in order to strengthen the enforcement of this Act.

SEC. 1211. DEFINITION.

As used in this Act, the term "United States person" means any United States citizen or alien admitted for permanent residence in the United States, and any corporation, partnership, or other organization organized under the laws of the United States.

SEC. 1212. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act.

AMENDMENT NO. 3080 TO AMENDMENT NO. 3079

(Purpose: To provide Presidential Waiver Authority)

Mr. DODD. 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 Connecticut [Mr. DODD] proposes an amendment numbered 3080 to amendment No. 3079.

Mr. DODD. 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 pending amendment add the following new sections.

SEC. . Notwithstanding any other provision of law, the President may waive any provision of this title if he determines that to do so would be in the national interest of the United States, and he reports in writing to the Speaker of the House and the Chairman of the Committee on Foreign Relations of the Senate the provision or provisions of this title that he intends to waive.

SEC. . DEFENSE CONVERSION AND REINVESTMENT; EXPORT LOAN GUARANTEES.

(a) AUTHORITY FOR PROVIDING LOAN GUARANTEES.—(1) The President may extend guarantees for the sale of defense articles and services to the member nations of the North Atlantic Treaty Organization and to Israel, Australia, New Zealand and Japan. The aggregate amount guaranteed under this section in any fiscal year may not exceed $1,000,000,000.

(2) In extending medium- and long-term guarantees for sales pursuant to paragraph (1), the President shall not offer terms and conditions more beneficial than would be provided by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(3) The authority of this subsection (1) may be exercised only to such extent and in such amounts as provided for in advance in appropriate Acts.

(b) SUBSIDY COST AND FUNDING.—(1) There is authorized to be appropriated for fiscal year 1993, $65,000,000 for the subsidy cost for establishing a program at the Department of Defense to provide loan guarantees for defense exports.

(2) Funds authorized to be available for the Export-Import Bank may not be used for the execution of the program under this section.

(c) EXECUTIVE AGENCY.—For the purposes of this section, the Department of Defense shall be the executive agency for administration of the program under this section unless the President, in consultation with the Congress, designates another agency (other than the Export-Import Bank) to implement the program. Applications for guarantees issued under this section shall be submitted to the Secretary of Defense, who may make such arrangements as necessary with other agencies to process the applications and otherwise to implement the program under this section.

(d) FEES CHARGED AND COLLECTED.—A fee shall be charged for each guarantee issued under the program under this section. All fees collected in connection with guarantees issued shall be available to offset the cost of guarantee obligations under the program.

All of the fees collected under this subsection, together with earnings on those fees and other income arising from guarantee operations under the program, shall be held in a financing account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes of the program.

(e) INTERAGENCY REVIEW PROCESS.—The issuance of loan guarantees for defense exports under this section shall be subject to all United States Government review procedures for arms sales to foreign governments and shall be consistent with United States policy on arms sales to those nations referred to in subsection (a).

Mr. DODD. Mr. President, let me just explain to my colleagues what this second-degree amendment does.

It is very simple. It provides the President with the authority to waive any provision or provisions of the amendment just offered by my colleague from Florida, if the President determines that it is in the national interests of the United States to do so. He must notify the Congress in writing of his intention to do so and indicate which of the provisions he intends to waive.

Mr. President, as much as we in Congress may not like to admit it, the President is charged with the special responsibility of carrying out the foreign policy of the United States under our Constitution. It is he who must respond to the unforeseen and unanticipated events in foreign affairs as they unfold.

I have concerns about the amendment offered by my colleague from Florida which I will discuss at a later date. But this is boilerplate language which allows the President to waive the provisions if he felt it necessary to do so. The second part of the amendment deals with the proposal that has been offered in the past, or was prepared as a freestanding amendment to be offered by myself, Senator RUDMAN, Senator PELL, Senator DOLE, and 12 other cosponsors of that proposal.

The amendment, Mr. President, is very straightforward. It would give the President the authority to issue up to $1 billion in loan guarantees annually in connection with United States exports of defense articles and services to NATO countries, Japan, Australia, New Zealand, and Israel.

It is our view the logical agency to administer this program is the Department of Defense. For that reason the amendment designates the Department of Defense as the administrating agency of the program.

However, we have included a version that gives the President the discretion to designate another agency to administer the program if he believes that such agency is better able to manage it.

However, sensitive to the concerns expressed previously when these matters were debated, it says specifically the Eximbank may not be utilized for that purpose. It specifically prohibits Exim to be chosen to house this program.

The amendment also makes clear that none of the regular vetting requirements of the defense sales that are currently subject to an order to ensure that they are in the national security and foreign policy interests of the United States are altered in any way.

All of the interagency review and licensing requirements would be applicable, as would congressional notification requirements of the Arms Export Control Act.

Finally, the amendment contains the necessary budgetary language required to be in conformance with the Budget Enforcement Act of 1990.

The primary purpose of this amendment is obvious. Its goal is to assist United States exporters in their struggle to maintain or remain competitive in highly subsidized markets of our closest allies, NATO countries, Israel, Japan, Australia, and New Zealand.

There is no dispute that our major allies and trading partners all have well-established official guaranty and loan programs to assist their defense industries in capturing foreign sales. That means that foreign workers and foreign companies can count on their governments' assistance in winning contracts and thereby maintaining defense jobs in cities and towns in their countries. In most cases, this assistance is provided by the very agency that provides credits and guarantees for nondefense exports.

Without doubt, the U.S. defense industry and American workers are the most technically advanced in the world, producing products and services in very high demand.

I would cite a number in my own State but I will leave those remarks to be included later in the RECORD.

Based upon our performance and versatility, it is a No. 1 choice, I might add, in many of these areas of potential foreign buyers.

However, what happens is, of course, that we are disadvantaged tremendously because of the highly subsidized efforts of our competitors. I wish that were not the case; that these competitions would be left where the quality of the product and the price of it would be left in a free market environment.

That is not the case today. As a result, we felt compelled to offer this amendment so as to be able to provide our contractors and our employees an opportunity to compete in exclusively NATO markets: New Zealand, Australia, Japan, and Israel. No other Third World countries. I am opposed to it. I do not believe in promoting sales to those countries. But we should not be losing business with our allies when those contracts come up for competition. We feel this is an appropriate way to go. We have worked on this with the administration. It has been before this body before. It was passed by this body on previous occasions and for various reasons has not become law on other bills to which it was attached.

We have now designated the Department of Defense as the appropriate agency, and thus the amendment on this bill is, we think, the appropriate vehicle.

So I hope these two second-degree amendments, the one calling for Presidential waiver authority on the Cuban Democracy Act and this particular proposal to allow us to compete more equitably in these markets that I have already identified, are appropriate amendments to the fundamental and underlying legislation that is being handled, of course, by our distinguished colleague and friend, Senator NUNN, and the distinguished senior Senator from Virginia, Senator WARNER.

The PRESIDING OFFICER (Mr. DASCHLE). Is there further debate? The Senator from Florida.

Mr. GRAHAM. Mr. President, the second-degree amendment has two elements. The first is a section that essentially says, regardless of whatever is contained in the Cuban Democracy Act, that the President has carte blanche authority to waive any provision that he wishes with the only requirement being that he report to the two committees of jurisdiction of the Congress and to the Speaker of the House, relative to his action in doing so.

The second part of the second-degree amendment goes to an entirely different subject which is loan guarantees relative to defense contractor products. I believe the senior Senator from Maryland will wish to speak on the second part of the amendment and I will defer to him on that.

But as to the first part, the purpose of the Cuban Democracy Act is to have a coherent national policy, a policy which emphasizes both constraints, economic and political, on the current Communist regime in Cuba, and a series of incentives, incentives aimed at the Cuban people today, particularly in areas of food, medicine, communication with their loved ones, and then an open door of what will be the relationship with Cuba when it returns to the ranks of free and democratic societies of the world.

I do not believe that coherent set of policies should be cherry-picked, by providing that the President can within his total discretion decide which ones of these provisions, if any at all, he chooses to implement.

We had a very similar debate not too many years ago over the Union of South Africa, in which Congress laid out a very comprehensive United States strategy, largely built on an economic embargo to try to create a

condition that would facilitate change within the Union of South Africa. I suggest it has been one of the great foreign policy success stories of America in the last decade.

We did not in that legislation give the President the prerogative of deciding which ones of those provisions he would choose to implement and which he would ignore. I do not believe any more that we should provide that transfer of congressional responsibility to the Executive as it relates to our relationship with Cuba. So I would strongly object to the provision of the second-degree amendment which is germane to the underlying first-degree amendment, and defer to our colleague from Maryland who can discuss the section of the second-degree amendment which is irrelevant, nongermane, to the underlying first-degree amendment.

Mr. DODD. Will my colleague yield?

Mr. GRAHAM. Yes.

Mr. DODD. Just on one point. I certainly respect the second part of the second-degree amendment concerns. I just point out, on the first part of the second-degree amendment dealing with the waiver authority, in about 45 days we are going to have an election. As I understand it, both the candidate of the Democratic Party, Governor Clinton, and the President, I gather, support this legislation and have stated so. So the concerns about waiver authority, I think, are probably as a practical matter, something you probably have less to worry about. We do not have a difference of opinion between the two people—one of whom will either continue to assume the Presidency of the United States or move in that position.

It is not uncommon language, I suggest, for waiver authority to exist. This is fairly boilerplate language. We find an awful lot of provisions where national emergencies, as the President declares them, arrive and he has the ability to then waive various provisions of the law.

So, as a practical matter I think it is something you will find in numerous other areas of the law.

Mr. GRAHAM. If that was in the nature of a question, Mr. President, I would respond by quoting a letter on behalf of the President. It was submitted on August 5 of this year, in which the President states:

> The President has made clear his commitment to working with Congress to pass a stronger, more effective Cuban democracy act, which tightens the embargo and closes any unintentional loopholes that could benefit the Castro regime while preserving the proper constitutional prerogatives of the Congress and the President.

I believe that is what we have done with the Cuban Democracy Act, preserved the appropriated prerogatives of the Congress and the President of the United States, and that the second-degree amendment which would provide for essentially a Presidential preemption of whatever provisions he or she chose to ignore, would destroy that balance of congressional and executive responsibility in foreign policy.

So again, I strongly object to the adoption of the second-degree amendment as it relates to the provision that is germane to the first-degree amendment, and I defer to our colleagues from Maryland to discuss the section of the second-degree amendment which relates to a nongermane subject matter.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I will be very brief, because I know the hour is late. But this is an important proposition. It is a serious matter, and it is important that Members focus on it.

I am in opposition. I am just going to address the latter part of this amendment that has been sent to the desk by Senator DODD to establish a brand new guarantee program for the sale of defense articles of a billion dollars a year, with total discretion in the executive department to determine where the billion dollars of guarantees is given. It is going to cost money, because we are going to have to appropriate the subsidy cost that is associated with such a program.

I have some trouble fully understanding the amendment, particularly this special fund with fees that are provided here. But let simply, on the general issue, make the following points.

It is argued that our defense manufacturers are currently at a competitive disadvantage, and that the provision simply levels the playing field with other countries. The fact is we have an enormous program of Government-supported defense exports. That program is the Foreign Military Financing Program, through which we grant money to foreign governments to purchase U.S.-made defense articles and services. That has been developed over the years. It has a very carefully developed system of review with respect to where the arms are going.

We are going to deal with a Foreign Operations appropriations bill very shortly, which will have billions and billions of dollars in it for the Foreign Military Financing Program, a program far larger than that of any of our allies.

The United States, with the collapse of the Soviet Union, is now clearly the world's largest arms merchant. In fact, our arms exports have risen at a very rapid rate over recent years. They have reached a 10-year high since 1986. We now are the largest weapons supplier by far in the world.

Why, given that context, do we need another program of subsidized guarantees? In other words, we are talking about a subsidy to go with these guarantees, when we already have a major program of assistance for arms exports, a program that many of us think would be cut back and curtailed.

I thought there was a new world order that we are trying to achieve, and yet we are still going down the path of trying to promote and maximize arms sales.

The controls which exist in the existing Government program I think are very important. They have proven important in the past. The administration, in effect, has been pushing arms under that program. The countries to which this amendment is written are countries whose economies are in the upper tier. It is hard to justify providing a subsidized guarantee in order for them to acquire weapons.

The real question is what is the necessity of the guarantee? If the private market is not prepared to make the loans, why are we asking U.S. taxpayers to take that risk?

The Government, of course, at an earlier time, ended up forgiving billions of dollars in military debt. This would, in effect, open up the gates for a billion dollars a year of additional liability undertaken by the Government of the United States.

In fact, foreign countries have a record of repaying nonmilitary debt prior to repaying military debt. Military debt is most often forgiven. I am not sure how the risk factor provided for in this legislation, which led to a subsidy of $65 million to support $1 billion in loan guarantees for each year, was arrived at. I do not know that that has been costed out anywhere. There is good reason to think that, in fact, the subsidy costs would be much larger. In any event, this would be the subsidy cost per year for this program.

If you want to do this—and I do not want to do it—but if you want to do it, you ought to add more money to the FMF account. That is the existing way we do this. That is the one that has all the procedures and structure set up in order to do it. It has safeguards provided. It requires an examination of the foreign policy implications of Government-supported arms sales. It does not give economic considerations primary focus with respect to arms sales.

Of course, you have important questions of destabilization and proliferation with respect to any arms sales. It is moving further down the military path when we ought to be shifting away from it. It just seems to me a very bad idea. The Senator is right; we have addressed this in the past. It actually was defeated once on the floor of the Senate by a narrow margin. A very limited proposal passed, a much more limited one than the one that is before us now.

This is a program that would continue year after year, at a billion dollars a year. I do not think this is the time to be undertaking a new and major subsidy program with respect to

arms sales, without the sort of controls and safeguards that exist under the currently authorized programs.

Therefore, I am very much opposed to this aspect of the amendment. I have a lot of other material I can place into the RECORD in opposition to this amendment, a lot of facts and statistics about it. But I will, for the moment, forbear from doing that and just simply register my very strong opposition to this aspect of the second-degree amendment.

I have not entered into the debate on the first part of the second-degree amendment, which was addressed earlier by the Senator from Florida.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, I agree with the sponsors of this amendment that the United States seek a peaceful transition to democracy in Cuba, oppose human rights violations of the Castro regime and encourage free and fair elections. However, I fear that the Graham amendment will only be counterproductive to achieving these goals. Over the years, Castro has successfully used the Yankee threat to mobilize the Cuban people behind his policies. Now that the Cuban economy has lost its main base of support, the Cuban people are seeing the failures of its economic model for themselves. By tightening the embargo now, we will only allow Castro to blame the capitalists to the north for the dismal state of the economy and obscure the failures of its system.

Perhaps, the most compelling reason to oppose this amendment is the fact that human rights activists in Cuba oppose this amendment. They fear it will only hurt their cause of promoting democracy. How can we in Washington claim to know better than Cuban dissidents, who boldly fight for change, how to achieve our common goals? What they want, what they deserve, and what will ultimately lead to change, is a Cuban solution to a Cuban problem.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I want to speak to the underlying issue, the Cuban Democracy Act. First of all, this discussion about the second-degree amendment is simply designed to focus attention away from the real issue.

Up front, I ask my colleagues, when the time comes, to defeat the second-degree amendment, that we might pass the Cuban Democracy Act. Some will argue that the Cuban Democracy Act is about economics. And it is true that the heart of the amendment is the tightening of the economic embargo on Fidel Castro; that no foreign subsidiary of a U.S. company could continue in trade with Fidel Castro.

But I make the argument, as I have many other times, that this is, in fact, really about human freedom. And so this amendment is designed to keep us from voting about whether we want to hasten the day that the Cuban people finally live in freedom.

Last night, I heard former British Prime Minister Margaret Thatcher speak about freedom, the human spirit, and the desire of totalitarian Communist leaders to crush human spirit.

We are attempting, tonight, to cut through this debate, get to the heart of the matter, the Cuban Democracy Act, and hasten the day when Cuba will be free.

The Senate has taken a number of steps over the years to go to the aid and to the rescue of the Cuban people.

I remember traveling to Geneva to lobby representatives of various governments at the U.N. Human Rights Conference. I went, armed with a resolution that was passed unanimously by this Senate condemning Fidel Castro for his human rights violations and encouraging the United Nations to become active and entire Cuba to see firsthand and report to the world about the human rights violations in Cuba.

Because the Senate acted, I was able to deliver that strong message, the United Nations Human Rights Conference changed its position from the year before, and authorized investigation of the human rights violations of Fidel Castro in Cuba.

Not long after that, I asked my colleagues, in a somewhat more quiet and behind-the-scenes kind of action, to participate with me in asking the Secretary General of the United Nations to intervene on behalf of 3 Cubans who had been in Fidel Castro's jail for over 20 years. Alfredo Mustelier had declared that he was entering into a hunger strike, refusing all food and water. It was then said that only a few days could go by before the life of Alfredo Mustelier would be lost.

I remember the day that I came to the floor to speak about that issue, and up in the gallery was an individual by the name of Alberto Grau, who also had been in Fidel Castro's prisons for over 20 years. He was free. He was asking for the opportunity for his former colleagues still in prison to be heard, for the world to focus attention so that their lives could be saved.

The result was that the great majority, over 90 Members of the Senate, became involved, and the Secretary General of the United Nations became involved, and the end result was those 3 individuals were, in fact, released from Fidel Castro's prisons.

I will never forget Alberto Grau. In fact, I am very fortunate that I have the opportunity to talk with him from time to time. If you can imagine an individual who had been in prison under the conditions of a totalitarian, Communist, ruthless, tyrant finally finding freedom once again, you could conclude maybe that individual would leave those prisons filled with anger and hate for his fellow man. But if you had the opportunity to meet Alberto Grau, you would see the essence of his spirit, his Holy Spirit, exude from that individual. Because of people like Alberto Grau and the thousands and thousands of other Cubans who are living under the daily persecution of Fidel Castro, that we should not be delayed by these little tactical maneuvers used on the floor of the Senate. We must not lose this precious opportunity to hasten the day of freedom of the Cuban people.

So I say to my colleagues, when you come down to vote on the second-degree amendment, while there may be issues of concern to you, please remember just one thing: If you really want to see the day when the people of Cuba are free, and freedom flourishes, then you must vote against the second-degree amendment.

Mr. President, I yield the floor.

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

The Senator from Connecticut.

AMENDMENT NO. 3080, AS MODIFIED

Mr. DODD. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report the modification.

The legislative clerk read as follows:

On page 1, beginning with the word "section," strike down through the word "waive."

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

Mr. MACK. Mr. President, I object.

Mr. DODD. I have stricken the section on waiver.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. MACK. I withdraw the objection.

The amendment, as modified, is as follows:

At the end of the pending amendment add the following new section:

SEC. . DEFENSE CONVERSION AND REINVESTMENT; EXPORT LOAN GUARANTEES.

(a) AUTHORITY FOR PROVIDING LOAN GUARANTEES.—(1) The President may extend guarantees for the sale of defense articles and services to the member nations of the North Atlantic Treaty Organization and to Israel, Australia, New Zealand and Japan. The aggregate amount guaranteed under this section in any fiscal year may not exceed $1,000,000,000.

(2) In extending medium- and long-term guarantees for sales pursuant to paragraph (1), the President shall not offer terms and conditions more beneficial than would be provided by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(3) The authority of this subsection (1) may be exercised only to such extent and in such amounts as provided for in advance in appropriations Acts.

(b) SUBSIDY COST AND FUNDING.—(1) There is authorized to be appropriated for fiscal year 1993, $65,000,000 for the subsidy cost for establishing a program at the Department of Defense to provide loan guarantees for defense exports.

(2) Funds authorized to be available for the Export-Import Bank may not be used for the execution of the program under this section.

(c) EXECUTIVE AGENCY.—For the purposes of this section, the Department of Defense shall be the executive agency for administration of the program under this section unless the President, in consultation with the Congress, designates another agency (other than the Export-Import Bank) to implement the program. Applications for guarantees issued under this section shall be submitted to the Secretary of Defense, who may make such arrangements as necessary with other agencies to process the applications and otherwise to implement the program under this section.

(d) FEES CHARGED AND COLLECTED.—A fee shall be charged for each guarantee issued under the program under this section. All fees collected in connection with guarantees issued shall be available to offset the cost of guarantee obligations under the program. All of the fees collected under this subsection, together with earnings on those fees and other income arising from guarantee operations under the program, shall be held in a financing account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes of the program.

(e) INTERAGENCY REVIEW PROCESS.—The issuance of loan guarantees for defense exports under this section shall be subject to all United States Government review procedures for arms sales to foreign governments and shall be consistent with United States policy on arms sales to those nations referred to in subsection (a).

Mr. DODD. Even though I think it makes the Cuban Democracy Act a better piece of legislation, I still have difficulties with it, which I will give in a few minutes. My thinking was not that the waiver was not supported; there will be those who have difficulty with it. So, Mr. President, I have modified the amendment so all that remains now of the second-degree amendment is the defense conversion and reinvestment and export loan guarantees the Senator from Maryland has already discussed.

Mr. President, had my colleague from Florida completed his remarks? I thought maybe I had interrupted. I apologize.

Mr. President, regarding the second-degree amendment, let me just restate again, my colleague from Maryland and I have been around on this so many times, and I appreciate the concerns that he and others have raised in the past. I think most of those concerns that were raised had to do with the notion of supporting or promoting arms sales to Third World countries.

Mr. President, the promotion of arms sales to Third World countries is something that I think caused many Members a number of years ago a great deal of legitimate concern. In my view, I think there are excessiveness. It created problems and as a result the program was shut down. It originally was included under the Eximbank. The problem that has arisen over the years, of course, is that we have been disadvantaged all over the world as a result of that decision.

What this amendment does, as I have stated before, is at least tries to create a level playing field among NATO allies and others outside of NATO who certainly have been strong supporters and allies of ours over many, many years where we are disadvantaged in competing in those markets.

We all know the defense markets are coming down; they are being downsized. It is also critically important we try to maintain our industrial base. One of the ways of doing that, without having to go to the appropriations process, is to allow our contractors and the people who work in these facilities to compete on an equal footing as those competitions emerge.

That is all this amendment says. It does not guarantee them a contract. It is just that in every single case of our major competitors, we are faced with highly subsidized operations.

I deplore that. I wish it did not exist. I wish it were done really on a competitive basis where price and quality were the only determining factors. But I think every single Member of this body and the American public know that does not happen to be the case, and as a result we are disadvantaged in that process. This amendment tries to address that disadvantage by setting up a process which will allow us to compete more equitably.

Mr. President, I will take a couple of minutes and express, as well, my concern with the underlying amendment offered by the distinguished Senators from Florida and others who are cosponsors of the Cuban Democracy Act. I know of no Member in the Senate who supports or wants to be associated with trying to perpetuate the regime of Fidel Castro. That is not the issue at all. I do not think President Ford, in 1976, when he lifted the very restrictions that our colleagues are asking us to put on tonight was doing so because he was some great supporter of Fidel Castro.

It was Ford in 1976 that lifted the very secondary boycott in the sense that is being proposed tonight. He thought it was a bad idea; it was hurting U.S. industry.

If I can, let me just read the list of businesses that if this amendment is adopted will have to be adversely affected to a significant degree.

ALCOA.
AM International.
Aeroquip International.
Analytical Technology.
Armco.
BF Goodrich.
Baker Hughes.
Borg-Warner.
Bridgestone/Firestone.
Beatrice Companies.
Barry-Wehmiller.
Bonne Bell.
Buckman Laboratories.
Burndy.
Butler Manufacturing.
Campbell Investment.
Carter Day Industries.
Caterpillar.
Carrier.
Central Soya.
Continental Grain.

I will ask unanimous consent that this list, Mr. President, be printed in the RECORD for my colleagues to look at. They ought to go over it. This list is rather lengthy of businesses that have subsidiaries operating in third countries that happen to be doing business. Ninety percent of the business is in pharmaceuticals and food supplies.

If we can offer an amendment on the floor that would deny Fidel Castro hard currency, I would be an original cosponsor of that and offer it myself. The fact of the matter is we cannot do that. This is hard currency. So they are buying products from overseas.

Unfortunately, what happens as a result of this amendment, or the heart of this amendment, is that we are going to be disadvantaged from doing this kind of business. It is not that it is not going to be done. The list and the lineups are rather lengthy.

In fact, Carrier Co., a Connecticut-based corporation, estimates that it will lose between $10- and $20 million if this amendment is carried, one company, because there are several Pacific rim countries and European countries more than anxious to get the air-conditioning model.

They will have the business the day after this amendment carries or is signed into law. Fidel Castro will still get air-conditioning. It will not be from Carrier. It will be from our competitors.

I do not think anyone doubts that in the next few years Castro is going to be gone. In the meantime, of course, new markets will develop, new products will be in there, and we will be out.

Mr. President, this is not an amendment about trying to do Fidel Castro damage or not. We would all like to do that. The question is whether or not we are going to put a self-inflicted wound in ourselves while out doing nothing to Fidel Castro whatsoever, no matter how well intentioned the amendment is, no matter how emotional we get about it.

Certainly those Cuban-Americans have suffered and their families have suffered. It is understandable. I can relate to that. I can understand it. But unfortunately, we are not doing anything for them tonight with this amendment except that businesses in this country are going to lose business. Fidel Castro will still get supplies and materiel. It will not be subsidiaries of U.S. firms providing it. That is really what this comes down to.

Mr. President, let me just point out to make the point on the hard currency, that today most of Cuba's annual foreign trade, which is worth

some $7 billion, is conducted with the West, with Spain, Japan, Britain, Italy, France, and with our western neighbors, principally Mexico, Brazil, Venezuela, Chile, and Uruguay. If anyone thinks this amendment is going to stop people from doing business there, I would like to know that.

I know of nothing in this amendment that in any way penalizes our allies for doing business. All we are doing is penalizing American subsidiaries located in some of these countries from doing business.

So I hope people might read the amendment, get beyond, if they will, some of the emotional attachment, to language that says this is going to be tougher on Castro. It is not going to do anything to Castro whatsoever, unfortunately. All it is going to do is to do damage to ourselves.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of companies, corporations, that are parent companies, foreign subsidiaries, licensed to trade with Cuba. It is rather lengthy. Members may wish to see whether or not their own major corporations are included.

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

U.S. PARENT COMPANIES OF FOREIGN SUBSIDIARIES LICENSED TO TRADE WITH CUBA, 1985–1991

ALCOA.
AM International.
Aeroquip International.
Analytical Technology.
Armco.
BF Goodrich.
Baker Hughes.
Borg-Warner.
Bridgestone/Firestone.
Beatrice Companies.
Barry-Wehmiller.
Bonne Bell.
Buckman Laboratories.
Burndy.
Butler Manufacturing.
Campbell Investment.
Carter Day Industries.
Caterpillar.
Carrier.
Central Soya.
Continental Grain.
Corning.
Crane.
Cooper Industries.
Cummins Engine.
Combustion Engineering.
Coleman.
Champion Spark Plug.
Del Monte.
Dow Chemical.
Dorr-Oliver.
Drew Chemical.
Drexel Burnham Lambert.
Dresser Industries.
E.D.&F. Man International Futures.
E.I. Dupont.
Envirotech.
Emhart Industries.
Eli Lilly.
Exxon.
Fischer & Porter.
Ford Motor.
GTE International.
GK Technologies.
General Electric.
Genlyte Group.
Gilbarco.
Gillette.
Goodyear Tire and Rubber.
H.B. Fuller.
H.H. Robertson.
Hercules.
Hoechst Celanese.
Honeywell.
Hussmann.
IBM World Trade.
ITT.
Ingersoll-Rand.
International Multifoods.
International Securities Investment.
Johnson and Johnson.
Johnson Controls.
John Fluke Manufacturing.
Joyce International.
Lubrizol.
Litton Industries.
Manville.
Minnesota Mining & Manufacturing.
Mennen.
Monsanto.
Morton International.
McGraw Edison.
N.L. Industries.
Nynex.
Otis Elevator.
Owens Corning Fiber.
Pfizer.
Philipp Brothers.
Picker International.
Potters Industries.
RCA Global.
R.J. Reynolds.
Raychem.
Reichhold Chemicals.
Reliance Electric.
Richardson Electronics.
Rohm & Haas.
S.C. Johnson & Son.
Joseph E. Seagram & Sons.
Sigma-Aldrich.
Sybron Acquisition.
Stanley Works.
TFX Holdings.
TRW Teleflex.
Toledo Scale.
Tenneco.
USM.
Uarco.
Union Camp.
Union Carbide.
Vulcan Hart.
Westinghouse Electric.
Worthington International.
Worthington Pump.

Source: Documents obtained by the authors through Freedom of Information Act requests to the Office of Foreign Assets Control of the U.S. Department of Treasury, 31 Mar. 1992.

Mr. DODD. Mr. President, last, a report that was just made available yesterday, called the "Inter-American Dialogue, a Special Report." Is was embargoed until 9 a.m. on September 17, yesterday. It says: "Cuba in the Americas: Reciprocal Challenges." The report was prepared and reported by persons including the following: Raul Alfonsin, Bruce Babbitt, Peter D. Bell, McGeorge Bundy, Jorge I. Dominguez, Coordinator, Ivan Head, Sol M. Linowitz, Abraham F. Lowenthal, Sonia Picado, Alberto Quiros Corradi, Eliot L. Richardson, Chair, and John Whitehead, former department Secretary of State under Ronald Reagan.

This report has just become available, and I will include this for Members to read. Again, this is not something I was even aware of until this morning. But they specifically recommend that we do not take the step we would have to take with this legislation. They point out—I will read two paragraphs in this summary.

The United States government should actively promote the free flow of information and ideas to the Cuban people by exempting from its embargo all transactions that foster communications between the Cuban people and people from the United States and other countries, including tourism. Beyond communications and travel, the U.S. government should only ease its embargo in response to positive steps taken by the Cuban government. Washington can best encourage such steps by working cooperatively with other governments of the hemisphere—and allowing them to take the lead in some areas.

The United States should not allow its Cuba policy to hamper relations with other governments. We oppose legislation to prohibit all trade with Cuba by subsidiaries of U.S. firms in other countries.

That is the summary edition. You can read the report for yourselves. These are responsible people; Democrats, Republicans, Ronald Reagan appointees. This is not some ftwing radical group of people suggesting that with all due respect to the amendment being offered by my colleagues from Florida, it is bad policy.

In fact, what you will probably end up doing is creating more of this guy than he deserves. Fidel Castro loves to be the victim of an outrage. He loves to point to the United States somehow trying to destroy him, then trying to build support among other allies in the region.

Fidel Castro today is held in such disrepute in the hemisphere, he is not highly regarded at all. He has few if any allies in the region. If we are going to pass legislation like this, I fear that in some cases he may all of a sudden have a resurgence in some quarters. I do not want to see that occur.

So I ask my colleagues to look at these reports. If you do, I think you will reach the same conclusion as some highly responsible individuals who recommended a different course of action that we are about to take tonight given the number of cosponsors to the bill.

It is unwise, it is bad policy, it is self-inflicting wounds without doing any damage whatsoever to the Castro government. Despite my desires to possibly put some additional pressure on it, with all due respect, this legislation does not do that.

I ask unanimous consent, Mr. President, to have printed in the RECORD the dear colleague letter dated August 7, 1992; and, the Inter-American Dialogue, a Special Report, to which I previously referred.

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

U.S. SENATE,
Washington, DC, August 7, 1992.

DEAR COLLEAGUE: The health of the United States economy is of critical concern to all of us. Particularly hard hit in recent years has been the defense and aerospace sectors of our economy, largely because of necessary reductions in U.S. defense spending. Consequently, we believe it is imperative that we assist these sectors to become more competitive internationally as a means of maintaining our defense industrial base. Toward this end, we entend to offer an amendment that addresses these concerns when the FY 1993 Department of Defense Authorization bill is considered by the Senate.

Our amendment would provide authority to the President to make available loan guarantees for export sales of defense articles and services to our closest allies. Specifically, the amendment would provide loan guarantee authority of up to $1 billion annually for defense sales to NATO countries, Israel, Japan, Australia and New Zealand. These guarantees would permit the U.S. defense industry to compete more effectively with foreign competitors by enabling it to offer comparable financing terms to potential customers.

This program will be administered by the Department of Defense. It will in no way infringe upon the activities or resources of the U.S. Export Import Bank. Nor will this program alter the normal inter-agency review and licensing procedures or Congressional notification requirements that defense exports are now subject to under existing law.

As the United States reduces its military forces overseas and urges our allies to take on a greater role in their own defense, we should be united in establishing programs that make U.S. industry competitive in providing any additional defense equipment for our allies' own security. Our proposed program would not only assist our defense industrial base, but would promote continued defense coordination with our allies.

A recent Office of Technology Assessment (OTA) study predicted that "from 1991 to 2001, perhaps as many as 2.5 million defense-related jobs will disappear," or over 20,000 defense and aerospace workers a month lost—unless we do something. Export loan guarantees for defense products and services would help retain as may as 22,000 production line jobs and 17,000 subcontractor jobs per year.

With the adoption of our amendment, we have an opportunity to gain a significant return on a nominal investment. The actual budget authority being sought by this amendment to fully implement the program is only $65 million—and actual budget outlays will be a small fraction of that total. the value of outlays will be a small fraction of that total. The value of exports generated will be $1 billion. These exports will help to reduce the trade deficit and keep production lines running, which is critical for retaining key workers, and preserving our industrial base.

If you have any questions or would like to co-sponsor this amendment, please feel free to call Tom Polgar (Sen. Rudman x41602), or Janice O'Connell (Sen. Dodd x4461). We would appreciate your support when our amendment reaches the floor.

Sincerely,

WARREN RUDMAN,
U.S. Senator.
ROBERT DOLE,
U.S. Senator.
CHRISTOPHER J. DODD,
U.S. Senator.

CLAIBORNE PELL,
U.S. Senator.

[INTER-AMERICAN DIALOGUE—A SPECIAL REPORT]

CUBA IN THE AMERICAS: RECIPROCAL CHALLENGES

(A Report of the Inter-American Dialogue Task Force on Cuba, October 1992)

FOREWORD

In 1991—in the midst of dramatic changes in the former Soviet Union that would alter forever Cuba's place in the world—the Inter-American Dialogue established a special task force to review Cuba's relations with other Western Hemisphere nations. The mandate of the task force was to identify new approaches to Cuba that would foster increased policy cooperation between the United States and Latin America; encourage peaceful transition to democratic rule in Cuba; and lead to Cuba's economic and political reintegration into the Inter-American community. This report conveys the results of the task force's work, which includes recommendations to the governments of Cuba, the United States, Canada, and the nations of Latin America and the Caribbean.

The Dialogue's interest in Cuba is part of an ongoing effort that will continue beyond this report. Because we are committed to multilateral cooperation, to the peaceful resolution of conflict, and to democratic advance through the Americas, we believe that the status of Cuba in the hemisphere deserved careful and sustained policy attention. Because we have a highly experienced and genuinely inter-American membership drawn from many political perspectives, we are convinced that the Dialogue has a special role to play in developing consensual approaches and in joining U.S. and Latin American efforts to encourage change in Cuba and in its hemispheric relations.

The Dialogue has sponsored a number of high-level policy discussions on Cuba, including two intensive meetings of the Dialogue's Congressional Members Working Group. Dialogue members and staff have also traveled several times to Cuba in the past year, met with many U.S. and Cuban government officials, testified before Congress, and presented their views in a variety of public forums. These efforts will continue.

The members of the task force—chaired by Elliot L. Richardson, and coordinated by Jorge I. Dominguez—are responsible for the findings and recommendations of the report. Though the Dialogue's participating members largely endorsed these findings and recommendations at the Dialogue's 1992 plenary session this past April, the report does not represent the views of all members of the Dialogue. Moreover, the report is a group statement and not every task force member agrees fully with every phrase in the text. But each signatory subscribes to the report's overall content and tone and supports its main recommendations.

The members of the task force owe a great debt to all who assisted with its work, including the Dialogue member and other experts who drafted background materials, commented on ongoing work, and arranged and participated in its meetings. The information and advice provided by government officials from the United States, Cuba, and other hemispheric nations, and their conversations with Members and staff of Congress, and with members of the Cuban-American community in Miami and elsewhere, made a substantial contribution to this report.

The Inter-American Dialogue wishes to express its gratitude for the financial support of the General Service Foundation for the work of this task force, and the broader support that the Dialogue has obtained from the Ford, John D. & Catherine T. MacArthur, A.W. Mellon, William and Flora Hewlett, and ARCA foundations and the Carnegie Corporation of New York.

RICHARD E. FEINBERG,
President, Inter-American Dialogue.

PREFACE

The end of the Cold War and the collapse of Communist regimes throughout the world call for fresh thinking about Cuba and its relations with other Western Hemisphere nations.

Deprived of military and economic assistance from the Soviet Union, with all of its own troops recalled from abroad, and with its support for foreign insurgencies sharply curtailed, Cuba can no longer be considered a threat to the United States or to the nations of Latin America and the Caribbean. These developments, we believe, provide the opportunity for forging new U.S. and Latin American policies directed, first, toward encouraging peaceful change in Cuba, including respect for human rights and reliance on democratic practice; second, toward diminishing U.S.-Cuban hostility and the risk of confrontation between the two countries; and, finally, toward fully reincorporating Cuba into the inter-American community.

We believe that the United States and the nations of Latin America can and should work together to achieve these aims—particularly now that nearly all governments of the hemisphere are democratically elected and committed to democratic rule. We also believe that Latin American governments should take a more active role in pressing for change in Cuba and that the United States should consult with them in shaping its own policy toward Cuba.

The political and economic crisis Cuba faces today makes us deeply concerned about the country and its people. The citizens of Cuba are entitled to choose their own future, and the ideas we present are intended to help accomplish that aim. We are confident that, when given the opportunity, the people of Cuba will decide to join the rest of the Americas and choose a democratic future.

This report is based on an eighteen-month intensive study by the members of the Inter-America Dialogue's Task Force on Cuba. Drawn from various countries of the hemisphere, the members of the task force heard testimony from U.S. and Cuban government officials and discussed our ideas with Members of the U.S. Congress and representatives of the Cuban-American community. We also commissioned several memoranda by authors from the United States, Cuba, and some Latin American countries. Following examination of the issues at some length among ourselves, we took advantage of the Inter-American Dialogue's April, 1992 plenary meeting to obtain the views of other members. We now propose to discuss our findings and recommendations with government officials of the United States, Cuba, and other Latin American nations and hope that from these discussions will emerge a broad-based consensus on the hemisphere's policies toward Cuba.

ELLIOT L. RICHARDSON,
Chair, Inter-American Dialogue Task Force on Cuba.

SUMMARY OF RECOMMENDATIONS

With the Cold War's end, Cuba's isolation from the inter-American community is

anachronistic. It is also unnecessary, damaging and, perhaps, dangerous. Our recommendations—to the governments of Cuba, Latin America and the Caribbean, Canada, and the United States—are aimed at building a future in which Cuba is committed to democratic practices and enjoys normal relations in the hemisphere and beyond. We reaffirm our respect for Cuba, and seek to join with Cubans in nurturing peaceful changes in their country.

To the government of Cuba

The Cuban people must decide on their own internal economic and political arrangements. But Cuba cannot participate fully in the inter-American community while it perpetuates repression and rejects democracy. We urge that the government of Cuba release all prisoners of conscience and permit free and fair elections, monitored by internationally accredited observers.

To the governments of Latin America, the Caribbean, and Canada

The governments of Latin America, the Caribbean, and Canada should strengthen cultural, artistic, and scholarly ties with Cuba and help to open the island to new ideas. They should also press directly for democratic freedoms and respect for human rights in Cuba.

We also urge the Caribbean and Latin American governments to deal constructively with the Cuban government in international organizations. The Organization of American States (OAS) should reinstate Cuba to active membership when it commits itself to the democratic principles of the Organization's Charter.

To the U.S. government

The President and other senior U.S. officials should continue to make clear that the United States has no intention of invading Cuba and vigorously to condemn violent actions by exile groups.

The United States government should actively promote the free flow of information and ideas to the Cuban people by exempting from its embargo all transactions that foster communications between the Cuban people and people from the United States and other countries, including tourism. Beyond communications and travel, the U.S. government should only ease its embargo in response to positive steps taken by the Cuban government. Washington can best encourage such steps by working cooperatively with other governments of the hemisphere—and allowing them to take the lead in some areas.

Acting in its own direct interest, the United States should cooperate with Cuba on such specific issues as the fight against drug trafficking; inspections of nuclear power plants in Cuba and the southeastern United States; and weather forecasting and environmental protection.

In its policy toward Cuba, the United States should give greater weight to humanitarian concerns by making it easier for charitable groups to deliver food and medicine to the Cuban people and for Cuban-Americans to assist relatives and friends in Cuba.

U.S. broadcasting to Cuba must be responsible. Radio Martí should be a source of objective news, not propaganda, and TV Martí should be canceled because it violates international conventions.

The United States should not allow its Cuba policy to hamper relations with other governments. We oppose legislation to prohibit all trade with Cuba by subsidiaries of U.S. firms in other countries.

We urge all governments to act in ways that would allow the Cuban people to choose their own future in peace, and let history judge the wisdom of their course.

CUBA IN THE AMERICAS: RECIPROCAL CHALLENGES

With the Cold War's end, Cuba's isolation from the inter-American community and the intensely hostile U.S.-Cuban relationship are anachronistic. So is Cuba's status as the only nation in the Americas that flatly rejects pluralist democracy.

Cuba's continuing isolation is unnecessary; it is also damaging and, perhaps, dangerous. It is damaging to the people of Cuba, for it aggravates the harsh circumstances of their everyday lives. It is damaging as well to the people of the United States and other Caribbean Basin countries. For without effective cooperation and communication, it is difficult to solve shared problems such as environmental protection, migration, and the interdiction of drug traffickers. And no one can discount the possibility that Cuba's isolation could contribute to violence within Cuba or in U.S.-Cuban relations, or make Cuba a cause of renewed friction in U.S.-Latin American relations.

Over thirty years ago, many Cubans joined a national effort to affirm their nation's independence and remake Cuban society. Much has been achieved, but much has also failed. We are mindful of the importance of this history; we reaffirm our respect for the Cuban people and their accomplishments and for Cuba as a nation. We seek to join with Cubans in nurturing a process of peaceful change in their homeland.

As task force members drawn from all parts of the hemisphere, we believe that it would be best for Cuba and for all other countries of the Americas if Cuba's hemispheric isolation soon came to an end. We look to a future in which a sovereign Cuba is committed to democratic ideals and practices and enjoys normal relations with the rest of the hemisphere and the world. We believe it is important to think positively about Cuba's future and its role in the Americas, and not simply to wait for events to develop which might well spiral out of control.

CUBA TODAY

Cuba today faces its most difficult time since the revolution triumphed in 1959. The country's internal economic and political conditions have sharply deteriorated, as has its international environment.

Cuba's economic recession began in 1986 and has been getting worse. Although the government has tried hard to protect gains in health and education, overall living standards for most Cubans have plummeted. Most goods and services are severely rationed. Without much gasoline for private cars, transportation in Cuba means, walking, bicycles, and crowded buses. Even the regime's own public opinion polls suggested that ordinary citizens in Cuba are increasingly critical of government policies and services, and that the Communist Party has lost considerable respect.

Since 1989, every Eastern European country has canceled its economic and military assistance program and reduced its trade with Cuba. Russia and the other successor states of the former Soviet Union have begun to follow suit; their petroleum exports to Cuba, for example, are now less than one-third of 1989 levels and the terms of trade are far less favorable to Cuba.

The Cuban government has responded to these growing difficulties both by clamping down at home and by seeking to improve Cuba's international relationships. President Castro has used his personal power to prevent Cuba from following the political course of Eastern Europe. In recent months, the regime has sharply stepped up its repression against all dissident groups. The limited space available for opposition activity has been further narrowed, and the number of political prisoners has increased. For the first time since the 1960s, government officials have openly equated peaceful dissent with support for violent counterrevolution. Roman Catholic bishops have been publicly rebuked for their criticism of government policies.

Cuba's leaders have tried to preserve the fundamental features of the revolutionary regime—including a single-party political system and total government monopoly over the mass media. They reject political competition and pluralistic democracy, claiming that socialism is inherently democratic and that the regime, because it is born of the revolution, is based on the consent of the governed. Those who disagree often suffer severe consequences. Although yet to be realized, some hope remains that significant changes will be made in Cuba's electoral and other laws.

The government of Cuba has also tried to shore up its international relations, and now seeks cooperative relations throughout Latin America. The Cuban government has publicly stated that it will no longer support revolutionary movements abroad. Cuban officials call attention to Cuba's respect for the peace settlements in El Salvador and Nicaragua (where it has continued a medical assistance program), and to its constructive participation in the southern Africa peace settlement, including the withdrawal of all its troops from Angola. These signs of Cuban interest in improved external relations provide the inter-American community with an opportunity and a choice.

CUBA AND THE AMERICAS

Most Latin American and Caribbean governments today—along with the government of Canada—maintain conventional diplomatic and commercial relations with Cuba. They oppose further efforts to isolate Cuba politically or economically, and quietly criticize U.S. policies aimed at increasing Cuba's isolation. At the same time, most countries of the Americas are encouraging the Cuban government to initiate far-reaching political and economic reforms. They are engaging the Cuban government in an effort to foster change in Cuba and to keep U.S.-Cuban relations from turning violent or intruding into the wider U.S.-Latin American relationship. They oppose all acts of force.

President Castro participated in the July 1991 and 1992 summits of the leaders of Latin America, Spain, and Portugal. All the presidents urged Castro to undertake more significant political and economic change and to move from repression toward the kind of opening occurring elsewhere in the world. This message was further amplified at a November 1991 meeting at Cozumel Island of President Castro and the presidents of Colombia, Mexico, and Venezuela.

For its part, the United States, even though it remains the Cuban government's principal international adversary, has undertaken modest but constructive steps toward modifying its policy toward Cuba. Most importantly, President George Bush has stated publicly that the United States will not launch a military attack against Cuba, thus updating and formalizing understandings first articulated during the 1962 missile crisis.

In addition, the U.S. government has revised travel policies, enabling Cubans more

easily to visit their relatives in the United States and allowing Cuban researchers and officials to spend more time in the United States on each visit. Permission has also been granted for the expansion of air charter service between Miami and Havana. Finally, the U.S. government has proposed a partial exception to the U.S. embargo that would permit AT&T to improve telephone service to Cuba with some of the revenue from the calls to be paid to Cuba.

Significant segments of the Cuban-American community have also begun to rethink their strategy toward Cuba, and the community now tolerates a wider range of approaches to promote change in Cuba. Many Cuban-Americans in Miami would still support the use of force against the Cuban government, but a large and growing number favor negotiations.

The Inter-American Dialogue is grounded in certain shared values which have united its members from the start: commitments to democracy, fundamental human rights, peaceful means of conflict resolution, and a disposition toward multilateral cooperation to solve hemispheric problems. These core values, shared despite our differences on specific political and economic issues, have shaped the Dialogue's approach toward issues as diverse as the Central American civil wars, the external debt, narcotics trafficking, environmental protection, and immigration flows. It is precisely these views that motivate the Dialogue's membership in 1992 to focus on Cuba and its relations with the rest of the Americas.

In discussing Cuba and in developing our analysis and consensus recommendations, we have tried to avoid old arguments about the history of Cuba, about the U.S.-Cuban relationship before the 1959 Revolution, or about the dynamics of Cuba's relations with the United States and other countries of the Americas since 1959. Our goal is not to judge the past but to help create a better future.

We now offer three sets of recommendations: to the government of Cuba, to other governments of Latin America, Canada, and the Caribbean, and to the government of the United States.

RECOMMENDATIONS OF THE TASK FORCE

To the government of Cuba

Cuba's internal economic and political arrangements are a matter for the people of the country to decide. But Cuba cannot participate fully in the inter-American community while it perpetuates repression and rejects democracy.

We urge, as a first step, that the government of Cuba release all prisoners whose only "crime" has been to associate peacefully, or otherwise to act politically without using or threatening violence. Cuba's leaders have often asserted that they are supported by a majority of the nation's people; then they should have little reason to fear dissenters who do not engage in or advocate violence.

We also urge the Cuban government to carry out reforms that have extensive national support. These include permitting more direct participation in national and provincial legislative elections. Law-abiding groups should be allowed to organize politically to compete in elections. Candidates for office and organizations supporting them should be free to prepare and distribute materials, and to campaign openly. In brief, we call upon Cuba's leaders to put their claim of popular support to the test of free and fair elections.

If such elections are held, we recommend that the Cuban government invite internationally accredited observers to monitor and verify them, as has now become common practice in the hemisphere. National elections are a sovereign matter, to be sure, but Cuba's prospects for improvements of its international ties will depend in part on national and international acceptance of the electoral process. We also recommend that the U.S. government and all other governments of the Americas pledge unambiguously not to intervene in the conduct or outcome of elections in Cuba and that this too be monitored by international accredited observers.

To the governments of Latin America, the Caribbean, and Canada

The governments of Latin America, the Caribbean, and Canada should sustain their current policy of constructive engagement with Cuba. They should strengthen and encourage cultural, artistic, and scholarly ties with Cuba in order to help open the island to ideas from throughout the world, and they should press directly for democratic freedoms and respect for fundamental human and political rights in Cuba.

In particular, we urge the "Cozumel Group" (the Presidents of Colombia, Mexico, and Venezuela) to consult regularly with each other and with President Castro about the future of Cuba. We encourage the Cozumel Group to communicate with the U.S. government, consistently signaling Latin America's deep interest in the Cuba question and making clear that Cuba's relationship with the rest of the hemispheric community is a collective concern, not just an issue for the United States.

We also urge the Caribbean and Latin American governments to engage the Cuban government constructively in international organizations and other multilateral forums. Cuba should remain a member of the Latin American caucus in the United Nations and related international organizations. We believe that Cuba's active participation as a member of the Latin American community in such settings contributes to breaking down Cuba's isolation and enhances regional influence on Cuban attitudes and policies.

We also believe, however, that it would be premature for the Organization of American States to restore Cuba to active membership at this time. The OAS today is increasingly a community of democracies committed to the defense of freedom in the hemisphere. Just as the European Community kept its distance from once-authoritarian regimes in Spain, Portugal, and Greece to show disapproval and to give an incentive for change, so should the nations of the Americas act toward Cuba. Cuba should be reincorporated into the OAS when it is ready to commit itself to the democratic principles of the Organization's Charter.

We would encourage legislators from Latin America, Canada, and the United States to communicate about Cuba in order to identify and foster shared interests, and especially to reduce the prospect that, in its aim to punish Cuba, the United States would impose sanctions on other Latin American countries. Latin American governments, political parties, and non-governmental organizations should also urge the Cuban government to change its electoral laws and practices. Finally, we would call on political parties of all orientations to engage Cuban exile movements and parties and share their experiences about the appropriate strategies for democratic change.

To the U.S. government

The United States should recognize the opportunity it now has to refashion its relations with Cuba and to encourage change in that country by working cooperatively with the countries of Latin America. The Cold War has ended. Cuba has curtailed its interference in the affairs of other countries and its Communist allies are gone. Most Latin American countries today are democratic, and share with the United States the desire to promote democracy in Cuba. The United States should unambiguously back the efforts of Latin American governments to engage the Cuban government and to press for reforms in Cuba. Washington should also consult with them in shaping its own policy toward Cuba.

Modest recent steps aside, U.S. policy still emphasizes the isolation of Cuba, and remains inflexible in important respects. As a consequence, Washington has rarely been able to respond to changes in Cuba or to offer incentives to the Cuban government to alter its policies. Uncertainty about how long the present Cuban regime will last confronts Washington decisionmakers with the need to shape policies that are consistent with U.S. values and purposes if the regime endures, but that do not reduce the chances that the regime will change.

We believe that each of the following recommendations would make sense if Cuba's current regime endures, but we think they should—individually and collectively—also help to foster nonviolent change in Cuba. All of them, we submit, would advance U.S. goals and are consistent with the goals of all other countries of the Americas. They should be implemented, we believe, even if the Cuban government take no reciprocal steps.

1. The U.S. government should do all it can to reduce Cuba's fear of a U.S. military attack. With the decline in the Soviet military presence and given the renewed violence of some small Cuban exile groups, the Cuban Armed Forces have been at a high state of alert, increasing the dangers of a U.S.-Cuban military incident.

The President and other senior U.S. officials should consistently make clear that the United States has no intention of invading Cuba. The U.S. government should vigorously disassociate itself from violent actions by exile groups, and keep its pledge to enforce the U.S. Neutrality Act. The U.S. government should increase the public visibility of its efforts to prevent domestic and international terrorism.

Washington should notify the Cuban government well in advance of any U.S. military exercises near Cuba. It should invite observers from Latin America to witness the maneuvers, and convey a willingness to invite Cuban government observers. From time to time, the U.S. government should invite officials from Latin America to visit the Guantánamo naval base. Washington should routinely inform Cuba about violations of its air and water space by drug traffickers.

None of these proposals would require a reduction in U.S. military readiness. By making it evident that a U.S. attack is improbable, however, they would diminish unnecessary tensions between the United States and Cuba. In addition, broadcasting this information to the Cuban people should lessen the Cuban government's ability to rally support, and weaken its justification for harassing dissenters.

2. The U.S. government should stop blocking the free flow of information and ideas to the Cuban people. On the contrary, the United States should actively promote such a flow in order to help to induce political change in Cuba.

Specifically, we recommend that the U.S. government exempt from its embargo trans-

actions that foster communications between the Cuban people and people from the United States and other countries. The Bush administration has already taken a few modest but important steps. We urge it to expand them. Washington should not reject agreements on improved communications simply because Cuba might earn small amounts of money from such agreements. AT&T should be allowed, for example, to upgrade telephone service to Cuba, to pay the Cuban governments its full and fair share of any earnings from the new services, and to release the accrued revenues owed to Cuba. Cuba's wire service, "Prensa Latina," should be permitted to open a bureau in Washington in exchange for allowing U.S. press bureaus to open in Havana.

The U.S. government should agree to establish direct mail links with Cuba, reach a civil aviation accord allowing scheduled air flights, and permit the export of facsimile equipment. It should allow all U.S. citizens to travel to Cuba, including tourists, and authorize Fulbright fellowships for exchanges of scholars and students. Indeed, all two-way cultural, scientific, public health, and academic exchanges should be encouraged.

Expanding Cuba's access to information and ideas is the best way to foster political opening in that country. Far more than isolation, this kind of exposure is likely to bring change to Cuba. And even if no change occurs, such policies would in any case serve humanitarian objectives by facilitating contact among the members of divided Cuban families.

3. Acting in its own direct interest, the United States should negotiate concrete and practical accords on specific issues with Cuba. The United States and Cuba have much to gain from cooperation in several specific areas:

The interdiction of drug traffickers;

The reciprocal inspections of nuclear power plants in Cuba and the southeastern United States to reassure each other and to improve plant safety;

Negotiations toward a new migration agreement that would normalize Cuban immigration to the United States and permit the return of Cubans who entered the United States illegally and have subsequently committed crimes;

The forecasting of weather-related disasters, the cleaning up of pollution in the Straits of Florida, the regulation of fishing, and the protection of migratory birds and fish.

Such cooperation would also signal to Cubans that the United States wishes them no harm.

4. The United States should give greater weight to humanitarian concerns in its policy toward Cuba, helping to avoid when possible the suffering of ordinary Cubans. The U.S. government should make it easier for private charitable groups to deliver food and medicine to the Cuban people. These organizations should be allowed to engage in whatever financial transactions are necessary to advance their humanitarian work. The U.S. government should make it easier for Cuban-Americans to send food and medicine to relatives and friends in Cuba.

5. The United States should not allow its Cuba policy to become an obstacle in its relations with other governments.

U.S. policy toward other countries should not be conditioned on the relations their governments have with Cuba. Such conditions are potentially damaging to U.S. relations with many countries, and they may also frustrate the coordination of U.S. and Latin American policies toward Cuba. We endorse the regulations, first adopted by the Ford Administration, that limit U.S. extraterritorial claims in this matter. We oppose legislation designed to prohibit all trade with Cuba by subsidiaries of U.S. firms in other countries.

6. The United States should not hesitate to express its commitment to democracy in Cuba and criticize Cuban government repression. It should do so responsibly, however. The U.S.-sponsored Radio Martí program should be a source of independent and objective news, not of propaganda. It should be under the professional direction of the Voice of America—and not associated with the interests of political factions within the U.S. Cuban-American community. TV Martí should be canceled outright; its operation violates international conventions signed by the United States, and it is not being received in Cuba.

CONTRASTING VIEWS

In forging these consensus recommendations, the members of the Task Force have carefully considered and ultimately rejected two other views on how the hemisphere community should relate to Cuba.

First, some people—believing that, at long last, it is possible to foresee the end of Cuba's current regime—oppose any steps toward rapprochement with Cuba and indeed call for tightening the embargo and other restrictions on Cuba. They argue that full economic constraints are the most effective way to force the Cuban leadership to modify its policies, and to encourage government officials and ordinary citizens to work to change the regime.

In this view, the withering of economic assistance from Russia and other former communist nations has brought the Cuban regime close to its end. Accordingly, it is argued, this is the time for the United States and its friends throughout the world (in Europe, in Latin America, the Caribbean, Canada, Japan, and other countries) to curtail further their economic relations with Cuba. It is not the time to provide the Castro regime a new lease on life by easing economic pressures.

We find no good evidence, however, to sustain the argument that such a hard-line policy would provide positive change in Cuba. International opponents of Fidel Castro have repeatedly underestimated his capacity for survival, and they may be doing so again. The proposed tightening of economic relations, moreover, would be a highly inflexible policy, which would not provide any avenues for responding to evolution and change, nor give the Cuban government incentives to implement such change. It would also communicate continuing U.S. hostility to the people of Cuba. We reject this option as shortsighted, costly for the people of Cuba, and probably counterproductive.

But we also reject the opposite view, that the U.S. embargo should now be entirely lifted. Some argue that, since Cuba no longer poses a threat to the United States or its other neighbors, the embargo is unnecessary and that ending it would deprive the Cuban government of the argument that Washington is responsible for Cuba's economic problems. Advocates of this approach claim, moreover, that removing the embargo would produce few economic benefits for Cuba because Cuba's uncompetitive economy could not now take much advantage of such trade opportunities.

Those who hold this view believe that President Bush, in his discussions of U.S. policy toward China, has well articulated how trade can foster economic and political openings, and that the President's logic applies with greater force to Cuba. Whatever efforts the Cuban government makes to isolate its small island society from international market forces are bound to fail. In this view, encouraging all countries to increase their economic relations with Cuba is the best way to foster free markets and eventually free politics in Cuba.

We believe, however, that a unilateral lifting of U.S. economic sanctions would imprudently give away many of the pressures and inducements the international community has available to influence the Cuban government to change. We do not think it is sensible to surrender major bargaining chips before negotiations with Cuba, tacit or explicit, even begin.

AN ACTIVE COMMITMENT FOR CHANGE

In response to specific positive steps taken by the Cuban government, the U.S. government should consider easing its embargo beyond communications and travel and modifying other punitive policies toward Cuba. But Washington should not simply sit back and wait for Cuba to act. A continuation of a permanent situation of crisis around Cuba is unacceptable, nor is provoking an even more severe crisis a solution. The U.S. government should work cooperatively with other governments of the hemisphere to encourage the Cuban government to undertake changes. What is needed from the United States and the countries of Latin America and the Caribbean is active bargaining, not passive waiting.

In the conduct of their relations with Cuba, we urge all countries in the Americas, and in Europe and Asia, to give the highest priority to fostering human rights and democracy in Cuba. The continued repression of human rights activists calls for cool and distant relations; improved ties, however, should follow a Cuban government decision to free its prisoners of conscience. Within such a framework, the greater the coordination between the U.S. and other governments, the better.

A RECIPROCAL CHALLENGE

Disagreements persist within the Americas, and especially between the United States and several Latin American countries, on precisely how to deal with Cuba, but a working consensus can be forged along the lines we recommend.

First, the goal of policy should be to make possible a Cuba that remains sovereign, that is free from violence, that ends repression and fosters democracy, and that regains its economic health.

Second, we believe that it would serve the mutual hemispheric interests of Latin American and Caribbean countries, Canada, and the United States to recognize the many goals they all share with regard to Cuba and to fashion joint policies they all can support. We urge the governments of Canada, Latin America, and the Caribbean to take the initiative in developing a common Western Hemisphere approach that can engage the U.S. government.

We suggest that the five specific policy recommendations we offer to the U.S. government would serve U.S. interests better than the status quo, no matter what the Cuban government may do. Our recommended policies make sense even if Cuba's current leadership endures, but they should also help to foster eventual internal changes in Cuba.

Likewise, we believe that Cuba would gain from accepting our proposals. It would avoid

a further tightening of the U.S. embargo, or the imposition of obstacles to its trade with other countries. The Cuban government has said that it favors specific acts of cooperation with the U.S. government to reduce the possibility of U.S.-Cuban military clashes. Cuba may welcome the results of our recommendations even if it disagrees with the reasons we give for them.

Our proposals, in effect, offer the leaders of the countries of the Americas, including Cuba's, a reciprocal challenge.

Cuban leaders—if they are confident that they have the support of their people—should challenge the United States to change its policies of confrontation. Cuban leaders should challenge the United States to allow increased communication and exchanges, trusting in their people's support.

The leaders of the United States, Canada, and Latin America, if they are confident that the Cuban people will choose democracy, as other Latin American peoples have done, should challenge the Cuban government to open its policies. They should work with the current leadership of Cuba to encourage more open communications and better protection of human and political rights, and thus to allow Cubans to shape their future.

We urge all governments to act in ways that would allow the Cuban people to chose their own future in peace, and to let history judge the wisdom of their course.

ABOUT THE INTER-AMERICAN DIALOG

The Inter-American Dialogue is a forum for sustained exchange among leaders of the Western Hemisphere and an independent, nonpartisan, center focusing on inter-American economic and political relations. The Dialogue is Washington's only center for policy analysis dedicated primarily to U.S.-Latin American relations, and to convening policymakers, business and financial leaders, heads of non-governmental organizations and intellectuals seeking practical responses to hemispheric problems. Founded in 1982 and operating under the auspices of The Aspen Institute, the Dialogue is currently co-chaired by Peter D. Bell and Ambassador Javier Pérez de Cuéllar. Its president is Richard E. Feingberg.

Assembly of Western Hemisphere leaders

The Dialogue's 100 members—from the United States, Canada and sixteen Latin American and Caribbean countries—include five former presidents, as well as prominent political, business, labor, academic, media, military, and religious leaders. At periodic plenary sessions, members analyze key hemispheric issues and formulate policy recommendations. The Dialogue presents its findings in comprehensive reports that are widely recognized as balanced and authoritative.

The research agenda: politics and economics

The Inter-American Dialogue seeks to produce accessible, policy-oriented, multidisciplinary research and publications to enrich the discussions of its membership, and to promote participatory democracy and broadly shared economic growth throughout the Americas.

The Program on Democracy and Peace focuses on issues of democratic change, human rights and conflict resolution. A major project is exploring ways for the Inter-American System to exercise a collective defense of democracy in its member states. A second study is assessing the progress being made in individual countries toward genuine democracy.

The Program on Hemispheric Integration emphasizes the management of strategic economic issues in U.S.-Latin American relations, particularly with regard to the creation of a hemispheric free trade system and the problems of inequity and poverty. One project is considering the institutional architecture that hemispheric integration will require, while another study is investigating how nations can address poverty and inequality without unduly sacrificing growth. A third is exploring the impact of ideas and individuals on economic reform processes in Latin America today.

Congressional outreach with members and staff

The bipartisan Congressional Members Working Group convenes monthly to provide Members the opportunity to exchange ideas on key issues in U.S.-Latin American relations with executive branch officials and private experts. The Group is co-chaired by Rep. Jim Kolbe (R-AZ), Rep. Jim Leach (R-IA), Rep. Bill Richardson (D-NM), and Rep. Robert Torricelli (D-NJ).

The Congressional Forum on Latin America, co-sponsored with the Congressional Research Service, provides Congressional staff with a monthly forum for open discussion and analysis with leading policymakers from the inter-American community.

Dialogue staff are routinely consulted on Congressional hearings conducted on inter-American issues, and Dialogue members and staff often testify before Congressional committees and provide private briefings to individual Members.

Networking the Washington NGO community

The newly inaugurated Washington D.C. Liaison Committee on Latin America (DCLC/LA) is meeting the long-standing need to improve communications among the many Washington-based non-governmental organizations that are concerned with Latin America, and to build stronger bridges between the NGO community and the U.S. government. The 50 research centers and academic programs represented on the DCLC/LA focus on such issues as the environment, human rights, migration, international economics, and overall U.S. foreign policy, from a wide range of political perspectives.

The Inter-American roundtable

Since 1987, the Dialogue and the Carnegie Endowment for International Peace have sponsored the Inter-American Roundtable series for journalists, Congressional staff and policy analysts. Featured speakers have included President Jorge Serrano of Guatemala, former President Raúl Alfonsín of Argentina and General Fred Woerner, former Commander of the U.S. Southern Command.

The Washington exchange among economic policymakers

Co-sponsored with the Brookings Institution and the Overseas Development Council, the Washington Exchange is a forum that brings together Latin American heads of state and top economic policymakers with Washington's senior officials and experts in the realm of economics and finance. It has hosted President Fernando Collor of Brazil and President Carlos Menem of Argentina, as well as finance ministers from Argentina, Bolivia, Chile, Colombia and Jamaica.

Latin American policy forum

By meshing its membership and research, the Dialogue promotes informed debate and discussion about Western Hemisphere issues throughout the region. During the past year, the Dialogue has sponsored fora for U.S. and Latin American leaders in Argentina, Brazil, Chile, Mexico, and Peru.

Mr. MACK. Mr. President, I do not intend to speak long. To begin, it is not my intention to speak at great length on this issue. I would remind my colleagues that we had a vote on this, the fundamental part of this amendment, some 2 years ago. It passed the Senate 84 to 13.

I would remind my colleagues again, the reason that we ended up offering this amendment is because as we saw communism fall, and Eastern Europe change its direction, and the cutting off of trading relationship between those countries and Cuba, we saw Western countries, foreign subsidiaries of United States companies rushing to fill this gap. We have seen the trade gain just from U.S. subsidiaries. We have seen that increase from $250 million a year go down to over $700 million a year. I think we ought to make an effort to stop that.

One last comment, with respect to the general thrust, that is, you might say, the opposite of what Senator GRAHAM and I have proposed here tonight. That is the idea that we can move toward some kind of dialog with Fidel Castro, some kind of normalization of relations. I would suggest that if you would take a little time to find out who this guy really is, he is a thug. It is that simple.

I do not make that comment easily on the floor of the U.S. Senate. I do not like calling an international leader a thug. But that is what he is. He is a murderer. There should be no question about that. You cannot enter into some kind of normal relations with an individual like this. Everything that Fidel Castro has done since he came to power over 30 years ago, has been for the purpose of maintaining his personal power, his control over the people of Cuba.

So again, you cannot enter into some kind of normal dialog with this type of individual. He will use it for his advantage and to the disadvantage of basic human rights and will continue the process of crushing the human spirit of the people of Cuba.

So again, Mr. President, I ask my colleagues to reject this amendment and support the Cuban Democracy Act.

I yield the floor.

Mr. GRAHAM. Mr. President, unless someone wishes to speak further on the second-degree amendment, I move to table the second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

Mr. DODD. Mr. President, I ask unanimous consent to ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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

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

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida to lay on the table the amendment of the Senator from Connecticut. 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. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Arkansas [Mr. PRYOR], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. DOLE. I announce that the Senator from Missouri [Mr. BOND], the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Wisconsin [Mr. KASTEN], the Senator from New Hampshire [Mr. RUDMAN], the Senator from California [Mr. SEYMOUR], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 12, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—73

Adams	Fowler	McConnell
Akaka	Garn	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gorton	Mitchell
Biden	Graham	Moynihan
Bradley	Gramm	Nickles
Breaux	Grassley	Nunn
Brown	Hatch	Packwood
Bryan	Hatfield	Pressler
Bumpers	Heflin	Reid
Burdick, Jocelyn	Hollings	Riegle
Burns	Johnston	Robb
Byrd	Kassebaum	Roth
Coats	Kennedy	Sanford
Cochran	Kerrey	Sarbanes
Conrad	Kerry	Shelby
Craig	Kohl	Stevens
Cranston	Lautenberg	Symms
Daschle	Leahy	Thurmond
DeConcini	Levin	Wallop
Dixon	Lieberman	Warner
Dole	Lott	Wellstone
Domenici	Lugar	Wofford
Exon	Mack	
Ford	McCain	

NAYS—12

Chafee	Durenberger	Sasser
Cohen	Murkowski	Simon
Danforth	Pell	Smith
Dodd	Rockefeller	Specter

NOT VOTING—15

Bingaman	Harkin	Pryor
Bond	Helms	Rudman
Boren	Inouye	Seymour
D'Amato	Jeffords	Simpson
Gore	Kasten	Wirth

So the motion to lay on the table the amendment (No. 3808) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the first-degree amendment offered by the Senator from Florida.

The Senator from Florida is recognized.

AMENDMENT NO. 3079, AS MODIFIED

Mr. GRAHAM. Mr. President, I send a modification to the amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment (No. 3079), as modified, is as follows:

In the amendment, strike out all after "**TITLE XII**" and insert in lieu thereof the following:

—CUBAN DEMOCRACY ACT OF 1992

SEC. 1201. SHORT TITLE.

This title may be cited as the "Cuban Democracy Act of 1992".

SEC. 1202. FINDINGS.

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking hazardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba's external support and threaten Cuba's food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba's economy to survive current trends, provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

SEC. 1203. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from any of the independent states of the former Soviet Union;

(5) to continue vigorously to oppose the human rights violations of the Castro regime;

(6) to maintain sanctions on the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights;

(7) to be prepared to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba;

(8) to encourage free and fair elections to determine Cuba's political future;

(9) to prevent Cuba from evading the United States embargo of that country through a North American Free Trade Agreement;

(10) to request the speedy termination of any military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from the government of any other country; and

(11) to initiate immediately the development of a comprehensive United States policy toward Cuba in a post-Castro era.

SEC. 1204. INTERNATIONAL COOPERATION.

(a) CUBAN TRADING PARTNERS.—The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this title.

(b) SANCTIONS AGAINST COUNTRIES ASSISTING CUBA.—

(1) SANCTIONS.—The President may apply the following sanctions to any country that provides assistance to Cuba:

(A) The government of such country shall not be eligible for assistance under the Foreign Assistance Act of 1961 or assistance or sales under the Arms Export Control Act.

(B) Such country shall not be eligible, under any program, for forgiveness or reduction of debt owed to the United States Government.

(2) DEFINITION OF ASSISTANCE.—For purposes of paragraph (1), the term "assistance to Cuba"—

(A) means assistance to or for the benefit of the Government of Cuba that is provided by grant, concessional sale, guaranty, or insurance, or by any other means on terms more favorable than that generally available in the applicable market, whether in the form of a loan, lease, credit, or otherwise, and such term includes subsidies for exports to Cuba and favorable tariff treatment of articles that are the growth, product, or manufacture of Cuba; and

(B) does not include—

(i) donations of food to nongovernmental organizations or individuals in Cuba, or

(ii) exports of medicines or medical supplies, instruments, or equipment that would be permitted under section 1205(c) of this Act.

(3) APPLICABILITY OF SECTION.—This section, and any sanctions imposed pursuant to this section, shall cease to apply at such time as the President makes and reports to the Congress a determination under section 1208(a).

SEC. 1205. SUPPORT FOR THE CUBAN PEOPLE.

(a) PROVISIONS OF LAW AFFECTED.—The provisions of this section apply notwithstanding any other provision of law, including section 620(a) of the Foreign Assistance Act of 1961, and notwithstanding the exercise of authorities, before the enactment of this Act, under section 5(b) of the Trading With the Enemy Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979.

(b) DONATIONS OF FOOD.—Nothing in this or any other title shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.

(c) EXPORTS OF MEDICINES AND MEDICAL SUPPLIES.—Exports of medicines or medical supplies, instruments, or equipment to Cuba shall not be restricted—

(1) except to the extent authorized by section 5(m) of the Export Administration Act of 1979 or section 203(b)(2) of the International Emergency Economic Powers Act;

(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

(d) REQUIREMENTS FOR CERTAIN EXPORTS.—

(1) ONSITE VERIFICATIONS.—(A) Subject to subparagraph (B), an export may be made under subsection (c) only if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.

(B) EXCEPTION.—Subparagraph (A) does not apply to donations to nongovernmental organizations in Cuba of medicines for humanitarian purposes.

(2) LICENSES.—Exports permitted under subsection (c) shall be made pursuant to specific licenses issued by the United States Government.

(e) TELECOMMUNICATIONS SERVICES AND FACILITIES.—

(1) TELECOMMUNICATIONS SERVICES.—Telecommunications services between the United States and Cuba shall be permitted.

(2) TELECOMMUNICATIONS FACILITIES.—Telecommunications facilities are authorized in such quantity and of such quality as may be necessary to provide efficient and adequate telecommunications services between the United States and Cuba.

(3) LICENSING OF PAYMENTS TO CUBA.—(A) The President may provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services authorized by this subsection, in a manner that is consistent with the public interest and the purposes of this title, except that this paragraph shall not require any withdrawal from any account blocked pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(B) If only partial payments are made to Cuba under subparagraph (A), the amounts withheld from Cuba shall be deposited in an account in a banking institution in the United States. Such account shall be blocked in the same manner as any other account containing funds in which Cuba has any interest, pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(4) AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION.—Nothing in this subsection shall be construed to supersede the authority of the Federal Communications Commission.

(f) DIRECT MAIL DELIVERY TO CUBA.—The United States Postal Service shall take such actions as are necessary to provide direct mail service to and from Cuba, including, in the absence of common carrier service between the 2 countries, the use of charter service providers.

(g) ASSISTANCE TO SUPPORT DEMOCRACY IN CUBA.—The United States Government may provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba.

SEC. 1206. SANCTIONS.

(a) PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.—

(1) PROHIBITION.—Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

(2) APPLICABILITY TO EXISTING CONTRACTS.—Paragraph (1) shall not affect any contract entered into before the date of the enactment of this Act.

(b) PROHIBITIONS ON VESSELS.—

(1) VESSELS ENGAGING IN TRADE.—Beginning on the 61st day after the date of the enactment of this Act, a vessel which enters a port or place in Cuba to engage in the trade of goods or services may not, within 180 days after departure from such port or place in Cuba, load or unload any freight at any place in the United States, except pursuant to a license issued by the Secretary of the Treasury.

(2) VESSELS CARRYING GOODS OR PASSENGERS TO OR FROM CUBA.—Except as specifically authorized by the Secretary of the Treasury, a vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national, as defined in section 515.302 of the Office of Foreign Assets Control Treasury Regulations, has any interest may not enter a United States port.

(3) INAPPLICABILITY OF SHIP STORES GENERAL LICENSE.—No commodities which may be exported under a general license described in section 771.9 of title 15, Code of Federal Regulations, as in effect on May 1, 1992, may be exported under a general license to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

(4) DEFINITIONS.—As used in this subsection—

(A) the term "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft; and

(B) the term "United States" includes the territories and possessions of the United States and the customs waters of the United States (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)).

(c) RESTRICTIONS ON REMITTANCES TO CUBA.—The President shall establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States, in order to ensure that such remittances reflect only the reasonable costs associated with such travel, and are not used by the Government of Cuba as a means of gaining access to United States currency.

(d) CLARIFICATION OF APPLICABILITY OF SANCTIONS.—The prohibitions contained in subsections (a), (b), and (c) shall not apply with respect to any activity otherwise permitted by section 1205 or section 1207 of this title or any activity which may not be regulated or prohibited under section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)).

SEC. 1207. POLICY TOWARD A TRANSITIONAL CUBAN GOVERNMENT.

Food, medicine, and medical supplies for humanitarian purposes should be made available for Cuba under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 if the President determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government in power in Cuba—

(1) has made a public commitment to hold free and fair elections for a new government within 6 months and is proceeding to implement that decision;

(2) has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms; and

(3) is not providing weapons or funds to any group, in any other country, that seeks the violent overthrow of the government of that country.

SEC. 1208. POLICY TOWARD A DEMOCRATIC CUBAN GOVERNMENT.

(a) WAIVER OF RESTRICTIONS.—The President may waive the requirements of section 1206 if the President determines and reports to the Congress that the Government of Cuba—

(1) has held free and fair elections conducted under internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) is moving toward establishing a free market economic system; and

(5) has committed itself to constitutional change that would ensure regular free and fair elections that meet the requirements of paragraph (2).

(b) POLICIES.—If the President makes a determination under subsection (a), the President shall take the following actions with respect to a Cuban Government elected pursuant to elections described in subsection (a):

(1) To encourage the admission or reentry of such government to international organizations and international financial institutions.

(2) To provide emergency relief during Cuba's transition to a viable economic system.

(3) To take steps to end the United States trade embargo of Cuba.

(4) To enter into negotiations for a framework agreement providing for trade with Cuba.

SEC. 1209. EXISTING CLAIMS NOT AFFECTED.

Except as provided in section 1205(a), nothing in this title affects the provisions of section 620(a)(2) of the Foreign Assistance Act of 1961.

SEC. 1210. ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—The authority to enforce this title shall be carried out by the Secretary of the Treasury. The Secretary of the Treasury shall exercise the authorities of the Trading With the Enemy Act in enforcing this Act. In carrying out this subsection, the Secretary of the Treasury shall take the necessary steps to ensure that activities permitted under section 1205 are carried out for the purposes set forth in this title and not for purposes of the accumulation by the Cuban Government of excessive amounts of United States currency or the accumulation of excessive profits by any person or entity.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this title.

(c) PENALTIES UNDER THE TRADING WITH THE ENEMY ACT.—Section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16) is amended—

(1) by inserting "(a)" before "That whoever"; and

(2) by adding at the end the following:

"(b)(1) The Secretary of the Treasury may impose a civil penalty of not more than $50,000 on any person who violates any license, order, rule, or regulation issued under this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may not be imposed for—

"(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

"(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

"(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.".

(d) APPLICABILITY OF PENALTIES.—The penalties set forth in section 16 of the Trading With the Enemy Act shall apply to violations of this title to the same extent as such penalties apply to violations under that Act.

(e) OFFICE OF FOREIGN ASSETS CONTROL.—The Department of the Treasury shall establish and maintain a branch of the Office of Foreign Assets Control in Miami, Florida, in order to strengthen the enforcement of this Act.

SEC. 1211. DEFINITION.

As used in this Act, the term "United States person" means any United States citizen or alien admitted for permanent residence in the United States, and any corporation, partnership, or other organization organized under the laws of the United States.

SEC. 1212. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act.

Mr. GRAHAM. Mr. President, we have had relatively extensive debate on the first-degree amendment in the course of considering the second-degree amendment.

I have introduced an amendment that outlines a comprehensive policy toward Cuba.

The underlining bill upon which this amendment is based has been cosponsored by 52 of my colleagues, including Senators MACK, LIEBERMAN, KASTEN, LAUTENBERG, and MCCAIN. Also cosponsoring are Senators DECONCINI, BRADLEY, D'AMATO, SMITH, GLENN, FOWLER, SYMMS, COATS, BRYAN, SHELBY, DOLE, COCHRAN, ROBB, REID, SEYMOUR, GRAMM, JOHNSTON, HEFLIN, HATCH, PACKWOOD, CONRAD, BREAUX, GRASSLEY, SPECTER, DASCHLE, WIRTH, BROWN, CRAIG, HOLLINGS, GORE, PRESSLER, BURNS, RIEGLE, NICKLES, LOTT, GORTON, MCCONNELL, DOMENICI, WARNER, ROCKEFELLER, BOREN, STEVENS, THURMOND, WALLOP, GARN, BOND, and COHEN.

Except for some minor technical changes and the elimination of the tax provision that was in our original bill, this amendment is identical to our original legislation.

Mr. President, this legislation has broad bipartisan support. Both the administration and presidential candidate Bill Clinton have endorsed its provisions.

The House Foreign Affairs Committee, after extensive hearings and markup, has reported almost identical legislation. The Foreign Relations Committee also has had a day of hearings on the bill, for which I express my appreciation to Senator DODD.

Indeed, the Senate itself has already expressed itself three times on one of the major provisions of the amendment—a provision which would close a loophole in the current economic embargo against Cuba. The Senate last voted on this measure on July 20, 1989, passing it 82–13.

Senators DODD and HARKIN were among those voting in favor. Since then, the Senate has approved the provision on voice votes on at least two subsequent occasions.

Despite the Senate being on record in support of this key provision—not once, but three times—here we are 3 years later still trying to enact this provision into law. I hope, this time we are successful.

By every measure, therefore, this provision—and the amendment of which it is part—represents a consensus view that has broad bipartisan support.

Mr. President, the Senate has provided key leadership at a number of pivotal points when debating this country's relationships with authoritarian governments. From South Africa to Chile, from China to Bosnia, this Senate has shown leadership and resolve.

There is no good reason Cuba should be an exception to the Senate's strong stand on human rights. It is record of which we can be proud.

Mr. President, this amendment is based upon several premises.

First, Castro is as weak as he has ever been. This is no time to take steps, even inadvertent ones, that might strengthen his hand. Rather, we continue to hear from dissidents inside Cuba to keep the pressure on, to take all possible peaceful steps to end the repression and violence, once and for all.

Second, we should do all that we can to increase the flow of information to the Cuban people. This amendment would expand mail and telephone service.

It will increase pressure on Castro, while humanely expanding the means for the tens of thousands of families on the island to remain in touch with their loved ones who have fled.

We also encourage donation of food to the Cuban people and permit the export of medicines and medical supplies to Cuba.

Third, we call on our allies to support our efforts. By no means do we try to punish countries doing business with Castro. Instead, we simply state that countries conducting subsidized trade with Cuba should expect no help from us.

After all, if we wanted to subsidize Cuba, we could more effectively do so directly. I should point out, Mr. President, that we give the administration full discretion to make these decisions.

Fourth, our Government's policy toward Cuba seems to be one of letting events run their natural course. I'm not sure what the natural course is in this case. What I do know is this. If we are to achieve a peaceful transition to democracy, we must have in place a coherent and comprehensive policy that will help achieve that goal.

Mr. President, specifically, this amendment blends carrots and sticks in an effort to promote democratic change in Cuba:

On the carrot side, the amendment:

Encourages the donation of food to the Cuban people and allows the export of medicines and medical supplies.

Expands telecommunication services between Cuba and the United States. Existing service is of poor quality, and Cuban American families pay 5 to 10 times the normal rate to place calls through Canada or other countries which do not limit phone service to Cuba.

Directs the U.S. Postal Service to provide direct mail service to and from

Cuba. Although Cuba now opposes direct mail service, our Postal Service has never been encouraged to aggressively try to negotiate an agreement.

Lack of service causes great hardship for divided families. We hope that those in power in Cuba begin to finally acknowledge the interests of the Cuban people, at least in this instance.

Authorizes U.S. funding for nongovernmental organizations in Cuba. We want to accomplish in Cuba what we achieved in Eastern Europe, the Soviet Union, and Nicaragua. We want to support labor leaders and human rights activists.

The principal stick in our amendment—the one which the Senate has overwhelmingly approved on three different occasions—closes a critical loophole in the Cuban embargo that permits subsidiaries of United States companies to trade with Cuba.

One of the most important aspects of this amendment, in my view, is that it outlines a policy toward a post-Castro government. If that government is freely and fairly elected, the United States would grant full diplomatic recognition, provide emergency relief during Cuba's transition to a viable economic system, encourage debt rescheduling or cancellation and end the embargo.

Mr. President, the day when we will be dealing with a post-Castro government is fast approaching. We must adopt a policy that hastens that day and prepares for the day after. This amendment advances us toward that goal.

Mr. President, from the standpoint of the proponents, we have, I think, no further comments. We are prepared for a vote on the first-degree amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. LIEBERMAN. Mr. President, I rise in support of the Cuban Democracy Act. Five or 10 years ago, this act might have been regarded as a well-meaning attempt to undermine Fidel Castro's police state, but an attempt that was bound to have only a marginal impact on a seemingly secure dictator. Yet, today Castro is obsessed—with good reason—about his political and economic isolation.

Castro is worried about his future because the former Soviet bloc has abandoned him. Already Czechoslovakia, Poland, Hungary, and Bulgaria have voted in the United Nations to condemn human rights violations in Cuba. The Republics of the former Soviet Union have also turned their back on him. Castro's Cuba has become a lonely outpost of a dying Communist empire.

This is no time to reduce the pressure on Castro. This amendment strengthens the existing U.S. embargo by prohibiting U.S. subsidiaries from trading with Castro. We would deal a significant blow to the Cuban economy by cutting off this trade, which amounted to more than $533 million last year. It is time to return to this provision, which was part of U.S. law between 1963 and 1975. It is time to close this major loophole.

At the same time, this amendment would increase contacts with the Cuban people. It directs the United States Postal Service to enter into negotiations with the Cuban Government to provide direct mail service to and from Cuba. This would facilitate contacts for many Cuban families who are split between America and Cuba. The amendment also expands phone service between Cuba and the United States. The existing poor service also inhibits communications between our two peoples.

Finally, the amendment points the way toward a more just and humane future. When Castro leaves the scene—I say when not if—the United States will not leave Cuba in the lurch. The United States will extend emergency aid during a difficult transition period and will encourage a rescheduling or cancellation of its debt. It would help Cuba, in other words, to get a fresh start.

I know that some opponents of this bill reject the idea of economic sanctions altogether. They argue that we can moderate Castro's policies by making him more dependent on the United States through increased trade with him. This, they claim, would make him more open to Western influence.

Yet Cuba is completely dominated by Castro, an incorrigable Marxist-Leninist, who has said that he would rather allow Cuba to sink into the ocean like Atlantis than deviate from communism. If there are moderate Cuban officials, who want to reach a serious accommodation with the United States, they obviously have little influence on Castro.

Mr. President, Fidel Castro is clearly on the defensive. He realizes the vast changes that have taken place in the former Soviet bloc represent the future of Cuba. While Castro obviously felt that he embodied the future of Latin America several decades ago, he now knows that history is passing him by. Today Cuba is poor, isolated, and repressive.

Today the U.S. Senate can further isolate Castro. By passing this amendment, we can make him into an economic pariah. This amendment will hasten the end of the Ceausescu of the Carribean.

Mr. DODD. Mr. President, it is not my intention to spend a great deal of time here. I regret the last amendment was tabled. I think it is somewhat ironic when in this year, when jobs are considered the most important issue, the first amendment, which was designed to allow our companies to compete on a level playing field with others in sales where competition exists with NATO Allies, was tabled.

I can read what is going to happen. We are about to support an amendment that takes some 70 or 80 companies in this country which have subsidiaries in foreign lands and tell them they can no longer do business in Cuba, despite the fact there are competitors lined up to do that business. This is not going to hurt Fidel Castro one bit. It is going to do serious damage to a lot of companies in this country, and a lot of jobs will be lost in the process. So I urge my colleagues to support a tabling motion.

For the benefit of those who were not here when the debate occurred earlier, I referred to a report that came out today entitled "The Inter—American Dialog," prepared by a bipartisan group of people from George Bundy to John Whitehead, Ronald Reagan's appointee at the State Department, urging that legislation like this not be adopted.

It was President Jerry Ford in 1976 who changed the law. He said it was a huge mistake then, and they lifted the subsidiary boycott because of how much damage it was doing to our own economy and having no effect whatsoever on Fidel Castro. No matter how strong the passions may run to want to do something to Fidel Castro, believe me, tonight, with the adoption of this amendment, this is a self-inflicted wound, and here we are telling firms doing business with other countries what to do, not to mention the danger of reciprocity. Other nations do not like being told what companies operating in their lands can do and not do.

Mr. President, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator make a tabling motion?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Arkansas [Mr. PRYOR], the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. DOLE. I announce that the Senator from Missouri [Mr. BOND], the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Washington [Mr. KASTEN], the Senator from New Hampshire [Mr. RUDMAN], the Senator from California [Mr. SEYMOUR], the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

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

The result was announced—yeas 24, nays 61, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—24

Adams	Exon	Metzenbaum
Baucus	Hatfield	Moynihan
Biden	Heflin	Murkowski
Byrd	Kassebaum	Pell
Chafee	Kennedy	Sasser
Cranston	Kerrey	Simon
Dodd	Levin	Wellstone
Durenberger	Lugar	Wofford

NAYS—61

Akaka	Fowler	Nickles
Bentsen	Garn	Nunn
Bradley	Glenn	Packwood
Breaux	Gorton	Pressler
Brown	Graham	Reid
Bryan	Gramm	Riegle
Bumpers	Grassley	Robb
Burdick, Jocelyn	Hatch	Rockefeller
Burns	Hollings	Roth
Coats	Johnston	Sanford
Cochran	Kerry	Sarbanes
Cohen	Kohl	Shelby
Conrad	Lautenberg	Smith
Craig	Leahy	Specter
Danforth	Lieberman	Stevens
Daschle	Lott	Symms
DeConcini	Mack	Thurmond
Dixon	McCain	Wallop
Dole	McConnell	Warner
Domenici	Mikulski	
Ford	Mitchell	

NOT VOTING—15

Bingaman	Harkin	Pryor
Bond	Helms	Rudman
Boren	Inouye	Seymour
D'Amato	Jeffords	Simpson
Gore	Kasten	Wirth

So the motion to lay on the table the amendment (No. 3079), as modified, was rejected.

Mr. GRAHAM. Mr. President, I move to reconsider the vote by which the motion was rejected.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Florida. All those in favor say "aye."

The amendment (No. 3070), as modified, was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, it is my hope that we are going to be able to complete this bill in the next few minutes.

We have an amendment by Senator METZENBAUM, which is going to be accepted. I would like for him, I hope, if he is recognized next, to speak to that.

And then we have an amendment by the Senator from Louisiana, Senator BREAUX.

We have several other amendments that have been worked out. The managers will handle them.

It will be my hope in just a few minutes to tell people where we stand this evening. I would suggest everyone wait here and see if we get over a couple of roadblocks. If we do, we will be able to send you home, hopefully in the next few minutes. But it cannot be done at this moment. We have uncertainties that may require rollcall votes.

Mr. President, I ask unanimous consent that the pending amendments be set aside for the purpose of an amendment by the Senator from Ohio with no second-degree amendments thereto.

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

AMENDMENT NO. 3081

Mr. METZENBAUM. 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 Ohio [Mr. METZENBAUM], for himself and Mr. KERRY, proposes an amendment numbered 3081.

Mr. METZENBAUM. 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 79 strike line 19 and all that follows through line 24 and insert in lieu thereof:

"(a) AUTHORITY.—Except as provided in paragraph (b), the Secretary of Defense may agree to hold harmless and indemnify any response action contractor for any liability arising out of the contractor's performance in carrying out or related to response actions under 10 United States Code section 2701. Amounts expended pursuant to this section for indemnification of any response action contractor shall be considered governmental response costs."

On page 80 line 1 insert "(1)" Prior to "Under reg-"

On page 80 following line 10 insert the following:

"(2) PROHIBITION.—No contracts referred to in paragraph (1) shall provide indemnification to contractors for liability caused by the conduct of the contractor which was grossly negligent or which constituted intentional misconduct."

"(3) LIMITATIONS.—A contract referred to in paragraph (1) which provides indemnification shall include deductibles and shall place limits on the amount of indemnification to be made available."

Mr. METZENBAUM. Mr. President, there was and is at this time a troubling provision in this bill which would have provided an open-ended protection for contractors doing environmental cleanups at active and inactive military bases.

The way the provision originally read and particularly in conjunction with the accompanying report language, a cleanup contractor would have been identified by DOD even if he or she or it were grossly negligent during the cleanup. In other words, the bill would have insulated the Department of Defense cleanup contractors from liability claims filed against them even when their own misconduct resulted in some hazardous spill or release.

It would not matter how bad the spill was. It would not matter how bad the spill was or how expensive were the claims filed against the contractors, the U.S. taxpayers would have been required to pick up the tab.

By providing excessive indemnification this bill could have removed strong incentives for contractors to carefully clean up sites and protect worker health and safety.

After negotiations with the managers of this bill, in which Senator KERRY and his staff were extremely helpful, we have reached an agreement to amend this provision. We are limiting the indemnification so it is not so open ended. It does not go as far as the original amendment which Senator KERRY and I have proposed but it will place some restrictions on contractor indemnification. Contractors will not be indemnified for gross negligence nor for willful misconduct. Deductibles and limits will be placed in the contracts.

This amendment makes sense. It should be adopted. It is in the interest of the people of this country. It is in the interest of our Government.

I am pleased that Senator NUNN and Senator DIXON were cooperative in helping us arrive at this conclusion.

Mr. NUNN. Mr. President, I thank the Senator from Ohio and the Senator from Massachusetts.

Whatever the provisions in the bill said and whatever they were intended to say, they were being read by some people in a different direction. They were being read as the authority for indemnification even for gross negligence.

Senator DIXON worked this issue in our committee, and he has assured me and pointed out the reasons therefore that that was never the intention; that the committee based on that was confident that the Secretary of Defense would never come up with such a provision because it would defy all the other tradition, and also because they would have to send it back to Congress and they would have to publish it in the Federal Register. We would also have a chance to object to it.

So the intent here that is in the Metzenbaum amendment was the original intent but was not stated as clearly as it is here. And therefore, I think this is a good amendment and should be accepted.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I will take just a moment. I want to express my appreciation to Senator NUNN and Senator DIXON for their efforts and their staff's effort to attempt to meet some of our concerns about section 313 of this bill which pertains to the cleanup of hazardous waste sites at military installations and the potential liability of the environmental restoration contractors. I particularly want to con-

gratulate and thank the Senator from Ohio [Mr. METZENBAUM].

This environment cleanup work is of vital importance to the Nation and particularly to our citizens who live in close proximity to military bases. We need to guarantee that the cleanups are done, competently, thoroughly, and carefully. Many of us were concerned that the language that was reported out of committee upset the balance in the entire indemnification process for negligent acts that might occur in the cleanup process. Obviously, we wanted to have a sound balance so that we could attract good contractors for the task of cleaning up, but at the same time not end up with a liability process that eventually came back to haunt the taxpayer.

As the Senator from Georgia has said, some of us read that language to be troublesome with respect to the potential liability to the taxpayer and really a process of obviating the important relationship that has been created in cleanups for indemnification for negligent work.

I would really like to congratulate all of our staffers who have worked long and hard on this. I am particularly grateful again to Senator NUNN, and Senator DIXON, for their willingness to work with us and to Senator METZENBAUM for his leadership. I believe with this amendment, we have greatly improved on the language in section 313.

There does remain some concern about section 319. Section 319, which is another area of indemnification for research and development, remains problematical. I would hope that in the course of the conference the chairman and others would look at that language very, very closely.

I again express my appreciation to all involved in achieving the improvements to section 313 and I hope that the Defense Department will move rapidly to issue the regulations necessary to permit these cleanups to go forward expeditiously.

I thank the Chair.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I would like to enter into a colloquy with the chairman and ranking member of the committee, a very friendly colloquy.

Let me say, first of all, that for many years I have been trying to ensure the B-1B bomber is a safe plane. We have, in western South Dakota, 27 B-1B bombers which have not always worked very well. It was amazing to me that this B-1B bomber—an example of great technological progress—did not fly very well in its early years of deployment. We did not use them in Desert Storm, as I understand it, although this may not have been entirely related to safety concerns.

A few years ago a B-1B crashed near Rapid City, SD. For some time after that event, we had 27 of the finest bombers in the world sitting on the ground in Rapid City, SD. When John Tower was nominated for Defense Secretary, I sought a commitment before I would vote for him that he would fix the B-1B bombers or at least work on the problem. There is a very interesting phenomenon at work here. When a bomber is being designed and built, there is a great lobby supporting it. Once it is built, if there are problems, there is no strong lobby to support its repair or redesign.

I was encouraged when, in 1989, National Security Adviser Brent Scowcroft gave me a letter stating the administration was committed to fix the B-1B bomber. Tonight, I would like to discuss what progress has been made.

I do not want to offer an amendment here. I want to get an assurance that the B-1B bomber is on track. I want to determine what is happening with the B-1B bomber program. Perhaps I can get some answers from my colleagues who serve on the committee with jurisdiction over the B-1B. I do not mean to be critical, but we have 27 B-1B bombers in my home State and I want to make sure everything possible is being done in this bill to ensure this plane is safe. When I go back home people ask me, including the pilots who fly the planes and live in the communities of my State, about the status of the B-1B bomber program.

Mr. WARNER. Mr. President, this subject was carefully worked on by the Senate Armed Services Committee in the course of its hearings prior to markup. Our bill contains authorization for such funds as necessary to improve the safety, operational, and structural safety of this aircraft. The engines, likewise, will be worked to bring about the safety measures required.

As far as I have been able to determine—and I have checked it carefully—each request from the Department of the Air Force is included in our bill and hopefully will be funded adequately.

I say to my good friend, as a consequence of his strong efforts and the efforts of others, this particular aircraft, in which the American taxpayer has a very heavy investment, will be reworked to provide those safety measures that are necessary.

Mr. PRESSLER. I thank my colleague.

Also, I might say that I am told that the Air Force has determined the B-1B will require 200,000 flight hours to be mature and fully tested. The B-1B has been flown some 120,000 hours. Thus, as I understand it, we are well beyond the halfway point in bringing the B-1B to maturity.

Is this a normal time frame for the testing of a new airplane? I mean, it has taken several years to get us to the 120,000 hour point.

Mr. NUNN. Mr. President, would we be permitted to finish this amendment, because we were right on the verge of finishing it, and then we could get back to this?

Mr. PRESSLER. That is fine.

Mr. METZENBAUM. Mr. President, I found it very illuminating to hear from my colleague about the B-1 bomber, but it does not have much relevance to this particular amendment. It was very interesting anyhow.

Let me say that a staff member of mine, Ellen Bloom, was an unbelievable help in connection with our being able to bring about a resolution of the differences of the parties in connection with this amendment. In fact, she made almost a supreme sacrifice, because she was on her way home in the car when we called her in the car and said "Turn around." She had her 5-year-old son with her. We said, "We need you back here," and she turned around and came back. Without her, we would not have been able to bring about the result that we did.

Mr. President, I do not think there is any further debate that I know of. If there is no further debate, this Senator is prepared to have the Senate act on the measure if the managers have no objection.

Mr. NUNN. This amendment is not about the B-1. This is an indemnification amendment. It has been worked out, and we urge its approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 3081) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I would like at this time to continue to colloquy with the Senator from South Dakota.

The Senator had inquired of the Senator from Virginia as to the maturity of this aircraft. I reply that the Senator correctly states the life maturity. The Senator again exhibits his knowledge of this particular aircraft, and he is exactly right.

Mr. PRESSLER. I see my friend from Nebraska here. He may be able to shed some light on this. I would say to my colleague, as he well knows there was some problems in getting the B-1B to fly and operate properly. I do not know all that has been and is being done, but people in the Rapid City area, including and perhaps especially the pilots who live in the community, are curious about what we are doing. Everybody knows the plane has not always worked correctly.

If there is anything I can do to help improve the B-1B I stand ready to do so. Indeed, as I have mentioned, when

John Tower was nominated for Defense Secretary, I raised this issue and tried to make it a priority. I know my friend from Nebraska also knows a great deal about this issue. I wonder if he would care to comment.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, the Senator from South Dakota brings up a very legitimate point, I guess, when he is talking about his people that fly those bombers that are constituents, and neighbors that are constituents. There are similar concerns around the country. The B-1B bomber, if we had it to do all over again, in the view of this one Senator, we would never have built it. But that is by the boards. We have a lot of money invested in this, as the Senator has indicated.

The Armed Services Committee has received several proposals from the Air Force with regard to the B-1B bomber. There is no question but—I believe the first crash of that aircraft occurred at the Rapid City facility. It has been grounded, I say, on two, maybe three occasions, since that time.

The aircraft has some problems. We keep being assured that they can be fixed and repaired, and the cost per aircraft varies all over the place on it. They also have some trouble with the electronic countermeasures on that aircraft, which has nothing directly to do with safety when they are flying in peacetime but would have a great deal to do with the safety of the crew if they were flying under combat conditions.

At the present time, the Armed Services Committee is taking a go-slow approach on spending a great deal of money on the electronic countermeasures to make the aircraft operational.

Mr. President, what we are doing is providing some additional money for what we think are necessary safety features to make sure that we are doing what we need to do to provide the minimum safety for the people that continue to fly that aircraft.

We have not yet come to a final decision, I do not believe, as to what role the B-1B is going to play in the future. With the aging B-52, with the problems that we have with the B-1B and now a limited buy on the B-2, that we finally put to bed this morning, then I simply say that we have a problem with regard to the future, with regard to our bomber capability.

Therefore, I assure the Senator from South Dakota that we are fully up to speed on the problems that are there. We do not have and are not trying in this bill to provide money to answer all of the problems. But we are providing some funds that would address the basic safety issues with regard to some repairs that have to go into the engine with regard to some of the fuselage problems that we have had.

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I can assure the Senator from South Dakota that we on the committee have exactly the same concerns as the Senator from South Dakota and that they are being addressed. I wish that I could tell him that we are certain that we are doing everything that we can at the present time, and we are from a safety standpoint. But even the committee as a whole is saying we cannot afford to write off the B-2 at the present time. We would be willing, after we check with the contractor, to see if any costs might accrue to the contractor that maybe did not build the aircraft right. So it is under investigation at this time by the committee and we share the Senator's concerns. We think that we have adequately addressed them as best we can with the information presently at hand.

Mr. PRESSLER. I thank my friend from Nebraska. I know he has done an outstanding job of chairing the Subcommittee on Strategic Forces and Nuclear Deterrence. I thank him very much. Every time I go to Rapid City and am asked about this subject, I will reference this colloquy. I thank my friend.

Mr. WARNER. Mr. President, I say to my friend from South Dakota it is Senator EXON'S subcommittee that has jurisdiction over this matter. I think the record should reflect that. We hope the citizens of that community will continue to provide a friendly home for the aviators and ground crews and others associated with these aircraft and that they will operate safely for all concerned.

I thank the Senator for his interest in this program.

Mr. PRESSLER. I thank my friend from Virginia on his leadership in this area and look forward to working with him on the details of improving the B-1B bombers.

Mr. WARNER. Mr. President, I will send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments?

Without objection, it is so ordered.

AMENDMENT NO. 3082

(Purpose: To require a report on possible revisions to the North Atlantic Treaty of April 4, 1949)

Mr. WARNER. 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 Virginia [Mr. WARNER] proposes an amendment 3082.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . REPORT ON POSSIBLE REVISIONS TO THE NORTH ATLANTIC TREATY.

(1) FINDINGS.—The Congress finds that—

(a) when the North Atlantic Treaty was signed in 1949, the clear military threat to the security of Western Europe was the Soviet Union and its allies in Eastern Europe;

(b) since 1949 it has been clearly understood by the people of the Western world that the primary mission of NATO was to deter an attack from the Soviet bloc;

(c) the dramatic changes in Europe since the fall of the Berlin Wall in 1989, and the subsequent dissolution of the Warsaw Pact and the Soviet Union have fundamentally changed the security situation in Europe;

(d) one of the consequences of the breakdown of 40 years of Communist rule in Eastern Europe and the former Soviet Union has been ethnic conflict throughout the region, particularly in the Balkans and the Republics of the former Soviet Union;

(e) those fundamental changes in the security threats facing NATO member nations have caused confusion concerning the mission of NATO in the post-cold-war world and the role of NATO military forces outside of the NATO theater, particularly in the former Soviet Union; and, therefore

(f) a fundamental review of the North Atlantic Treaty is necessary, in light of the new security situation in Europe.

(2) REPORT.—The Secretary of Defense, in consultation with the Secretary of State, shall provide a report to the Congress, by April 1, 1993, which includes—

(a) a detailed analysis of the foreseeable threats to the security of NATO member nations;

(b) a determination whether or not there is a requirement for the member nations of NATO to revise the North Atlantic Treaty of 1949 to meet the future challenges to their peace and security; and

(c) the extent to which the charter permits the use of NATO forces for peacekeeping purposes, given the steadily increased use of military forces for such purposes, and the range of missions that should be considered for such peacekeeping to protect the interests of member nations.

Mr. WARNER. Mr. President, this amendment is cleared on both sides. It relates to simply a request for a study by NATO.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 3082) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

AMENDMENT NO. 3083

(Purpose: To establish a National Education Goals Panel)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Mr. BINGAMAN and Mr. COCHRAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BINGAMAN (for himself and Mr. COCHRAN), proposes an amendment numbered 3083.

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

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

The amendment is as follows:

On page 494, between lines 4 and 5, insert the following:

TITLE XII—NATIONAL EDUCATION GOALS PANEL

SEC. 1201. PANEL ESTABLISHED.

(a) ESTABLISHMENT.—There is established within the Department of Education a National Education Goals Panel (hereafter in this title referred to as the "Panel").

(b) COMPOSITION.—

(1) IN GENERAL.—The Panel shall be composed of 14 members (hereafter in this title referred to as "members"), including—

(A) two members appointed by the President;

(B) eight Governors, three of whom shall be from the same political party as the President and five of whom shall be of the opposite political party of the President, appointed by the Chairman or Vice Chairman of the National Governors' Association, with each appointing those of his respective political party, in consultation with each other and in accordance with paragraph (2); and

(C) four Members of Congress appointed as follows:

(i) The Majority Leader of the Senate shall appoint 1 individual from among the Members of the Senate.

(ii) The Minority Leader of the Senate shall appoint 1 individual from among the Members of the Senate.

(iii) The Majority Leader of the House of Representatives shall appoint 1 individual from among the Members of the House of Representatives.

(iv) The Minority Leader of the House of Representatives shall appoint 1 individual from among the Members of the House of Representatives.

(2) SPECIAL APPOINTMENT RULES.—(A) The members appointed pursuant to paragraph (1)(B) shall be appointed as follows:

(i) If the Chairperson of the National Governors' Association is from the same political party as the President, then the Chairperson shall appoint 3 persons pursuant to such paragraph and the Vice Chairperson shall appoint 5 persons pursuant to such paragraph.

(ii) If the Chairperson of the National Governors' Association is from the opposite political party as the President, then the Chairperson shall appoint 5 persons pursuant to such paragraph and the Vice Chairperson shall appoint 3 persons pursuant to such paragraph.

(B) If the National Governors' Association has appointed a panel that meets the requirements of this subsection prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to be in compliance with the provisions of this subsection and shall not be required to be reappointed pursuant to this subsection.

(c) TERMS.—The terms of service of members shall be as follows:

(1) EXECUTIVE BRANCH.—Members appointed under paragraph (1)(A) shall serve at the pleasure of the President.

(2) GOVERNORS.—Members appointed under paragraph (1)(B) shall serve a two-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of the such member's terms concluding every two years.

(3) MEMBERS OF CONGRESS.—Members appointed under paragraph (1)(C) shall serve a term of four years.

(d) INITIATION.—The Panel may begin to carry out the duties of the Panel under this title when seven members of the Panel have been appointed.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) RETENTION.—In order to retain an appointment to the Panel, a member must attend at least two-thirds of the scheduled meetings of the Panel in any given year.

(g) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(i) CHAIRPERSON SELECTION.—

(1) INITIAL SELECTION.—The members appointed under subsection (b)(2) shall select a Chairperson from among such members, except that after the expiration of the term of the member selected under this paragraph to serve as Chairperson as of October 1, 1991, or upon the termination of the tenure of such Chairperson, whichever is earlier, a majority of the members of the Council shall select the Chairperson from among the members.

(2) CONTINGENT SELECTION.—If no individual described in paragraph (1) assumes the position of Chairperson of the Council within 60 days of the date of the enactment of this Act, a majority of the members shall thereafter select a Chairperson from among the members.

SEC. 1202. FUNCTIONS.

(a) FUNCTIONS.—

(1) IN GENERAL.—The Panel shall—

(A) propose the indicators to be used to measure the National Education Goals and reporting progress toward their achievement, the baselines and benchmarks against which progress may be evaluated, and the format for an annual report to the Nation;

(B) select interim and final measures and appropriate measurement tools to be developed as necessary in each goal area;

(C) report on the Federal actions to fulfill its responsibilities to education, including funding the Federal financial role, providing more flexibility and controlling mandates that limit the States' ability to fund education;

(D) issue a report to the President, the Congress, the Governors, and the Nation annually on progress toward the National Education Goals;

(E) assure, through requirements for State reports, that student performance is reported in the context of other relevant information about student, school and system performance;

(F) identify gaps in existing educational data, make recommendations for improvements in the methods and procedures for assessments that would be appropriate to assessing progress toward the National Education Goals, propose changes in national and international measurement systems as appropriate and make recommendations to the President, the Congress, and the Governors for needed improvements;

(G) appoint members to the National Education Standards and Assessments Council; and

(H) in accordance with paragraph (2), issue certification of content and student performance standards and the criteria for assessments as world-class following submission of such certification by the National Education Standards and Assessments Council.

(2) SPECIAL RULE.—In the event the Panel denies certification to all or part of a certification of the National Education Standards and Assessments Council, all or part of a certification shall be returned to such Council with detailed written explanations for the denial.

(b) PERFORMANCE OF FUNCTIONS.—In carrying out its responsibilities, the Panel shall operate on the principle of consensus.

(c) DATA COLLECTION.—The Panel shall make arrangements with any appropriate entity to generate or collect such data as may be necessary to appropriately assess progress toward the National Education Goals.

SEC. 1203. ANNUAL REPORT CARD.

(a) IN GENERAL.—The Panel shall prepare and submit to the President, the appropriate committees of Congress, and the Governor of each State a National Report Card, that—

(1) sets forth an analysis of the progress of the United States toward achieving the National Education Goals; and

(2) may, as determined necessary by the Panel based on the findings of the Panel and an analysis of the views and comments of all interested parties—

(A) identify continuing gaps in existing educational data; and

(B) make recommendations for improvement in the methods and procedures of assessing educational attainment and strengthening the national educational assessment and information system of the Department of Education or any other appropriate Federal Government entity.

(b) CONTINUATION.—Based on the timetable established in section _____02, the Panel shall continue to issue a National Report Card on an annual basis for the duration of the existence of the Panel.

(c) FORMAT.—National Report Cards shall be presented in a form that is understandable to parents and the general public.

SEC. 1204. POWERS OF THE PANEL.

(a) HEARINGS.—

(1) IN GENERAL.—The Panel shall, for the purpose of carrying out this title, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Panel considers appropriate.

(2) CONDUCT.—In carrying out this title, the Panel shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the Panel's functions described in section 1202(a).

(b) INFORMATION.—The Panel may secure directly from any department or agency of the United States information necessary to enable the Panel to carry out this title. Upon request of the Chairperson of the Panel, the head of a department or agency shall furnish such information to the Panel to the extent permitted by law.

(c) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

(d) POSTAL SERVICES.—The Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—The Secretary of Education shall provide to the Panel, on a reimbursable basis, administrative support services as the Panel may request.

SEC. 1205. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Panel or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING.—No individual may vote or exercise any of the powers of a member by proxy.

SEC. 1206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Panel shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF STAFF.—The Chairperson of the Panel may appoint personnel as the Chairperson considers appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service. The staff of the Panel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates. The rate of pay of the staff of the Panel shall not exceed the rate of basic pay payable for GS-15 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—The Panel may procure temporary and intermittent services under section 3019(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Panel, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Panel to assist the Panel in its duties under this title.

SEC. 1207. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 2001 to carry out this title.

Mr. WARNER. Mr. President, this amendment is cleared on both sides and relates to the subject of education.

Mr. NUNN. Mr. President, this amendment has been cleared and we checked with Senator KENNEDY and Senator HATCH and they are in favor of this amendment. Therefore, I urge its adoption.

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

The amendment (No. 3083) was agreed to.

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

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

The motion to lay on the table was agreed to.

NATIONAL MEDICAL TECHNOLOGY TESTBED

Mr. SEYMOUR. Mr. President, I wish to engage in a brief colloquy with the distinguished ranking member of the Senate Armed Services Committee regarding a noteworthy project that illustrates the potential of an effective defense reinvestment program.

Mr. WARNER. I would be pleased to discuss this matter with the distinguished Senator from California.

Mr. SEYMOUR. A consortium of defense-related companies and the Loma Linda University Medical Center have developed a proposal to collaborate in a technology transfer program that promises to produce revolutionary results in the field of health-care.

The new consortium came together under the leadership of the medical center and its advance technology center [ATC]. Eight defense companies have now committed themselves to the National Medical Technology Testbed. These corporations have expressed their eagerness to participate in an effort to tap some of the most enthusiastic and brilliant research minds for the development of prototype products for the commercial market. New products resulting from the consortium will be licensed by the participating companies and manufactured primarily by small businesses in southern California. The job creation from this project and the resulting economic benefits will have a positive impact on an area of my State which has lost roughly 70,000 defense-related jobs since 1986. Perhaps the greatest return on a Federal investment in this type of program will be in the health-care field.

Mr. President, the referenced project has progressed to the point that adequate funding could result in its almost immediate implementation. Representatives from Loma Linda recently visited my office and illustrated the capabilities of a prototype produce which will undergo further development under the auspices of the consortium. This novel product is a computerized medical information system that allows for the optical storage of a patients complete medical records onto a wallet-sized card. Using an affordable personal computer, a primary care physician could access an individuals complete medical history within a matter of seconds. Defense critical technologies made a substantial contribution to the development of this system. These cards could save health-care providers time and paperwork thereby increasing efficiency and substantially reducing medical costs. The security of this program would be ensured through a technology that was developed for military purposes.

Mr. President, I am pleased to bring this amazing initial effort by the consortium to the attention of my colleagues and suggest that the testbed should be designed as a model project for a defense conversion competitive grant award.

Mr. WARNER. I thank the Senator from California and inform him that this project is the type that the committee envisioned when it passed the defense conversion and transition assistance subtitle of the fiscal year 1993 Defense authorization bill. One of the most important aspects of the conversion concept was the maintenance of the critical mass of expertise that currently exists in our defense research community. The key to making these initiatives successful resides in our willingness to provide companies with the ability to bring diversification to their businesses while advancing their knowledge of these critical technologies.

Mr. SEYMOUR. I thank the Senator for his favorable recognition of this project.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. BREAUX] is recognized.

Mr. BREAUX. Mr. President, I will send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside pending amendments?

Mr. NUNN. Mr. President, I ask unanimous consent the pending amendments be set aside for the purpose of the Breaux amendment which relates to maritime matters with no second-degree amendments to that amendment in order.

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

AMENDMENT NO. 3085

(Purpose: To authorize funding for militarily useful merchant vessels)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX], for himself and Mr. LOTT, proposes an amendment numbered 3085.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . AUTHORIZATION FOR CONTINGENCY RETAINER FLEET FUNDING.

To enable the Secretary of Transportation to establish a contingency retainer fleet program to provide militarily useful vessels for meeting the sealift needs of the United States during national emergencies, the Secretary of Defense is authorized to transfer to the Secretary of Transportation, for operating agreements for contingency retainer fleet vessels, not to exceed $300,000,000 for fiscal year 1993. Amounts appropriated under this section shall remain available until expended.

Mr. BREAUX. Mr. President, let me first thank the distinguished chairman of the Armed Services Committee, the Senator from Georgia, for his cooperation and interest that he has shown in this amendment as well as the Senator from Virginia for the interest he has in this area.

Mr. President, if there is one thing that was very clear as a result of the

Persian Gulf conflict among many lessons we learned, one of the lessons was very clearly the United States does not have the maritime capability to transport troops and equipment as rapidly as they need to be transported in times of a national emergency or in times of serious conflict like we saw in the Persian Gulf.

It is very clear that that is a statement that goes without contradiction. While many wonderful things occurred during the Persian Gulf conflict in terms of our ability to perform the mission that was required, one area in which there was a shortfall was the ability to use maritime resources that we need in order to accomplish the military purpose.

The committee's own report speaks to this need for a strong civilian Maritime force. The committee notes that the administration's national security sealift policy calls for placing primary reliance on the commercial sector for strategic sealift. That is a conclusion of the Armed Services Committee, a conclusion that I certainly have no differences with and with which I strongly agree. In addition, the Mobility Requirements Study, a study done by the Department of Defense themselves, recognizes the need for a U.S.-flag commercial fleet of vessels that are ready to be put into service immediately in times of a national conflict in order to transport troops, in order to transport equipment to far off-places and to ensure the ability of the United States to respond.

DOD, in indicating that they have a need for military vessels of a civilian nature, have indicated they need a minimum of 17 container vessels and 25 roll on/roll off ships as a matter of fact. These are ships that they need for military transportation purposes. However, it is very apparent that at this stage that the Department of Defense wants a free ride. They want the ships but they do not want to have to pay for them out of their budget. They are unwilling to recommend how the ships will be acquired, but will recommend and ask the Congress that they get the ships.

Mr. President, we have a proposal that we have worked on for sometime, a request by the President of the United States for a contingency retainer program that would establish a minimum of 74 civilian ships. These ships would have military capability, ready to go in times of a national emergency. We have a plan ready to be authorized if we could find a way to pay for it.

Mr. President, under the proposal the President has recommended, the Department of Transportation has said that they would come up with a way to pay for 57 of those ships and is only asking that the Department of Defense find the money in a multibillion-dollar budget to pay for the operation of approximately 17 vessels that have military capability to be used in times of a national emergency.

What the Department of Transportation and the Commerce Committee's, Subcommittee on Merchant Marine, is asking is only that the Department of Defense be willing to pay their share for something that I think is strategically fair from a military standpoint.

Now, some have argued that every body in Congress wants a little bit out of the Department of Defense budget; everybody wants to transfer money out of the Department of Defense for their programs.

Mr. President, there is a vast difference in what this amendment does. It is far, far different from those types of requests. What we are asking for is not for the Department of Defense to pay for a welfare program; not for the Department of Defense to pay for a highway program or an arts program.

What we are asking is a simple request for the Department of Defense to pay their fair share in assuring that we have a strong civilian maritime force to provide the transportation of equipment and manpower when they need it to respond effectively to the Commander in Chief, the President, when he makes a request to ship men and equipment to far-off places.

The problem with the President's request is that it does not identify how it is to be paid for, and that is the problem that we face now at this late point in time.

Mr. President, my colleagues, the U.S. maritime industry is sinking. It is going under, and it is not going to ever resurface unless we get serious about how to provide the funds to do something to address this problem.

I commend Secretary Andy Card, the Department of Transportation, as being the first Secretary of Transportation that has recognized that there is a problem, and that without ships, we cannot transport equipment and we cannot transport troops. He has done more to bring all the sides together than anybody else in this administration.

And while this bill does not provide 100 percent satisfaction to everybody, it is 100 percent better than what we had before. The only thing, as I have said, which remains is a method to pay for it.

It is unfortunate, because the chairman has communicated to me that the Department of Defense—and I ask the distinguished chairman if this is correct or not—the Department of Defense has indicated to him that they do not support the amendment. They want the ships; they want a strong maritime; but if it comes to paying for it, even paying for their fair share, their communication to the distinguished chairman of the Armed Services Committee is that they are unwilling to support this effort.

I ask my friend, the distinguished chairman, if I am wrong in that assumption, or what his understanding is.

Mr. NUNN. Mr. President, I do not have a letter in writing. But I have been told through staff orally from the Department of Defense that they do oppose this amendment.

So the Senator is correct.

Mr. BREAUX. I thank the chairman for his response.

Mr. President, I hope that my good friend, Secretary Dick Cheney, reads our comments this evening, that this is an effort to do what the President has requested. And I think it is totally appropriate for the Department of Defense to pay their fair share of what they need so desperately.

I am very disappointed that they are unwilling to come through with a relatively small request for funding for this program. We are not going to give up. We will continue to do what is necessary to meet the military requirement for a strong civilian defense program.

I ask the distinguished ranking minority member if he has any different communications as to the Department's position on the issue.

Mr. WARNER. Mr. President, in response to the inquiry, my information is the same as that of the chairman. I would, however, indicate that Secretary Card did talk with me one evening and confirmed many of the representations made by the distinguished Senator from Louisiana.

Mr. BREAUX. Mr. President, I will not belabor the point any further. I recognize what you are up against when the chairman and ranking minority member are not in a position to support the amendment.

Having said that, and having offered it, I will withdraw the amendment at this time.

The PRESIDING OFFICER. The Senator from Louisiana withdraws his amendment.

The amendment (No. 3085) was withdrawn.

Mr. NUNN. Mr. President, I thank the Senator from Louisiana. The subject he is working on is enormously important. We have been struggling with it for years. There has never been any kind of solution to it from this administration or the previous administration, or from the Congress.

I think the Senator has the seeds of an idea that bears very close examination. I am pleased he did withdraw the amendment. The difficulty tonight is we have spent several hours debating transfers from Defense to other Departments.

The Senator from West Virginia, the leader of the Appropriations Committee; the Senator from Tennessee, the leader of the Budget Committee; and myself, as leader of the Armed Services Committee, have opposed those amendments as a matter of principle, and as a matter that related to the budget agreement.

So I think, at this time, it would be very difficult to pass that amendment. I would have to oppose it under these circumstances. But I will work with the Senator to try to develop a policy, and try to stimulate the Department of Defense to address this issue, because they do have a serious problem with this kind of vessel. They have a serious problem with Sealift in general, and this is something they ought to at least give serious consideration to.

Mr. President, I do not know how many more amendments we have, but we really, on our list, are about to run out of them. We have a package of cleared amendments, and I would like to take those amendments up as rapidly as possible.

Mr. WARNER. Mr. President, we are prepared to work with the chairman. We do have a list of cleared amendments.

Mr. NUNN. Mr. President, I intend in a moment to propound a unanimous-consent agreement that no other amendments other than these named here be in order.

What I would like to do is let everybody go home. But if I do that, and somebody comes over with an amendment that is not on the list that we have not seen, then we will not be able to pass this bill tonight unless that is acceptable.

So I intend to propound an exclusive list of amendments, and no other amendments will be in order. And it will be done in just a moment.

Mr. President, we have the list of amendments. We are working on all these amendments, and we believe we can work these amendments out. It would be our intention to do that this evening.

I am going to list the amendments that we know about. We have a Roth-Grassley amendment on expired accounts; we have a Smith amendment on POW stamp; we have a Reid amendment on Nevada test site employees; a Bryan-Reid amendment on the study of new use of the Nevada test site, solar energy; a Nunn-Warner amendment on AIDS research; a Kennedy defense conversion; a Specter defense conversion.

We have a McCain-Gore amendment on Iran-Iraq arms proliferation; a Bingaman-Glenn amendment on nuclear nonproliferation ration; Nunn-Warner, technical amendments; Levin-Simon, support for peacekeeping; Robb, defense conversion; Dole, Landsat; Shelby, carbonyl iron powder; Warner, national defense, Sealift fund; Glenn, proliferation; Inouye, arms initiative.

We have the following military construction amendments: One by Mr. ADAMS; one by Mr. GARN; one by Mr. HATFIELD; one by Mr. LAUTENBERG; one by Mr. FORD; and one by Mr. NUNN.

Mr. President, these are the amendments we intend to take up, and I ask unanimous consent that no amendments other than those cleared by the managers be in order; that when the managers determine no further cleared amendments, we go to final passage without any further additional motions or debate.

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

Mr. WARNER. Mr. President, we have just been informed——

Mr. NUNN. Mr. President, I do not have any requests for rollcall vote on final passage. It would be my intent not to ask for one.

Mr. WARNER. Mr. President, we do not have any requests on this side, but I do bring to the attention of the chairman we have two additional amendments which have come in the period intervening: the Senator from Mississippi [Mr. LOTT] on military construction; the Senator from Virginia, myself, on two land transfers. And I would like to reserve the right for the Senator from Mississippi [Mr. COCHRAN] on an amendment on Sealift.

Mr. NUNN. Under the unanimous consent, I say to my friend from Virginia, under the unanimous consent the way I propounded it, those amendments, whatever they are, would have to be cleared by the managers, just like all of these others would be. Otherwise they are out.

Mr. WARNER. That is clear. But I fear until I have had an opportunity—and this has just been handed to me—I must protect these two Senators. It will take me but a few minutes.

Mr. NUNN. They are protected to the extent we can agree on the amendments.

Mr. WARNER. I understand that, but I at least have to have some specific knowledge of the two amendments, Mr. Chairman. I need just 1½ minute.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, while the Senator from Virginia is doing that, the distinguished chairman of the committee just stated that there has been no request for a rollcall vote on final passage on our side. I am advised by the Republican leader and the Republican manager there is no request on their side.

Unless some Senator expresses himself or herself to the contrary, very shortly, we will assume that to be the case and we will take silence to be acquiescence. Therefore, there will not be such a vote.

If any Senator demands such a rollcall vote, that Senator should come forward immediately, otherwise there will not be one. While we are waiting for that, Senator WARNER now has the opportunity to review the matter he is discussing.

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

Mr. WARNER. Mr. President, I am now prepared to advise the distinguished chairman that the list of amendments that he recited in the unanimous consent, with the addition of an amendment by the Senator from Mississippi [Mr. LOTT], which I understand has been cleared on both sides, and two military construction—land transfers from the Senator from Virginia, myself—and that would constitute a complete list from this side.

Mr. NUNN. I thank the Senator from Virginia. I hope everyone understands these are amendments we are working on, we have not cleared them all, and that this bill will have these if we work them out and they are cleared by both sides. If not, the amendment would have to be dropped. That is the nature of the unanimous-consent request.

Mr. President, I think we are now able to tell people here they can go home. I can express my appreciation to all Senators for their splendid cooperation.

I had thought it would be 1 or 2 o'clock tonight at best before we could reach this point, so I say we have had an extraordinary day. We have gotten an enormous amount done. We probably handled, guessing, around 60 to 70 amendments—at least before we get through we will handle at least that many amendments.

I thank all Senators for their cooperation on both sides of the aisle. I particularly thank the staff that have done a tremendous job: Arnold Punaro; and Pat Tucker on the minority side, and I thank my friend from Virginia. But I think we can tell everyone now, there will be no more rollcall votes.

Mr. WARNER. Mr. President, may I join with the distinguished Senator from Georgia [Mr. NUNN], and likewise thank our respective majority and Republican leaders for their assistance, and all Senators. We have moved a good deal here.

Mr. President, in this what I call rapid wrapup that has been taking place, I have been asked to state for purposes of the RECORD that an amendment which will shortly be considered offered by the Senator from Ohio [Mr. GLENN] does not contain any provision that would impact on the various arms transfer agreements, most specifically as relate to the Middle East, or any of those amendments to Saudi Arabia, the State of Israel, or others.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent to proceed to morning business.

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

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,036,029,800,301.23 as of the close of business on September 16.

Anybody familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman and child owes $15,713.02—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

A WONDERFUL GIFT FROM JOHN WOLD

Mr. WALLOP. Mr. President, I want to bring to the attention of my colleagues the generous act of Wyoming businessman John Wold in making a contribution to Casper College for a proposed physical science building. His $1 million donation represents nearly one-fourth of the total amount needed to complete the project. Hopefully, others in the private sector will follow John's lead and provide the rest of the funding.

For those who do not know him, John Wold has been a prominent member of the oil and gas industry in the Cowboy State for many years. But he has also been dedicated to public service throughout that time serving as the first professional geologist ever to be elected to the U.S. Congress. John served in the Wyoming State Legislature where he was chairman of the house labor committee and spent two terms as Wyoming Republican State chairman. He also served on the executive committee board of the Republican National Committee. In 1968, he was chosen by the Associated Press as "Wyoming Man of the Year" and in 1978 was picked as "Wyoming Mineral Man of the Year."

John was a founder and the first president of the Wyoming Heritage Foundation, a nonprofit organization dedicated to educating Wyoming citizens about the benefits of the free enterprise system. I know that the people of Wyoming join me in expressing appreciation for this donation by my long time friend and associated and I am confident that future Wyoming students will put the new building to good use while obtaining their education at Casper College.

I ask that a recent news article describing John Wold's latest contribution to Wyoming be printed in the RECORD.

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

WOLD GIVES $1 MILLION FOR PROPOSED CASPER COLLEGE SCIENCE BUILDING

(By Tom Morton)

CASPER—Casper College officials announced Tuesday that Wyoming minerals magnate John Wold will give $1 million to the school for a proposed physical sciences building.

The donation equals one-fourth of the $4 million that the college's foundation hopes to raise from private gifts and donations for an $11.1 million building and renovation proposal. The college plans to spend $8.5 million on the science building, which will cover 54,000 square feet, and will dedicate the rest to pay for renovations to other college facilities.

The college hopes to convince county taxpayers to authorize borrowing the additional $7.1 million needed for the proposal in a vote on a bond issue this fall.

The bond will be repaid through a 2 mill property tax in the county. College officials have said a 2 mill levy will cost the owner of a $75,000 home about $12 more annually for the next 25 years.

The college and American education need such a science center, Wold said, because of the declining status of the country's science and engineering programs.

"This country is losing a great race, an international race, with respect to turning out bright, well-educated engineers and scientists. This new building gives us a significant start toward the kind of contribution we can make here to Casper College," said Wold, chairman and chief executive officer of Wold Oil and Gas Company in Casper.

"There's more to it than the building. We have to have motivated students, we have to have bright faculty . . . and we have to have the equipment for the teachers to motivate the students," he said.

The students, faculty and equipment will help Wyoming students keep America economically competitive with the other industrialized nations, said Wold, a former U.S. Congressman, state legislator, and Wyoming Republican state chairman.

Those countries, he said, "are beating us to pieces as far as the number of graduates, engineers and scientists, they're turning out compared with what we're doing in the states."

College foundation board member Todd Milliken asked the Wold family for the contribution last January, Wold said.

The amount is in line with lead gifts of major fund-raising drives which attempt to boost the drive with 20 percent to 25 percent of total amount, he said.

Casper College Foundation President George Bryce said that the college will be announcing more major gifts, totalling as much as $500,000, in the near future.

Bryce said that the foundation will then try to raise another $1.5 million through $500, $1,500 and $2,500 gifts to match the $1.5 million from Wold and the other major gifts. "It's going to have to be everybody in the community stepping forward to help," he said.

Once the foundation has that $3 million, it will go to a private foundation for the remaining $1 million, Bryce said.

The announcement of Wold's gift is the latest step in the college's goal to expand the campus and renovate other facilities on campus.

In July, the Wyoming Community College Commision gave its approval to the building and renovation project.

In August, the college board unanimously approved a resolution to submit a $7.1 million general obligation bond issue to Natrona County voters at the general election on Nov. 3.

If voters approve the project, the college will need approval from the Legislature early next year.

If the Legislature approves the project, college officials will break ground for the building next spring. Officials plan to have the facility built and ready for occupancy in the fall of 1994.

Ten of the 13 buildings on campus were substantially funded by private gifts, said college president LeRoy Strausner.

"The people of Casper, even some who were formerly of Casper, have always risen to the challenge, to see this college has the tools and facilities necessary to provide quality educational services to the people of Wyoming," Strausner said.

PERUVIAN LAW ENFORCEMENT BLAZES A SHINING PATH

Mr. CRANSTON. Mr. President, it is with genuine and unexpected pleasure that I rise today to congratulate the Peruvian people on the arrest last Saturday of Abimael Guzman, the barbaric leader of the lunatic Shining Path guerrillas.

Over the 12 years that Sendero Lunimoso has waged war against the Peruvian State, more than 24,000 people have died and $22 billion in damage has been created.

Most of the victims of this dirty war have been poor peasants and the indigenous people living in the Andean sierra. These have been caught in the crossfire of the merciless Shining Path and the indiscriminately repressive state security forces.

Today, Peruvians rejoice at Guzman's capture. So do I.

Mr. President, Guzman's arrest has unquestionably been a stunning blow against a guerrilla force whose last living international heroes were the Marxist henchmen of Enver Hoxha's Albania.

Equally as noteworthy were the painstaking and professional means by which the terrorist leader's capture was carried out by Peru's DINCOTE police. These stand in sharp contrast with the indiscriminate military and

paramilitary violence that has otherwise characterized Peru's counterinsurgency effort.

Peru's National Human Rights Coordinating Committee—an internationally respected umbrella organization of some 30 human rights groups—issued an important statement following Guzman's arrest.

In praising the sharp blow to Shining Path, the Coordinora highlighted the role of the DINCOTE police, which "despite limited resources, has demonstrated in this opportunity efficiency and the possibility of defeating terrorism without recourse to 'dirty war.'"

Mr. President, there are those bound to present Guzman's capture—as Peruvian strongman Alberto Fujimori has already done—as the fruit of his illegal military-backed coup and his acquiescence with massive human rights violations by the armed forces.

In fact, according to reliable reports published in the Peruvian press, neither Fujimori, his Interior and Defense Ministers, nor his national intelligence chief knew of the DINCOTE operation to nab Guzman. This fact is key to evaluating claims that Guzman's capture vindicates Fujimori's April 5 coup and authortarian rule.

As the New York Times editorialized on September 15:

> Mr. Guzman's arrest owes more to patient police work than to extraconstitutional powers. Rather than isolating the guerrillas, the Fujimori coup has polarized Peruvian politics and complicated security cooperation with the United States. Not dictatorship but an accountable, representative system offers the best hope for lasting stability.

ANDEAN DRUG WAR: BAD DOPE FROM THE STATE DEPARTMENT

Mr. CRANSTON. Mr. President, the tangled web of deceit that comprises the administration's antinarcotics efforts in the Andean region of South America has left U.S. policy there looking like an aging set from a production of the "Addams Family."

Unfortunately, some of our own best allies have become mired in the complicated net of half-truths, distortions and outright lies that have become standard fare in administration representations to Congress about what exactly its policies entail.

Such is the case with Bolivia, as I'm sure those who follow these matters closely will agree.

Mr. President, last February 20, the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee, chaired by my distinguished friend and colleague from Massachusetts, Mr. KERRY, held a hearing on the Andean drug initiative.

At that time I noted that:

> In the United States we have a strict delineation of internal security and national defense functions set down in the principle of posse comitatus. Law enforcement is almost entirely a police function, except in the most extraordinary circumstances, and is carried out primarily at the local level. Yet the Administration has been quick to short circuit such considerations when seeking to combat drugs outside our borders, prodding host-country militaries into roles we ourselves wisely prohibit to our own armed forces.

I then added that the decision to involve, or expand the role of, the armed forces in countries such as Bolivia, for example, came after that country's elected civilian leadership was leaned upon by the administration.

> This insistence on involving local militaries has had very much a "Made in Washington label." Whatever diplomatic fiction is constructed, this pressure is well-known and has helped to discredit the civilian political leadership in the region.

At that time I also submitted to Assistant Secretary of State Bernard Aronson a written question about whether the principle of posse comitatus had any role to play in designing U.S. military, administration of justice and antinarcotics assistance programs to other nations.

I frankly found Aronson's responses to my questions to be quite incomplete. In particular I could not endorse his assertion that U.S. assistance efforts were "based on host country decisions on how to employ [their] military."

In a subsequent letter to him, sent on June 18 of this year, I made the following points:

> You state that U.S. assistance is designed to support the Bolivian government's decision to employ its own military in the drug war. However, you also say that "the civilian leadership was uneasy about army participation." You also say that the army participated in only one counternarcotics operation after two anti-narcotics infantry battalions completed U.S.-funded training in 1991. In view of this, you stated, "we will shift future U.S. assistance to more effective programs in Bolivia." * * * This suggests to me that it was not the Bolivian government at all that wanted army participation in anti-narcotics operations.

Mr. President, a policy can be called scandalous if it is ill-considered or based on a lie, or both. It can also be called scandalous if it does just that—causes a scandal.

Unfortunately, although this scandalous policy of militarizing the drug war was initiated in Washington, the ensuing scandal it caused tarnished the reputation of one of South America's most energetic democratic leaders—President Jaime Paz Zamora.

The scandal erupted in the Bolivian capital of La Paz in response to a letter sent to me from State Department official Janet Mullins, who was responding to my second query to Aronson. In a letter dated August 7, Mullins wrote:

> In 1990, President Paz Zamora requested U.S. military assistance for the counternarcotics effort. We responded positively but conditioned our assistance on U.S. legislative requirements that all such assistance be used for counternarcotics purposes.

An internal debate developed in Bolivia over the role and counternarcotic mission of the Army. Some Bolivians wanted the military assistance without a counter-narcotics role for the military, and others favored military involvement. Contrary to what some Bolivian politicians have said, the U.S. did not insist on Army involvement in counternarcotics. From the beginning we made it clear that the counternarcotics funds could go to the Air Force and the Navy alone, if the government so chose. In the end the Bolivian Government decided in favor of Army involvement.

Mullin's rendition of events created a political firestorm in La Paz. In a letter to George Bush, Paz Zamora complained that Mullins' letter "gave rise to misinterpretations, generated great confusion, damaged the prestige of the Government of Bolivia, and even challenged the credibility of its President."

Paz Zamora then outlined the circumstances under which the Bolivian Army, an institution with a long history of antidemocratic behavior and complicity with narcotics trafficking, became involved in the antinarcotics fight:

> * * * when I became President in August 1989, my government, through the Ministry of Foreign Affairs, continued negotiations for the fiscal year 1990 program. The United States then proposed that the assistance already granted to the Air Force and Navy be extended to the Bolivian Army, and to that end, by decision of the U.S. Congress, the Army would have to participate directly and immediately in anti-drug trafficking efforts.
>
> It was then that a difference in criteria became evident. For the Government of Bolivia, it was fundamental, within the framework of its successful peaceful strategy of combatting drug trafficking, Law No. 1008, and the Cartegena Declaration signed by both governments on February 15, 1990, to maintain the principle by which "the control of illicit trafficking in drugs is essentially a law enforcement matter" and consequently, that United States assistance should be directed towards training and equipping Army units to ensure their readiness to offer logistical and, if applicable, operational support, to the specialized agency of the National Police.
>
> Finally, this difference in viewpoints was favorably resolved in a meeting I had on May 8, 1990, at Blair House with Secretary of State James Baker, where it was agreed to include in the draft of Annex III the fact that participation by the Army could occur "in accordance with the sovereign interest of Bolivia, within the framework of its own legal system and constitutional provisions, under the authority of the President of the Republic of Bolivia, who shall decide on the form and time of such participation, in conformity with the principles set forth in the Cartagena Agreement of February 15, 1990."

Given the political damage done, unfairly, to President Paz Zamora by State's misrepresentations to Congress, President Bush could do little more than admit that:

> * * * the chronology you laid out in your letter fully concurs with my understanding of the situation.* * * I want to express my congratulations to your government for its accomplishments in the fight against international narcotraffickers. We continue to be encouraged by the successes of Bolivia's de-

mocracy, the development of its market economy, and the damage it is inflicting on drug cartels.

Mr. President, as I said in my statement before the Kerry subcommittee on February 20, Andean leaders resisted, to the extent that they could, administration impositions about using their armies in the drug war. Despite the bald-face assertions by administration to the contrary, as I said then, "this pressure is well-known and has helped to discredit the civilian political leadership in the region."

The unwillingness of the administration to level with Congress about its self-proclaimed war on drugs in the Andes continues to create consternation and discomfit among the democratic leadership of the region.

It is a foolish policy, one fraught with lies, and compounded by a dangerous and double message. I urge my colleagues to pay even greater attention to what is going on there before we become bogged down in a quagmire in our own backyard.

Mr. President, I ask unanimous consent for several pieces of correspondence—the Mullins letter, a translation of President Paz Zamora's letter to President Bush, and the letter he received in response—to be reprinted in the RECORD.

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

Subject: Letter from President Bush to President Zamora.

DEAR MR. PRESIDENT: Thank you for your letter of August 16 and the warm expression of your personal friendship. I want to be helpful in clearing up any misunderstandings that may have resulted from the publication of Department of State's letter to Senator Cranston. First of all, let me say that the chronology you laid out in your letter fully concurs with my understanding of the situation.

Bolivia's cooperation, which is helping stop worldwide illicit drug trafficking, is highly valued and deeply appreciated. It is our firm policy that our joint efforts go forward only in accordance with the laws and policies of your government. Like you, we believe that law enforcement is in the first instance a police function. Military forces can play an important role in some circumstances, but their use is a sovereign decision of each government.

I want to express my congratulations to your government for its accomplishments in the flight against international narcotraffickers. We continue to be encouraged by the successes of Bolivia's democracy, the development of its market economy, and the damage it is inflicting on drug cartels.

Sincerely,

GEORGE BUSH.

OFFICE OF THE
PRESIDENT OF THE REPUBLIC,
La Paz, August 15, 1992.

His Excellency GEORGE BUSH,
President of the United States of America, Washington.

PRESIDENT AND FRIEND: On August 7, 1992, Mrs. Janet Mullins, Assistant Secretary for Legislative Affairs of the Department of State, sent a letter to Senator Alan Cranston regarding United States military assistance to Bolivia in combatting drug trafficking.

The letter I refer to gave rise to misinterpretations, generated great confusion, damaged the prestige of the Government of Bolivia, and even challenged the credibility of its President, although I can understand that such was not the intention of Mrs. Mullins in writing it.

Given the high priority my government accords to relations with the United States, and in consideration of the bonds of personal friendship uniting us, I acted as calmly and prudently as possible, remaining silent until now.

I have reached the conclusion, however, that instead of advancing them, my reserve could adversely affect these privileged bonds, and I have thus considered it appropriate to review the events leading up to these negotiations in order to clarify and reestablish a reliable record of the facts; I do so, also, directly to you, since we both participated in the final phase of these negotiations, held at Washington, during my official visit in May 1990.

United States assistance for the participation of the Bolivian Armed Forces in combatting drug trafficking began in February 1987, with the signing of a framework agreement, which was to be implemented through programs negotiated annually.

Consequently, when I became President in August 1989, my government, through the Ministry of Foreign Affairs, continued negotiations for the fiscal 1990 program. The United States then proposed that the assistance already granted to the Air Force and Navy be extended to the Bolivian Army, and to that end, by decision of the U.S. Congress, the Army would have to participate directly and immediately in anti-drug trafficking efforts.

It was then that a difference in criteria became evident. For the Government of Bolivia, it was fundamental, within the framework of its successful peaceful strategy of combatting drug trafficking, Law No. 1008, and the Cartagena Declaration signed by both governments on February 15, 1990, to maintain the principle by which "the control of illicit trafficking in drugs is essentially a law enforcement matter" and consequently, that United States assistance should be directed towards training and equipping Army units to ensure their readiness to offer logistical and, if applicable, operational support, to the specialized agency of the National Police.

Finally, this difference in viewpoints was favorably resolved in a meeting I had on May 8, 1990, at Blair House with Secretary of State James Baker, where it was agreed to include in the draft of Annex III the fact that participation by the Army could occur "in accordance with the sovereign interest of Bolivia, within the framework of its own legal system and constitutional provisions, under the authority of the President of the Republic of Bolivia, who shall decide on the form and time of such participation, in conformity with the principles set forth in the Cartagena Agreement of February 15, 1990."

Mr. President, this letter is written in the best spirit of friendship and respect for your country and for you personally, and in the conviction that openness in informing our peoples is the best guarantee of reaching the goals we personally share.

With warm regards,

JAIME PAZ ZAMORA.

U.S. DEPARTMENT OF STATE,
Washington, DC, August 7, 1992.

Hon. ALAN CRANSTON,
United States Senate.

DEAR SENATOR CRANSTON: I would like to bring you up to date on our efforts to answer the many questions raised in your letter of June 18 to Assistant Secretary Aronson regarding the Huanchaca incident and U.S. counternarcotics policy in Bolivia, Colombia, and Peru. I regret the late rely, but your original letter was misrouted, and we did not learn of your inquiries until we received your fax on August 3.

The murder of Noel Kempff and his colleagues was a tragedy. I would like to state clearly at the outset that contrary to allegations some years ago by Bolivian politicians that the United States Government had information which could have prevented it, we had no such information. A thorough investigation of the incident by the Bolivian Congress concluded that the U.S. was not to blame.

We have recently received the 1986 Bolivia country files from archives, and have reviewed them in an effort to respond specifically to your questions. That review has produced nothing to show that the United States behaved improperly or is in any way responsible for the murder of Dr. Kempff.

During the period in question, June to October 1986, joint U.S./Bolivian operations to disrupt drug laboratories were just beginning. About that time we received numerous reports of possible narcotics lab locations in many parts of the country. The reports were not normally verifiable except by air reconnaissance because of the isolated and distant locations the traffickers chose for laboratories. Air assets were extremely scarce at the time.

We did receive a report of suspected narcotics activity in the Huanchaca area in June 1986. The report did not give enough detail to indicate whether the activity was due to a laboratory or not. The remoteness of the suspect area, and the lack of adequate aircraft prevented either U.S. or Bolivian police from confirming in a timely manner whether an actual laboratory existed. We and the Bolivian police made several attempts to visit the area to locate a lab, but could not due to adverse weather conditions and technical and logistical problems. These efforts are described in detail in the enclosed U.S. Embassy diplomatic note dated October 2, 1986, which you requested. I believe that you will see from this information that the U.S. Government statements have been consistent since the beginning.

You asked for a breakdown of assistance to the military and the police in the major Andean narcotics producing countries. I have attached such a funding breakdown for the years 1990-91. As we have stated previously, much of our FMF money, as shown on the attached spread sheet, was spent either on the military to support police counter-drug operations, or spent directly on the police. This is what we believe Congress intended in Section 610 of the Foreign Assistance Act. Narcotics control is law enforcement function and we should accordingly build up the police's ability to deal with drug trafficking. At the same time, our experience shows that there is an important anti-narcotics role for the military forces in sea/riverine/air interdiction and activities in the remote areas where police forces would not be able to sustain their operations.

We are encouraging countries to develop better police investigative capabilities. In most countries, military personnel do not

have the authority to arrest civilians for narcotics violations, or to seize property. Military personnel are not trained to protect witnesses, collect or safeguard evidence, or process detained persons.

The role of the military in counternarcotics is to complement, not replace, law enforcement activities by the police. For example, the Bolivian Air Force has been involved in transporting police personnel on counternarcotics missions. In Bolivia, the police do not have an aviation unit and depend upon the Air Force. By supporting the military in ways that allow it to support the police, the police capacity is increased.

U.S. narcotics police assistance is in all cases designed to support host government law enforcement units dedicated to civilian policing of counternarcotics activities. In Colombia, Peru and Bolivia, some counternarcotics law enforcement units are organized and trained to conduct operations in remote and sparsely populated areas where coca is grown, processed, and transported to the U.S. and other markets. The conditions where they operate require the police to be heavily armed and trained in techniques of surprise and arrest of suspects who are also heavily armed. Despite this training and equipment, the police have an essential civilian role, which is to arrest suspects, seize evidence and preserve it for a criminal trial. The Department of State does not have a breakdown of all military personnel convicted of anti-narcotics corruption in Bolivia, Colombia and Peru in the last decade. We will, however, attempt to obtain this information for you.

Regarding your inquiry about Vladimir Montesinos, we do not have regular diplomatic contact with him and are therefore limited in what we can say. There are reports that he wields great influence with President Fujimori and with the Peruvian military. Others dispute those reports.

In 1990, President Paz Zamora requested U.S. military assistance for the counternarcotics effort. We responded positively but conditioned our assistance on US legislative requirements that all such assistance be used for counternarcotics purposes.

An internal debate developed in Bolivia over the role and counternarcotic mission of the Army. Some Bolivians wanted the military assistance without a counter-narcotics role for the military, and others favored military involvement. Contrary to what some Bolivian politicians have said, the US did not insist on Army involvement in counter-narcotics. From the beginning we made it clear that the counter-narcotics funds could go to the Air Force and the Navy alone, if the government so chose. In the end the Bolivian Government decided in favor of Army involvement. Two U.S. Army Mobile Training Teams (MTT) trained two Bolivian Army infantry battalions in counternarcotics operations at a cost of approximately $1 million.

Although the Army participated in one counternarcotics law enforcement operation in October, 1991, the results of that operation were modest. Moreover, we found continuing concern within the Bolivian administration over the role of the Army in counternarcotics operations. Therefore, unexpended security assistance funds for the Bolivian Army were reallocated to support Bolivian Air Force, Navy and counternarcotics police activities.

Regarding the Colombian Project Paper, the document we submitted to you in June included both the condensed version, the "Summary Project Paper," and the original work, the "Detailed Project Paper." The authors of the latter were John Oleson and the staff of the consulting firm Checchi and Company, Washington, D.C.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

TRIBUTE TO JUDGE STEPHEN COLEMAN

Mr. HEFLIN. Mr. President, I rise today to pay tribute to U.S. Bankruptcy Judge Stephen Coleman, who died on September 6. Judge Coleman was 85 in September 1988, when he bade farewell to the bench he had occupied for 50 years—the longest tenure of any bankruptcy judge in the history of our Nation.

Judge Coleman wrote thousands of court orders and opinions during his days on the bench. Appointed in 1938, he handled an astounding 75,000 cases, including several that lasted over 10 years and involved more than 50,000 creditors apiece.

He was a native of Anniston, AL, and a Phi Beta Kappa graduate of the University of Alabama and its law school. He was in private practice for 11 years before becoming a judge, and was an active member of St. Mary's Episcopal Church, where he held several important leadership positions. Judge Coleman served on the board of the American Red Cross and was a member of the Kiwanis Club.

He and his son, Stephen B. Coleman, Jr., authored two books together, a Coleman family history and a biography of the elder Coleman's late colleague, Judge Clarence W. Allgood, published by the Birmingham Historical Society last year. They were in the process of completing a third book, a biography on another friend of the retired judge, Birmingham developer A. Page Sloss, Jr., at the time of his death. The younger Coleman plans to finish the book himself.

Judge Coleman was well known for his prolific memory, even late in life, after he retired from the bench. He also retained his tremendous love of life right up until the end. According to Stephen, Jr., his father couldn't see well enough to recognize people, but once they walked up to him and said "hello," he could turn around and give them their entire life history. He was a delight to be around.

Mr. President, I extend my sincere condolences to Judge Coleman's entire family, including Stephen, Jr., and his daughter, Mrs. Helen Rosa Coleman Monaghan. He was truly a fine attorney, outstanding judge, dedicated community leader, and loyal friend.

IN SUPPORT OF YOUTH CORPS AMENDMENT TO S. 3114

Mr. DASCHLE. Mr. President, on Thursday night this body adopted an amendment to S. 3114, the Department of Defense authorization bill, offered by my distinguished colleague from Oklahoma, Senator BOREN. The amendment was based on S. 2373, a bill sponsored by Senator BOREN, myself, and others to bring about fundamental reform of our welfare system.

The amendment provided for a Civilian Community Corps [CCC] demonstration project together with the National Guard Civilian Youth Opportunity Pilot Program. These programs are targeted at creating jobs for youths from families receiving public assistance. A key part of these programs is the work credits that can be earned toward college scholarships, used as down payments on first-home purchases, or taken in cash.

These programs are not just about temporary jobs, they are about making a concrete, long-term investment in our youth, many of whom feel alienated in their own country. Children who are growing up in neighborhoods with high unemployment and high dropout rates. This bill is about offering these children a viable alternative to drugs, crime, or a life on welfare.

These programs will help address the needs of our cities by providing a source of talent, skill, and labor to work on meaningful community projects or programs, and it will give people an opportunity to work themselves out of situations that have caused their families to depend on public assistance. It is a good investment in our communities, our infrastructure, and our people.

I yield the floor.

TENNESSEANS HONORED BY SOCIAL SECURITY ADMINISTRATION

Mr. SASSER. Mr. President, today in Baltimore the Social Security Administration is holding its annual awards ceremony. Of particular interest to me is the fact that four Tennesseans, Kathryn Cook, Walter S. Hendrix, Thomas L. Read, and Cyrus S. Adcock, are being recognized by Commissioner Gwendolyn King for their 40 years of service.

Mrs. Cook, fondly known as "Kitty", is literally on the front line at the Dyersburg District Social Security Office. As a service representative, she is the first point of contact for those who have problems with or questions about Social Security benefits. Her longevity with the SSA is only surpassed by her lifelong devotion to her family, her church, and the community.

Mr. Walter S. Hendrix has a wide range of experience with the SSA and for the past 18 years he has served capably as the district manager of the Jackson Social Security Office. In his spare time, Walt serves as a literacy volunteer and is active in the American Red Cross and other worthwhile

community organizations. He has received public recognition for his tireless efforts toward helping others and he is held in high regard by his friends and peers.

Mr. Thomas L. Read is the District Manager of the Nashville Social Security Office and he has held this position for nearly two decades. An excellent public speaker, Tom never turns down an opportunity to spread the word about Social Security. He is active in the Kiwanis Club and numerous community affairs, but he is never too busy to lend a helping hand or offer words of encouragement.

Mr. Cyrus S. Adcock is the District Manager of the Chattanooga Social Security Office and he strives to provide a consistently high level of service to the public of which the SSA can be proud. He has successfully led his staff into the age of computers and modular furniture. A talented furniture maker and woodworker in his own right, Cy has undoubtedly saved the taxpayers countless dollars in repair bills and has earned his nickname, "Mr. Fix-it," as he is known around the office.

Collectively, these employees possess a vast knowledge of the history of the Social Security Administration and its programs. Individually, each has strived to carry out the mission of the SSA by promoting its goals and interacting with the public, both on the job and off.

The recognition that is being given today is certainly well-deserved and I commend and congratulate these fine employees for their dedicated service to the SSA and the public. Keep up the good work.

LIBYAN STATE TERRORISM

Mr. MOYNIHAN. Mr. President, the Washington Post carries a story today based upon a recent article in the French news magazine L'Express. The story explains how a Libyan intelligence official defected to the United States after watching Libyan agents prepare the bomb that blew Pan Am Flight 103 out of the sky over Lockerbie, Scotland.

Mr. President, I have come to the floor today to bring this article to my colleague's attention in order to make a simple point: We must not relax our pressure on Libya until the criminals who killed the passengers of Pan Am Flight 103 are brought to justice. The United States has taken vigorous steps at the United Nations to bring pressure to bear on Libya. Yet Libya has not surrendered the two agents suspected of the bombing. It is past time to consider additional steps. At a minimum, President Bush should use the opportunity of his address to the General Assembly to press Libya to surrender these criminals. I urge him to do so. Further, if Libya does not promptly comply with the demands of the Security Council the United States should propose further steps to isolate and bring pressure to bear on Libya until it agrees to fulfill its international legal obligations.

Mr. President, I urge my colleague's to read the Post's article and to join me in remembering the victims of Pan Am Flight 103 and in demanding that the United States continue to seek every legal avenue to bring their murderers to justice.

I ask unanimous consent that the article be placed in the RECORD.

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

[From the Washington Post, Sept. 18, 1992]

LIBYAN NAMED AS INFORMER IN BOMBING

(By George Lardner Jr.)

U.S. authorities are guarding a Libyan intelligence defector named Majid Giaka who provided them with an insider's account about the 1988 bombing of Pan Am Flight 103, the French newsmagazine L'Express reported this week.

Giaka was the No. 2 man in the Libyan Arab Airlines office in Malta at the time of the explosion and worked directly for one of the two Libyan intelligence officers indicted in the bombing, L'Express said.

FBI and State Department officials declined to comment. But the existence of an informant in the case has been apparent since the indictment was returned last November containing inside details such as excerpts from the diary of one of the suspects.

The two Libyans accused of the bombing, Abdel Basset Ali Megrahi, 40, and Lamen Khalifa Fhimah, 36, were indicted by a federal grand jury here on 193 felony counts. They were also charged in Scotland with murder and conspiracy in the Dec. 21, 1988, explosion of the Pan Am jumbo jet as it was flying from London to New York. The plane blew up over Lockerbie, Scotland, killing all 259 people on board and 11 on the ground.

According to the indictments, Basset, who was chief of the Libyan intelligence service's airline security section, and Fhimah, who held a cover job as station manager for Libyan Arab Airlines in Luqa, Malta, worked together to plant the bomb. The airline's offices are routinely used as a front for Libyan intelligence and terrorist operations, the State Department has said.

The L'Express report said Giaka saw both suspects prepare for the attack, stocking explosives in the airline office and buying clothing to conceal the bomb in a Samsonite suitcase. Fhimah allegedly stole some Air Malta luggage tags and used them to route the bomb-rigged suitcase onto an Air Malta flight to Frankfurt. There, the unaccompanied suitcase was transferred to a Pan Am flight to London, where it was put aboard Pam Am Flight 103.

When the plane blew up, L'Express said, Giaka was "terrified by the news" and realized how it happened. The magazine said he contacted U.S. officials after "violent arguments" with Fhimah and eventually obtained asylum in the United States, bringing with him Fhimah's handwritten diary entries.

Vince Cannistraro, former chief of counterterrorist operations for the CIA, said he knew about the defector, but not his name. He said Pan Am investigators first established Libyan complicity in the bombing by identifying the timer as one built in Switzerland on orders from Libyan intelligence officials.

It was not clear when Giaka was brought to the United States, but L'Express said he was joined here by his wife last September. They have reportedly entered the witness protection program.

Libya has denied involvement in the bombing and, despite the imposition of limited United Nations sanctions, has refused to surrender Megrahi and Fhimah for trial here.

CIVILIAN COMMUNITY CORPS AMENDMENT

Mr. DOLE. Mr. President, on September 17, the Senate approved an amendment to the DOD authorization bill creating a variety of programs for America's youth.

I was proud to cosponsor this amendment, and want to take a few moments to share my thoughts on this very important issue.

Like many Americans, I am old enough to remember the Civilian Conservation Corps of the New Deal era. The CCC took unemployed youths and put them to work on construction, conservation, and environmental projects. It was a program that made a profound and positive difference in the lives of countless Americans.

As I thought about this program, it was easy to see that many of today's youth could benefit from a modernized version of the CCC.

Far too many of our youth—both in urban and rural areas—are at risk—at risk to drugs, to crime, to gangs, to teen pregnancy.

It is these youths who could benefit from a new CCC Program. It is these youth whose lives could be turned around through a program which provides them with skills and a sense of personal responsibility and self-esteem.

Senator BOREN heard of my interest in this issue, and he had been thinking along similar lines for a long time.

We held several meetings, and our staffs have been working on this issue for many months, along with the staffs of Senator DOMENICI, Senator WARNER, Senator WOFFORD, Senator KENNEDY, and Senator NUNN.

The amendment we have written creates a federally run, residential CCC demonstration program. It authorizes enough funding to establish several CCC camps throughout the country, each one housing and teaching 200 to 300 young people.

Ideally, these camps will be located at military bases that are closed or have excess capacity, as a result of the defense conversion. Retired, discharged, or inactive military personnel can be involved in the program as corps leaders and mentors.

Mr. President, this amendment also includes a provision by Senator NUNN, creating a National Guard Civilian Youth Opportunities Pilot Program, and it authorizes $50 million to the commission on national and commu-

nity service for the creation of nonresidential youth programs.

In the interest of full disclosure, Mr. President, I believe it must be mentioned that the OMB, while very supportive of the goals of this legislation, has serious concerns whether expenditures allocated for programs in this amendment can be counted against the defense category of the discretionary spending limits.

In fact, the amendment contains a provision specifically stating that funds made available for the Civilian Community Corps Demonstration Program, and funds made available for other commissions on national and community service programs, may not be obligated unless the Director of the OMB does score them as defense-related.

While I had hoped to make the CCC Program more explicitly defense-related, I believe the OMB can, in good faith, score it as defense.

Mr. President, in the final analysis, the responsibility for turning a life of despair into a life of hope remains with the individual. But there are actions the Government can take to provide individuals with opportunities to turn their lives around. With the adoption of this amendment, we have taken one of those actions.

Mr. BOREN. Mr. President, in order to assist the Committee on Foreign Relations and the full Senate in their consideration of whether to advise and consent to the ratification of the Treaty on the Reduction and Limitation of Strategic Offensive Arms [START], the Senate Select Committee on Intelligence has undertaken a thorough review of the ability of U.S. intelligence to monitor compliance by the states party to the treaty.

Today, the Intelligence Committee voted unanimously to issue a report on this subject, which addresses such issues as: The effectiveness of U.S. National Technical Means, START cooperative measures, including telemetry provisions and the onsite inspection regime; the ability of U.S. intelligence to detect potentially significant violations of the treaty; the interpretation and implementation of the treaty and related documents, as well as the Lisbon Protocol to START and associated letters; and the counterintelligence and security implications of the treaty.

Copies of the committee's public report have been sent to each Member of the Senate. Members are also welcome to examine our detailed classified report, which is available for review in the Intelligence Committee's offices.

Mr. President, I ask unanimous consent that the text of the committee's report on the capability of the United States to monitor compliance with the START Treaty be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

CAPABILITY OF THE UNITED STATES TO MONITOR COMPLIANCE WITH THE START TREATY

(Report of the Select Committee on Intelligence, U.S. Senate, September 18, 1992)

BACKGROUND

On July 31, 1991, after nine years of negotiations, the United States and the Soviet Union signed the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START), with associated annexes, protocols, a Memorandum of Understanding, and related agreements. On May 23, 1992, the republics of the former Soviet Union with nuclear weapons on their territory—Russia, Belarus, Kazakhstan and Ukraine—signed the Lisbon Protocol to the START Treaty, in which the new countries jointly assumed the obligations of the old Soviet Union.

The key features of the START Treaty are a numerical limit of 6,000 warheads on 1,600 deployed intercontinental ballistic missile (ICBM), submarine-launched ballistic missile (SLBM) and heavy bomber delivery vehicles; a sublimit of 1,540 warheads on 154 heavy ICBMs; a limit of 1,100 mobile ICBM warheads; and an overall throw-weight limit of 3,600 metric tons. The Treaty provides for extensive on-site inspection and other cooperative means of verification, and requires the transmission and exchange of unencrypted telemetry for all ICBM and SLBM flight tests.

THE SCOPE OF THE COMMITTEE'S EFFORT

The Senate Foreign Relations Committee has formal responsibility for viewing all treaties before they are acted upon by the full Senate. The Senate Select Committee on Intelligence has prepared its report to support this process by providing both the Foreign Relations Committee and the Senate as a whole with its assessment of the monitoring and counterintelligence issues raised by this Treaty.

This Report is the culmination of the Committee's work over the last nine years monitoring the progress of START. The Committee has routinely reviewed START progress and addressed START monitoring capabilities in its annual Intelligence Authorization Acts, and has expressed its views on verification issues to the negotiators and other senior level officials both formally and informally.

In preparation for the Senate vote on advice and consent to ratification of the Treaty, Committee staff held three on-the-record staff briefings; reviewed several hundred documents, including both a National Intelligence Estimate on U.S. capabilities to monitor compliance with START provisions and written statements from the Director and Deputy Director of Central Intelligence; and received answers to over hundred formal questions for the record. Committee staff also inspected relevant U.S. monitoring operations to gain a more detailed, first-hand knowledge of how the Intelligence Community collects, and how its analysts use, information bearing upon other countries' compliance with arms control agreements signed by the United States.

On July 22, 1992, the Committee held a closed hearing on the START Treaty, its implementation and its counterintelligence and security implications. Testimony was taken at this hearing from the Honorable Linton Brooks, U.S. Negotiator for Strategic Offensive Arms; the Honorable Manfred Eimer, Assistant Director for Verification and Intelligence, U.S. Arms Control and Disarmament Agency; Mr. Douglas MacEachin, Special Assistant to the Director of Central Intelligence for Arms Control; Ms. Nina Stewart, Deputy Assistant Secretary of Defense for counterintelligence and Security Countermeasures; Mr. Lee Minichiello, Deputy Director for Strategic Arms Control and Compliance, Department of Defense; and Mr. Frank LoTurco, Deputy Director for Counterintelligence, the On-Site Inspection Agency, Department of Defense.

On July 29, 1992, the Committee held a closed hearing on U.S. monitoring capabilities and the risks and implications of violations by the other Parties to the Treaty. At this hearing the Committee took testimony from Mr. MacEachin; Dr. Larry Gershwin, National Intelligence Officer for Strategic Programs; and Major General Gary L. Curtin, USAF, Deputy Director for Strategic Plans and Policy (Deputy J-5) for International Negotiations, the Joint Staff.

The Committee also received responses to numerous questions for the record that were submitted to the Executive branch after its July hearings.

Throughout the Committee's efforts, experts in the United States Intelligence Community have provided generously their time and insight. Their National Intelligence Estimate on U.S. capabilities to monitor the START Treaty is a detailed and honest analysis of the strengths and limitations of U.S. monitoring capabilities. The Committee was especially pleased to find in that Estimate a straightforward discussion of differences between agencies on some major issues.

The culmination of the Committee's effort is a classified report of over 160 pages, which addresses in detail the verification protocols, U.S. collection and analytical capabilities, cooperative measures, evasion scenarios, incentives/disincentives to evade compliance, counterintelligence issues, and implementation concerns.

The following are key unclassified findings from the classified Report.

INTELLIGENCE SUPPORT TO THE NEGOTIATIONS

The Intelligence Community played a significant role in all stages of the START negotiations, probably a greater role than it has in any prior arms treaty negotiation. Intelligence Community personnel provided the negotiators with background and Community views on key issues, and helped develop the verification measures included in the Treaty—including the provisions regarding telemetry from ballistic missile flight-tests.

OVERALL MONITORING JUDGMENTS

The Committee concurs in the judgment of the Director of Central Intelligence and other Intelligence Community officials that, "[w]hile there are *some* areas that will be problematic, we are confident that we can monitor *most* aspects of the Treaty well." [Emphasis added.] Members of the Senate should understand, however, that U.S. intelligence will have less than high confidence in its monitoring of such areas as non-deployed mobile ICBMs, the number of RVs actually carried by some ICBMs and SLBMs, and some provisions relating to cruise missiles and the heavy bombers that carry them.

The chief U.S. START negotiator and other policy officials assured the Committee that despite these limitations on U.S. monitoring capabilities, "[t]he Administration remains convinced that . . . the START treaty as a whole remains effectively verifiable." A major reason for Executive branch officials' confidence is that they do not see Russia as either capable of cheating or moti-

vated to do so. As the Director of Central Intelligence stated:

"On the whole, we strongly doubt that the CIS states will be able in the near term—or perhaps during the life of the Treaty—to initiate and successfully execute sophisticated cheating programs, given the extent of social, political, and economic disruption, the reduced influence of military and defense-industrial leaders, and the advent of more aggressive press and legislative oversight activities. Although we cannot exclude the possibility, we judge it unlikely that one or more of the newly independent state, local, or military authorities will attempt to circumvent the Treaty in order to preserve some strategic military capability." [Senate Intelligence Committee statement, July 29, 1992, p. 7.]

Policy makers have also been influenced by the Joint Staff's repeated conclusion that the military significance of the risk to U.S. security associated with the Intelligence Community's monitoring uncertainties is low.

In the Committee's view, START reflects the greatly diminished hostility between the United States and the USSR that characterized the last years of the Gorbachev regime. This is apparent in both the achievements and the limitations of START regarding monitoring and verification. Thus, the provisions regarding telemetry, technical exhibitions and on-site inspection call for a level of openness that was all but unimaginable in the 1980s. The United States was willing to accede to both U.S. military and Soviet concerns regarding security and flexibility for bomber, naval and cruise missile forces, rather than making monitoring and verification its first priority in all cases. This reflected not only the importance of those competing priorities, but also the accurate sense that the Soviet Union is no longer the military threat that it was in the past.

The START Treaty is not perfectly monitorable. There are both residual uncertainties regarding Soviet/CIS data on nondeployed missiles and also cheating scenarios—which may be difficult to implement and offer only small advantages to the perpetrator, but do appear feasible if CIS or Russian forces and the industrial facilities that support them were sufficiently determined.

But the USSR is gone. Strategic arms logistic chains that once crossed Soviet Republic boundaries now must cross the borders of independent states. Economic decline and reform in the former Soviet Union have combined with the rise of these new states to make major arms development programs increasingly difficult to pursue. It appears unlikely, moreover, that even an aggressive, nationalistic regime in Russia could restore the old order to the degree necessary to significantly increase the prospects for successful cheating on the scale necessary to affect the strategic balance.

The Executive branch acknowledges the Soviet Union's past record of exploiting or violating arms control agreements, but now looks forward to a new era, as stated in response to a question for the record:

"Regardless of the motives of the former Soviet regime, we have every reason to believe that the policies of the former Soviet Union are not representative of the policies of the states which have replaced it. President Yeltsin and his counterparts in other former Soviet Republics have renounced confrontation and the quest for military domination and have expressed their support for the rule of law in international relations * * * Even though not all of our previous concerns have been fully resolved, we expect that the demise of the Soviet Union will lead to a new era of compliance with arms control agreements."

The Senate Intelligence Committee has closely watched U.S. efforts to ensure that Russia will live up to arms control obligations of the former Soviet Union, including the CFE Treaty that recently entered into force. The Committee considers Russian cooperation on this issue and on measures to guard against the export of sensitive nuclear and missile materials and technology to be important indicators of that country's reliability as an arms control partner.

This Committee remains deeply concerned, moreover, that Russia's former—and perhaps continuing—biological weapons program may indicate that the CIS/Russian military is capable of mounting or continuing a State violation, either in contravention of the wishes of Russia's civilian authorities or with the knowledge or support of at least part of that leadership. The recent joint U.S.-British-Russian statement regarding exchanges of information and visits to biological sites, including nonmilitary sites in Russia, is a positive development.

The dramatically, and perhaps permanently, decreased threat posed by the USSR's successor states is thus critical to the Committee's general confidence in U.S. START monitoring capabilities. Were the Soviet Union still the united, aggressive and militarily effective force that it often was in the past, then the current and future limitations of U.S. monitoring capabilities and the existence of plausible cheating scenarios would prompt much more concern.

U.S. MONITORING SYSTEMS

The United States will rely on a combination of capabilities—including imagery, signals intelligence, human intelligence, open-source information and cooperative measures—to monitor compliance with the provisions of the START agreement. U.S. monitoring will be aided substantially by START's verification provisions, and especially by those that require each side to transmit unencrypted telemetry, to provide telemetry tapes and interpretive data, and to permit the visual inspection and measurement of each type and variant of missiles.

While important improvements are planned in some intelligence programs, declining budgets will cause difficulties in others. START's verification provisions, if they are obeyed, may permit cost savings in U.S. intelligence systems. But the Committee's FY 1993 intelligence budget authorization actions reflect its concern that U.S. intelligence capabilities remain fully capable of monitoring compliance with START and other arms control treaties.

READILY MONITORED START PROVISIONS

(1) U.S. Intelligence can monitor the overall number of deployed silo-based ICBMs, SLBMs and heavy bombers with virtual certainty under current practices. The Intelligence Community also believes it can adequately monitor the number of deployed rail and road-mobile ICBMs.

(2) The Intelligence Community has high confidence in its monitoring capabilities with respect to many, but not all, START-limited ballistic missile characteristics. Its capabilities to detect and correctly interpret efforts to misrepresent those technical characteristics are judged to be excellent.

(3) The Intelligence Community can monitor with high confidence the number of RVs that should be credited to ballistic missiles (as a result of flight-tests and/or the attributions for existing types of missiles provided in the START Memorandum of Understanding) and, therefore, the aggregate number of RVs on SLBMs and at least silo-based ICBMs. The START provisions on telemetry play a large role in ensuring that RV releases and simulated RV releases can be monitored confidently.

(4) The Intelligence Community should be able to fulfill with high confidence all the monitoring tasks involving the counting of aircraft.

(5) The Intelligence Community has high monitoring confidence regarding conversion or elimination of ICBMs, SLBM launchers and heavy bombers. U.S. capabilities to detect and correctly interpret efforts to illegally restore converted or eliminated launchers are also judged to be high.

PROBLEMS IN MONITORING MOBILE MISSILES

Monitoring non-deployed mobile missiles is a significant task, due to their potential use in force augmentation and refire operations. The Intelligence Community's overall ability to monitor non-deployed mobile ICBMs is questionable.

During the START talks, U.S. negotiators pressed strongly for the right to engage in perimeter portal continuous monitoring (PPCM) at solid rocket motor production plants and to require an accounting for all such rocket motors. The Soviets resisted this approach and the United States eventually relented in return for concessions on the B-1 and B-2 bombers.

The merits of this trade-off are beyond the Committee's purview, but the lack of solid rocket motor monitoring will clearly limit, to some degree, U.S. capability to verify compliance with START's mobile missile provisions. The chief U.S. negotiator acknowledged this to the Committee, as follows:

"As compared to the pre-December 1990 U.S. proposal, the ultimate START Treaty * * * provides less confidence that excess mobile ICBMs or their solid rocket motors are not being produced stored, or assembled at undeclared facilities." [Senate Intelligence Committee statement, July 22, 1992, p. 23.]

The Director of Central Intelligence has stated that "we can neither confirm nor refute the Soviet-supplied data on total nondeployed missile inventories" and that "it is possible that some undeclared missiles have been stored at unidentified facilities." Putting an upper bound on the covert missile risk, the Director stated that "we judge that the Soviets did not maintain a large-scale program to store several hundred or more undeclared, nondeployed strategic ballistic missiles." [Senate Foreign Relations Committee statement, June 30, 1992, p. 5.]

The Joint Chiefs of Staff believe that the military significance of the Intelligence Community scenarios would be minimal, but have declined to state how many covertly deployed missiles would be militarily significant, saying instead that "there is little military incentive for them to resort to cheating." The Committee would have preferred an analytic process in which the JCS specified both types and levels of cheating that would be militarily significant, preferably before the Intelligence Community had published its feasible Soviet/CIS cheating scenarios.

The Intelligence Committee shares the Director's view that cheating scenarios involving the possible covert production and deployment of mobile ICBMs and their launchers are particularly worrisome. The Commit-

tee believes that the possible existence of covert, non-deployed mobile missiles must remain an important U.S. intelligence target.

PROBLEMS IN MONITORING THE NUMBER OF RVS ON A MISSILE

U.S. intelligence alone cannot reliably monitor the number of re-entry vehicles actually on a deployed missile. This is illustrated by the Director of Central Intelligence's acknowledgment that the Intelligence Community could not determine the accuracy or inaccuracy of the Soviet declaration of September, 1990, that all deployed SS-N-18 SLBMs carried only three RVs. But the right to conduct ten RV on-site inspections per year will help U.S. intelligence to judge, over time, at least whether silo-based ICBMs are being illegally uploaded.

Some of the Intelligence Community's CIS cheating scenarios involved ballistic missiles that had previously been "downloaded" (i.e., declared to carry fewer RVs than would normally be attributed to them under START counting rules, as the Soviets did with the SS-N-18 SLBM) and might then be "uploaded" to carry more RVs than the declared number. These scenarios varied in feasibility, in marginal benefit to a perpetrator, and in likelihood of detection.

The Joint Staff assured the Committee that the Joint Chiefs of Staff had evaluated the military significance of these scenarios and had concluded that, given U.S. military capabilities, there would be little marginal benefit to CIS forces—and, therefore, little reason for such schemes to be attempted. The Committee notes, however, that there is always some risk that a country will engage in arms control treaty violations for reasons that have little to do with rational military planning from a U.S. perspective.

PROBLEMS IN MONITORING HEAVY BOMBERS AND CRUISE MISSILES

While heavy bombers can be readily counted, compliance with START provisions involving their technical characteristics or weapon loadings is more difficult to monitor. Provisions regarding ALCMs are also more difficult to monitor. Some of these difficulties stem from the decision not to apply the Treaty's telemetry provisions to heavy bombers or cruise missiles.

Executive branch officials see no cause for alarm. As they indicated to the Committee in response to a question for the record on this point;

"These difficulties have long been recognized. In part, they result from our longstanding view that, because heavy bombers are inherently stabilizing, and because they play a more important role in the U.S. strategic force structure than in the Russian, we should give greater weight to avoiding intrusiveness and preserving operational flexibility for such bombers than to improvements in the verification regime."

Thus, as General Curtin informed the Committee, the Joint Staff believes cheating scenarios "that involve heavy bombers and ALCMs * * * generally pose little risk of militarily significant violations. Heavy bombers and ALCMs are slow flyers which offer little potential for a surprise attack."

The JCS view on monitoring compliance with the political agreement on sea-launched cruise missiles was similar in its recognition of monitoring difficulties:

"* * * the Chairman and the Joint Staff have little military concern about SLCM monitoring. The U.S. has an advantage in SLCM and ALCM technology which the START negotiators effectively protected. The U.S. position throughout the START negotiations was consistent; SLCMs are not strategic weapons and therefore should not be limited by the START Treaty. Further, the United States was unable to identify any verifiable restrictions on SLCMs. From a military perspective, the need to preserve U.S. sea-launched cruise missile capability, especially the non-nuclear capability demonstrated in the Persian Gulf, outweighed any concern about a counterpart threat from the Russians. Thus, while we acknowledge the monitoring challenge brought about by the SLCM agreement, the Chairman and the Joint Staff strongly support the balance struck in the START Treaty." [Senate Intelligence Committee statement, July 29, 1992, p. 12.]

TRADE-OFFS BETWEEN VERIFICATION AND OTHER U.S. PRIORITIES

In a number of areas, verification concerns were sacrificed in order to provide greater security or flexibility for U.S. military programs.

(1) The United States acceded to the Soviet refusal to allow perimeter portal continuous monitoring of solid rocket motor plants. Such monitoring might have greatly improved U.S. monitoring confidence regarding undeclared mobile missiles. Instead, under START such monitoring is limited to mobile ICBM final assembly plants.

(2) The United States accepted relatively low levels of monitoring confidence with respect to the range and arming of air-launched cruise missiles (ALCMs), as well as the number of ALCMs actually carried by a heavy bomber.

(3) Although START obligates the parties to broadcast telemetric data from missile flight tests and to exchange tapes of such broadcasts, and for the most part prohibits the parties from interfering with the monitoring of such broadcasts, the United States obtained some encryption exemptions and agreed to the Soviet desire for some encapsulation exemptions. The Committee is satisfied that these exemptions will not create major problems for Treaty monitoring.

(4) The United States insisted that limitations on sea-launched cruise missiles (SLCMs) should not be contained in START or, therefore, be subject to START's verification provisions. The Soviet Union took a similar stand regarding the Backfire bomber, the limitations on which were also kept out of the formal Treaty and thus beyond the reach of START's verification provisions.

COMPLIANCE ISSUES RAISED BY THE TEXT

The Committee believes that while the START Treaty was drafted with attention to detail and awareness of potential hazards, there may still be a few areas in which the text could lead to compliance disputes. Problems of treaty language interpretation are not unique to START, however, and the Committee believes that there are no START Treaty text problems that are so serious as to require immediate adjustment.

(1) The START provision on penetration aids does not specify the criteria for distinguishing a simulated penetration aid release from a simulated re-entry vehicle (RV) release. This ambiguity could lead to disputes regarding the number of RVs to be accredited to a missile in a given flight-test.

(2) START's ban on "concealment measures" does not apply to "cover or concealment practices at ICBM bases and deployment areas, or to the use of environmental shelters for strategic offensive arms." Neither "concealment measures" nor "concealment practices" is defined, so it is not clear precisely what activities are to be permitted.

(3) Although START includes an Agreed Statement limiting mobile space launchers, it does not specify the extent to which stages for space launch vehicles must differ from first stages of ICBMs or SLBMs in order to avoid being subject to START limits. A compliance issue could arise if a Party developed a space-launch vehicle with a first stage similar to a ballistic missile first stage.

U.S. COUNTERINTELLIGENCE AND SECURITY READINESS

Despite the changes that have taken place in the former Soviet Union, there is a continuing need to guard against Russian or other Parties' use of START inspection rights as a cover for illegal intelligence activity. The Department of Defense On-Site Inspection Agency (OSIA) and the counterintelligence and security arms of the U.S. armed forces bear the major share of this responsibility.

The Deputy Assistant Secretary of Defense for Counterintelligence and Security Countermeasures assured the Committee that the results of lessons learned under the INF Treaty for monitoring and countering counterintelligence threats will be applied during START inspections. Examples include: counterintelligence training for U.S. escorts and personnel involved in the START process; strict control of the Russian START teams' contacts and movements; examination of Russian equipment and personal baggage brought into the United States; and the conduct of mock inspections of sensitive facilities to help identify what equipment and information may and should be protected.

The Air Force Office of Special Investigations (OSI) will have a wide variety of START-related counterintelligence responsibilities, many of which it has for other treaties as well. The Naval Investigative Service (NIS) does not have the extensive experience that OSIA and Air Force OSI have gained under prior arms control treaties. The Committee expects OSIA and the Department of Defense to ensure that NIS meets its counterintelligence responsibilities under START.

The DoD Under Secretary for Acquisition has assigned to the relevant DoD Services and Agencies the responsibility to develop inspection and information protection plans for each Service's or Agency's facilities that are subject to on-site inspection. The Defense Department has also developed a Defense Treaty Inspection Readiness Program (DTIRP) to provide recommendations regarding security needs or issues at those sites.

More than 60 mock inspections and Staff Assistance Visits have been conducted by OSIA, with Air Force and Navy participation, at installations subject to START inspections. In addition, the DTIRP is assisting the government and contractor community in providing counterintelligence and security countermeasures support for START. The DTIRP has also assisted contractor facilities in limiting security countermeasures to information that truly requires protection, thus helping to reduce security costs.

The Committee inquired specifically about security for U.S. industrial facilities where proprietary as well as classified information may be at risk. The key element in minimizing costs and loss of sensitive information due to Special Access Visits, which can be requested at any U.S. facility, will be utilization of the flexibility built into the START provision—which allows for a Party to take sufficient time, before granting a request, to make adequate site preparations; for the Parties to define the visit's scope and limita-

tions on a case-by-case basis; for the proposal of alternative means to resolve a Treaty concern; and, if necessary, for refusal of a request.

The Under Secretary of Defense for Acquisition has issued DoD guidance on the process to be utilized in evaluating requests for Special Access Visits at DoD facilities and DoD contractors. The primary emphasis is to ensure that the Defense Department can quickly identify and assess any sensitive activities at the challenged site and that security concerns are addressed prior to a U.S. Government decision on whether to grant the Special Access Visit request. By the time the Treaty enters into force, all Services and Defense Agencies will have incorporated this guidance into their START implementation plans.

In response to Committee concerns regarding procedures for handling requests for Special Access Visits at private facilities not involved in DoD contracts, the Executive branch states:

"If a Party to START were to make such a request, the United States would expect to consult closely with the private firm involved and, *consistent with Constitutional protections, if the government and private firm were to agree to such a visit*, procedures would be worked out with the facility and the Party to START on a case-by-case basis, depending on the nature of the facility. Given the nature of the START Treaty and its verification regime, we do not expect the situation suggested by your question to arrive." [Emphasis added.]

The Committee urged the Administration to develop policy and procedures for handling such cases, and was pleased by the assurance that "[w]e fully share your view that START should not put the proprietary secrets of U.S. companies in Jeopardy." The Department of State response added:

"Under the direction of the National Security Council staff, the Administration will prepare internal procedures for dealing with special access visits. These procedures will be part of our formal procedures for START implementation. We anticipate they will be issued prior to START's entry into force. The system we envision will assign specific responsibilities to appropriate government agencies for reviewing requests for special access visits at government facilities, government contractors, and private facilities. We will explicitly consider proprietary interests as well as security in our deliberations on requests for special access visits." [Letter from Assistant Secretary of State Mullins to Senators Boren and Murkowski, August 18, 1992.

The Department of Defense expects to meet its counterintelligence and security obligations for START by re-prioritizing missions and reprogramming resources. There is uncertainty, however, with regard to security costs that may be incurred in anticipation of possible Special Access Visits. Each DoD Agency and Service is to plan for potential requests for Special Access Visits at its facilities "to the degree it believes prudent." Further policy guidance may be necessary to ensure that facilities do not take unnecessary and costly security measures because of the potential for Security Access Visits.

U.S. READINESS TO IMPLEMENT START MONITORING AND VERIFICATION

The Committee found that OSIA is well prepared to implement on-site inspection in the former Soviet Union and escorting of other Parties' inspectors in the United States, due to its experience with other arms control treaties and the long time that it has had to locate and train personnel.

The Committee is pleased that OSIA has secured the services of some of the U.S. Government's finest Russian linguists. It is also pleased with the successful creation of gateway facilities in Frankfurt, Germany, and Yokota, Japan, and with the cooperation of other U.S. agencies in providing transportation and other support OSIA's mission. OSIA informed the Committee that all its manpower requirements, funding and logistical support to execute this mission have been identified.

Ukraine and Russia may elect not to establish a perimeter portal continuous monitoring (PPCM) presence in the United States at the Thiokol Peacekeeper First Stage Final Assembly Facility in Promontory, Utah. The U.S. Government intends to exercise its right, however, to establish PPCM at the Pavlograd Machine Plant in Ukraine and at any new Mobile ICBM final assembly facilities that might be established.

The Special Assistant to the DCI for Arms Control described to the Committee the types of analytic product that the Intelligence Community will produce to assist policy makers who must determine whether START is being obeyed. These products will parallel those produced on the implementation of other arms control treaties.

Byelarus, Kazakhstan, Russia and Ukraine are all facing severe financial problems, but the Executive branch believes that the each of the Parties is capable of paying the costs of complying with START. In response to an informal suggestion from Ukraine to alter cost allocation provisions, the United States reminded Ukraine that it is the obligation of the four states that are successors to the former Soviet Union to work together on a formula for allocating costs. As there has been no formal proposal from Ukraine to modify the provisions of the Treaty, the Administration declined to speculate on what the U.S. Government reaction to such a proposal might be. The Administration is considering, however, a request for technical and financial assistance in the dismantlement of certain ICBM silos.

IMPLEMENTATION CONCERNS REGARDING THE OTHER PARTIES

In the Lisbon Protocol of May 23, 1992, Russia, Belarus, Kazakhstan and Ukraine agreed to assume jointly the rights and responsibilities that would have belonged to the Soviet Union under the START Treaty. Due to frictions between some of those republics and to the current state of political and economic flux in the former Soviet Union, the Committee considers it likely that some problems will occur in implementing the Treaty. The problems most likely to arise would result not from cheating schemes, but from economic or political difficulties within or among the former Soviet Parties to the Treaty.

Some of the costs associated with START Treaty compliance could be onerous, particularly for the non-Russian republics. For example, Ukraine will be responsible for destroying hundreds of ICBMs (unless it sends the missiles back to Russia) and missile silos, and also for hosting U.S. inspectors and portal monitors. Ukraine has indicated that it may have difficulty meeting its obligations on schedule and has asked the United States for financial and technical assistance. The deteriorating situation in Russian shipyards due to lack of funding could produce similar delays in the dismantlement of ballistic missile submarines.

Economics difficulties could prompt defense conversion activities that might raise START monitoring or compliance problems. Russia and Ukraine have both expressed interest in converting ICBMs to space launch vehicles. Attempts to use mobile missiles or launchers as the basis for space launch vehicles could cause monitoring difficulties for the Intelligence Community—and raise compliance issues as well, if the space launch vehicles were not clearly different from the missiles or launchers on which they were based (as required in START). The chief U.S. negotiator commented at one Committee hearing that "the Treaty is not perhaps as clear as you might like it on that point."

U.S. INF inspection teams have suffered delays on two occasions as a result of either friction or inadequate coordination among the new former-Soviet states. The Executive branch does not anticipate any similar incidents in START implementation, but the Committee believes that trouble-free implementation of START may depend upon the former Soviet Parties' ability to maintain cordial relations and to resolve disputes over issues unrelated to START.

There is still no formal arrangement among the former Soviet Parties for observing and implementing the START obligations of the former Soviet Union. The four states must also decide how to allocate the costs of START implementation and of representation on the Joint Compliance and Inspection Commission (JCIC).

Similarly, the Executive branch is still discussing with the other four Parties to the Treaty procedures for conducting work and reaching agreements within the framework of the JCIC. It is not clear whether all four former Soviet Parties will have to approve each JCIC decision, or only those immediately affected by each decision.

Significant implementation problems may well result from tensions among the new states. In Ukraine, nationalistic impulses are already making implementation more difficult. Thus, while Ukraine could transfer ICBMs to the Russian Federation for destruction, it has indicated that it wants to destroy these missiles on its own territory—which will be costly and time-consuming, and could create an environmental hazard. Ukraine has also sought a veto over the use of nuclear weapons based on its soil, which is complicating and may delay an agreement with Russia regarding the destruction of such systems.

If Ukraine asserts increasing control over CIS military assets on its territory, compliance issues may arise regarding either START or the NPT. There are indications, for example, that Ukraine may seek control over the CIS heavy bombers based on its territory. If Ukraine intends to convert these bombers for use in conventional roles, this would raise issues regarding compliance with President Kravchuk's letter associated with the Lisbon Protocol.

In the longer run, compliance with START could help to mitigate the prospects for strife among the larger states that have succeeded the Soviet Union. The Treaty, the Lisbon Protocol and associated documents commit the signatories to dramatic reductions in deployed strategic weapons in Russia, and to complete elimination of such weapons in Ukraine, Belarus and Kazakhstan. The Lisbon Protocol also commits the non-Russian Parties to adhere to the Nuclear Non-Proliferation Treaty—thereby addressing one of the greatest concerns arising from the breakup of the former Soviet Union. Finally, due to the importance Western nations attach to arms control, the START Treaty provides an arena in which the four Soviet successor states can cooper-

ate with each other and with the United States.

The Executive branch was hopeful that an agreement among the former Soviet republics regarding START implementation could be reached likely before the Senate acts on the Treaty. The Committee urges the Acting Secretary of State to give this matter his personal attention and to impress upon the other Parties to START the high priority that the Senate and the U.S. Government as a whole put upon achieving agreement regarding implementation of the START Treaty, the Lisbon Protocol and its associated letters.

IMPLICATIONS OF THE BUSH-YELTSIN JOINT UNDERSTANDING

In addition to calling for deeper U.S. and Russian arms reductions during and after the START seven-year arms reduction period, the Bush-Yeltsin Joint Understanding of June 17, 1992, and an associated Baker-Kozyrev agreement incorporate several divergences from START counting rules and destruction/conversion requirements. According to the Executive branch, the treaty to be signed pursuant to the terms of the Joint Understanding is not to replace or to be merged with START, but rather to coexist alongside of START. Once both treaties have entered into force, the United States and the Russian Federation will be obligated to be in compliance with both treaties.

The Committee reserves judgment on the question of whether the overall START verification regime, which the Executive branch anticipates the new treaty will for the most part adopt, will prove sufficient to monitor Russian compliance with the limits of the new treaty. Once the new treaty is signed and submitted for advice and consent to ratification, the Senate will have to judge it on its own merits.

One element of possible concern is the relaxation of the rules for missile RV downloading. Not only are the overall START ceilings on downloading inapplicable to reductions under the Joint Understanding, but the START requirement that RV platforms be destroyed and replaced when downloading more than two RVs per missile will not be applied to reductions under the Joint Understanding.

While the U.S. Government has viewed the RV platform provision as little more than a confidence building measure, the deletion of that provision in the follow-on treaty may lessen U.S. confidence that downloaded missiles cannot be rapidly "uploaded" in a cheating or breakout scenario. Given the lack of limits on the amount of downloading that may be used in the first-stage arms reductions, such confidence could be more important under the follow-on treaty than under START. Eventual compliance with the Joint Understanding's ban on MIRVed ICBMs would, however, make this concern moot.

A second possible concern is the relaxation of heavy bomber weapon counting and conversion rules. Under START, there is no requirement for counting the number of nuclear weapons for which heavy bombers are equipped (other than long-range ALCMs). Under the Joint Understanding, however, the actual number of nuclear weapons for which each heavy bomber is equipped is to be counted against the overall warhead ceilings, and would therefore have to be monitored.

The other change in treatment of bombers under the Joint Understanding is the elimination, for up to 100 heavy bombers that were never equipped for long-range nuclear ALCMs, of the requirement that these bombers be physically altered before they can be removed from START accountability. In place of conversion, the Joint Understanding imposes basing and training limitations to keep these bombers out of the nuclear weapons force. Monitoring compliance with these rules could provide difficult.

HIGHWAY STUDIES CONTAINED IN H.R. 5620

Mr. JOHNSTON. Mr. President, I rise to engage in a colloquy with the distinguished chairman of the Senate Appropriations Transportation Subcommittee, Senator LAUTENBERG, regarding funding for highway studies contained in the supplemental appropriations bill, H.R. 5620, relating to the consequences of Hurricane Andrew.

Mr. LAUTENBERG. I would be pleased to discuss the funds for highway studies contained in the bill with the senior Senator from Louisiana.

Mr. JOHNSTON. I would like to ask my friend if it is the intention of the committee that the $750,000 contained in the bill to carry out highway studies includes funds for a feasibility study on the extension of Interstate 49, south of Lafayette, LA, to expedite future evacuations of low-lying southern areas of the State as contained in the original Senate version of the bill and the cost of the design and engineering associated with extending U.S. 167 from Abbeville, LA to Esther, LA.

Mr. LAUTENBERG. The answer to my friend from Louisiana is yes, the $750,000 included in the bill includes funds for the feasibility study on the extension of Interstate 49, south of Lafayette, LA, and cost for the design and engineering associated with extending U.S. 167 from Abbeville, to Esther, LA.

Mr. JOHNSTON. I thank the chairman for that clarification and I look forward to working with him on these two projects in the future.

THE MID-COUNTY BRIDGE

Mr. SANFORD. Mr. President, I would like to engage the distinguished chairman of the Transportation Appropriations Subcommittee in a colloquy regarding the funding for planning the Mid-County Bridge in Currituck County, NC.

Mr. LAUTENBERG. I would be happy to discuss this matter with the Senator from North Carolina.

Mr. SANFORD. As you may be aware, the beautiful Outer Banks of North Carolina receive hundreds of thousands of visitors every year. The visitors come to enjoy our national wildlife refuges, seashores, and parks.

Currently, the only bridge serving the northern Outer Banks is at Kitty Hawk, NC. Travelers to the Outer Banks witness many heavy delays at the Kitty Hawk Bridge, as it is the only bridge serving the many visitors and local residents going to the beaches. In emergency evacuations, the motorists wait literally hours in traffic before they make it to the mainland. I have grown increasingly concerned about the need to provide more adequate transportation to the barrier islands. I am afraid that the longer we put off new bridge construction, the greater the threat that a hurricane or great storm will devastate the islands and jeopardize thousands of lives.

I understand that in the emergency supplemental conference report that is before the Senate, $750,000 is included for highway studies on access roads, and other transportation evacuation needs. I also understand that it is the intention of the committee that $150,000 of those funds is to be used for the study and planning of a bridge from mainland North Carolina to the Outer Banks in Currituck County. This bridge is vital to meet the evacuation needs of the Outer Banks.

Mr. LAUTENBERG. The Senator from North Carolina is correct. Funding is included in the emergency supplemental conference report for highway studies, and it is the intent of the committee that $150,000 is to be made available for the planned bridge in Currituck.

Mr. SANFORD. I thank the Senator from New Jersey for his support of this project which is vital to the safety of hundreds of thousands Americans.

IN TRIBUTE TO MY FRIEND QUENTIN BURDICK

Mr. CRANSTON. Mr. President, a Senator, in his or her career in this body, is prompted on occasion to speak here about the good works and sincere efforts of one of our colleagues. I know that it gives each and every one of us pleasure when we have such an opportunity to remind the American people about the value of our friends.

However, there also comes a time—as has come for me today—when the pleasure of speaking about a friend is outweighed by the sadness that spurs the speech.

Quentin Burdick was a man I was both proud and glad to know. Like the best Americans throughout our history, he pursued a career in public life for the good he could do for the people of his community, his State, and his Nation. His 34 years in Congress—32 of them here in the Senate—will stand for all time as testament to his commitment to the common good.

Although Quentin Burdick and I never served on the same committee at the same time, his chairmanship, beginning in 1987, of the Environment and Public Works Committee did provide us with an important opportunity to work together on issues important to his State, our Nation, and, in particular, to my own home State of California. Specifically, I'm speaking of his work in helping to pass—and override

President Reagan's vetoes of—major highway and clean water legislation. More recently, of course, he provided significant leadership in enacting the Clean Air Act of 1990 and the Intermodal Surface Transportation Efficiency Act of 1991. Californians care very deeply about the quality of our air and our water. And we rely very heavily on our roads and our mass transit systems to take us from one place to another in what is, in square miles, the Nation's third largest State. Because Quentin Burdick was not a man who blew his own horn, many Californians are not aware of the large debt they owe to him. I hope I can help to set that situation straight.

As each of us knows, one of the most important qualities an individual can bring to legislative work is tenaciousness. A refusal to give up in the face of setbacks and even defeats, a doggedness in pursuing a point—albeit a doggedness leavened with courtesy, and a stubborn streak are what distinguish the more- from the less-successful here. Anyone who has paid attention to Quentin Burdick's career prior to his arrival in Congress would have known what to expect of him here. Before being elected to the House in 1958, he lost six consecutive races. But, clearly, he never lost heart or purpose.

Once elected, he was never defeated. After his victory in the 1958 House race, he won six elections to this Chamber. I believe I know why: Because Quentin Burdick never forgot why he wanted to come here and what he was supposed to do once he arrived. He served the people of his State and our Nation with distinction. His family's loss is this Chamber's and America's loss. I'm very sad for us all.

POW/MIA RECOGNITION DAY

Mr. RIEGLE. Mr. President, on this day of national recognition of American service personnel who remain missing and unaccounted for in the wake of the Vietnam conflict, our thoughts and prayers go out to their families and loved ones. The pain of not knowing for nearly two decades the fate of more than 2,000 of our countrymen has inflicted a deep wound in the psyche of our Nation and in each of our hearts.

The American people, who feel keenly the human dimension of this national tragedy, are the force which will ensure that, until each case is resolved, until the fate of each POW/MIA is conclusively determined, we will not walk away. The daily flying of the POW/MIA flag at our national cemeteries, the annual ceremonies held to recognize and honor our POW/MIA's, and the individual thoughts and memories of missing loved ones reminds us all of the urgent need to resolve the POW/MIA issue.

Over the past year, the Senate Select Committee on POW/MIA Affairs has begun to unravel the truth about what steps our Government has taken, and has failed to take, to find answers about missing servicemen. The ongoing work of the committee, coupled with our collective resolve to discover the truth, will bring closer the day when we know with certainty that each POW/MIA has been accounted for. Then and only then will we finally be able to close this sorrowful chapter in our Nation's history.

IMPLEMENTATION OF FDA REGULATIONS

Mr. DODD. Mr. President, I want to express my support for the amendment offered by Senator HATCH regarding regulations implementing the Nutrition Labeling and Education Act of 1990. I have met with a number of people from Connecticut who expressed concern about the impact of these regulations on the availability of dietary supplements such as vitamins, minerals, herbs, and similar products. My office has received many calls and letters on this issue and I know that many of my colleagues have heard from their constituents as well.

Mr. President, I strongly support the Nutrition Labeling and Education Act [NLEA]. I believe that it is necessary to ensure that what we see on the package is both accurate and effective in conveying nutrition information to consumers. However, some aspects of the regulations that the Food and Drug Administration have proposed have raised serious concerns among those who argue that these proposed regulations go beyond the intent of Congress.

This amendment will provide a 1-year moratorium so that a closer look can be taken at these regulations. The amendment offered by Senator HATCH will prohibit funds appropriated to the Departments of Labor, Health and Human Services, and Education to be expended during fiscal year 1993 to implement the Nutrition Labeling and Education Act with respect to dietary supplements. Additional hearings and discussions are warranted. This amendment will give us the time that is necessary to examine the issues and attempt to address the concerns of those opposed to the proposed regulations.

Mr. President, I reiterate my support for the NLEA. The NLEA will prevent misleading claims on food labels and will provide for nutrition information so that Americans will have the information they need to eat healthier diets and reduce their risk of heart attacks, strokes, and cancer. I do believe, however, that the regulations that the FDA has proposed concerning dietary supplements, minerals, herbs, and similar substances need to be reexamined. Mr. President, I am pleased to support the amendment offered by Senator HATCH. It will give us the time necessary to debate and address the questions that have been raised about the FDA regulations.

H.R. 5620—SUPPLEMENTAL APPROPRIATIONS

Mr. HOLLINGS. Mr. President, I had come to the floor to propose an amendment to this emergency supplemental appropriations bill. During markup of the supplemental last week, the Senate Appropriations Committee unanimously adopted my amendment to pay a $35,295,630 reimbursement to the State of South Carolina. Earlier this week the Senate endorsed the bill by a vote of 84 to 10. And, before proceeding with my statement, I would like to thank my good friends, the Senators from Louisiana, Hawaii, and Florida, and my colleagues on the Appropriations Committee who supported the people of South Carolina.

But, now we find ourselves in a situation in which the House, in concert with the bureaucrats at the President's Office of Management and Budget, deleted funds for South Carolina. They did so without a conference. Without providing an opportunity for elected Senate Members to debate their positions.

This process is not right. But, we are now faced with a situation in which the House has adjourned and won't be back until Tuesday. And, we are now informed by the Secretary of Veteran's Affairs, Ed Derwinski, that his Department will run out of funds to pay 3.3 million veterans and survivors. I have attached the Secretary's letter. He states that "Each day the supplemental is delayed will result in a corresponding delay in the delivery of monthly benefits."

Therefore, I will not offer my amendment tonight. To do so would hold the bill over until next week. And, I have been told by the Senate leadership that there is no way the House will agree to my amendment.

What I have sought in this bill is equity for the people of South Carolina. And, I will continue to do so. But, if the rules of the game are already stacked against us, I do not intend to needlessly delay assistance to the people of Florida, Louisiana, and Hawaii. No Senator knows better the suffering a hurricane can cause. We South Carolinians know only too well what natural disasters—hurricanes, tornados and earthquakes—can do to communities and individuals.

And, that is the point. Providing assistance following natural disasters is a core function of Government. This is not a political issue. It should not, it must not, be politicized.

But, that is exactly what has been happening in recent weeks. The President is playing politics at the expense of communities that have been devastated. The President flew down to south Florida within 12 hours within

Hurricane Andrew's landfall. He got lots of free press coverage. And, when the people of Florida came to know FEMA as the people of South Carolina have—and the criticism of mismanagement was heard—the President 1 week later announced that the Federal Government would pay for 100 percent of the cost.

Now, the President visited South Carolina not within 24 hours—but 8 days later. And 3 days after Andrew, the President appointed a Cabinet Secretary, Andy Card, to be the point man in charge of Federal assistance. The President never appointed anyone to be in charge for South Carolina. Instead, we got incompetent bureaucrats from FEMA. And, Hugo killed 29 people and caused $6 billion in damage. We are still recovering from its devastating effects. But, Hugo didn't hit during an election year and as we know all too well South Carolina didn't get 100 percent.

So here we are with another situation of "Read my lips." The press clippings say "100 percent." But, now the unelected bureaucrats at OMB and FEMA are saying, "Well, that's not exactly what President Bush meant."

The bureaucrats have sent me letters saying, "you don't understand, Senator HOLLINGS, the President didn't intend to give the impression that the Federal Government would provide 100-percent reimbursement. And, program regulations don't allow it."

Well, I hope the Bush administration bureaucrats will read my lips—Public Law 100-707 passed on November 23, 1988, clearly states that the President can provide 100-percent reimbursement for any Federal assistance for major disasters. And administrative policies are exactly that—red tape set up by the unelected to have a reason why something can't be done.

So, Mr. President, I will keep my powder dry. This fight will be taken up another day. I firmly believe that the House of Representatives and the Office of Management and Budget have made an excellent "tag team" today. They are wrong—dead wrong.

But, the process that has been followed here does not allow this outcome to be turned around. What has happened is not right. The House has evidenced an insensitivity to the people of South Carolina that I find unbelievable. But, as I said, I am not going to stand in the way of getting out pension payments to our veterans and I will not hold up this bill.

FAMILY LEAVE

Mr. PRESSLER. Mr. President, I rise today to talk about the family leave bill. The idea of protecting the family is admirable. Looking out for the needs of the families of employees also is good business. The problem is that too often legislation designed to help employees harms them instead.

One often neglected fact is that the success of small businesses and the lifestyles of their employees are connected. Excessive regulations, even with good intentions, harm small businesses and prevent them from making their own decisions. In the end, employees, employers, and even consumers are hurt.

The editor of the Pierre, SD, Capital Journal, Dana Hess, provided excellent reasoning on why the family leave bill is not the best approach. I ask unanimous consent that his editorial from the Pierre Capital Journal of August 12, 1992 be printed in the RECORD following my remarks.

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

[From the Pierre (SD) Capital Journal, Aug. 12, 1992]

FAMILY LEAVE BILL BURDENS BUSINESSES

(By Dana Hess)

"Family values" has been a popular phrase during the 1992 presidential campaign. It's so popular, that by trying to prove they're all for family values, members of the Senate have dealt a harsh blow to businesses throughout the nation.

On Tuesday the Senate passed a family leave bill. The law, geared for businesses with more than 50 employees, would protect the jobs of workers who would be allowed to take up to 12 weeks of unpaid leave for the birth or adoption of a child or in the case of the employee's serious illness or the serious illness of an employee's close family members.

The bill now goes the House and, if it passes there, to President Bush. The president vetoed a similar measure in June 1990.

The timing of the Senate's vote is no fluke. Realizing that family values are a hot topic during the campaign, Democrats hope to force the president to sign the family leave bill or, if he vetoes it again, paint him as anti-family before the election in November.

The last thing the nation's business community needs now is the federal government telling it how to treat employees. It's tough enough to run a business these days without the government telling employers they have to guarantee the jobs of their absent employees for three months.

No one disputes the benefits of having a family leave policy. Granting emergency leave to employees is just good business. However, codifying the leave policy and enforcing it nationwide will put an extra burden on businesses that already face a sea of federal red tape.

This may seem like a harmless enough benefit. After all, the bill calls for family leave to be unpaid. However, someone has to pay for replacement workers or lost production. In most cases, it is the consumer who will eventually end up paying for the extra cost of doing business imposed by this bill.

Some people may think it generous of Congress to guarantee jobs. As usual, Congress can afford to be generous when the rest of us are picking up the tab.

APPOINTMENT OF CONFEREE

Mr. FORD. Mr. President, I ask consent that Mr. CONRAD be a conferee on the part of the Senate on the bill H.R. 5503, making appropriations for the Department of Interior and Related Agencies for the fiscal year ending September 30, 1993, and for other purposes.

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

ROCKY MOUNTAIN ARSENAL NATIONAL WILDLIFE REFUGE ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 553, H.R. 1435, the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1435) to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3086

(Purpose: To direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of Interior upon certification by the Environmental Protection Agency that clean-up of contamination at the Arsenal is complete.)

Mr. FORD. Mr. President, I send an amendment to the desk on behalf Senators WIRTH, BROWN, and CHAFEE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. WIRTH, (for himself, Mr. BROWN, and Mr. CHAFEE) proposes an amendment numbered 3086.

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

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

The amendment is as follows:

On page 9, line 1, strike all through line 3 and insert in lieu thereof the following:

"(1) to the extent practicable, consistent with the purposes set forth in section 4(c) for which the refuge will be established after the certification required under section 2(b)(2); and".

On page 9, line 6, strike all through page 10, line 5 and insert in lieu thereof the following:

"(f) EXISTING LAW.—The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) the Migratory Bird Treaty Act (16 U.S.C. 703 et. seq.), and the Bald Eagle Protection Act (16 U.S.C. 668 et seq.) and the Bald Eagle Protection Act (16 U.S.C. 668 et seq.) shall apply to all actions at the Arsenal.

"(g) RESPONSE ACTIONS.—(1) The future establishment of the refuge shall not restrict or lessen in any way any response action or degree of cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or other applicable pro-

visions of law, or any remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out by or under the authority of the Secretary of the Army at the arsenal and surrounding areas, including (but not limited to)—

(A) the substance or performance of the remedial investigaton feasibility study or endangerment assessments;

(B) the contents and conclusions of the remedial investigation and feasibility study or the endangerment assessment reports; or

(C) the selection and implementation of response action and any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) for the Arsenal and surrounding areas.".

(2) All response action and action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) carried out at the Arsenal shall attain a degree of a cleanup of hazardous substances, pollutants, and contaminants that, at a minimum, is sufficient to fully meet the purposes set forth in section 4(c) for which the refuge will be established and to permit access to all real property comprising the refuge by refuge personnel, wildlife researchers, and visitors.".

On page 11, line 15, after "passerines," insert "and".

On page 11, line 16, after "birds" strike "and species presently or in the future listed as threatened or endangered".

On page 11, line 18, insert the following new paragraph and redesignate all subsequent paragraphs accordingly:

"(2) To conserve species listed as threatened or endangered under the Endangered Species Act and species that are candidates for such listing.".

On page 12, line 20, strike all through page 13, line 23.

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

The amendment (No. 3086) was agreed to.

Mr. CHAFEE. Mr. President, I rise today to express my support for H.R. 1435, the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992, as amended by the Senate. As my colleagues are well aware, this bill would authorize the creation of a national wildlife refuge at the Rocky Mountain Arsenal, a 27-square mile Army facility in Denver, CO that is also a Superfund site, after EPA has certified that cleanup of contamination at the site is complete. This bill is an important step in assuring that unique open space in Colorado will be preserved, with at the same time assuring that clean up of the site will not compromise in any way protection of human health and the environment.

Mr. President, I would like to take just a few minutes to explain in some detail the amendments that were offered and approved by the Senate today. First, the Senate has approved an amendment to section 3(f) of H.R. 1435 that is designed to clarify that the Endangered Species Act, the Bald Eagle Protection Act, and the Migratory Bird Treaty Act apply to actions at the arsenal, including all aspects of the CERCLA remediation process. Although the Senate language differs from section 3(f) as passed by the House of Representatives, this change should in no way be construed to mean that, with respect to any hazardous substance, pollutant or contaminant that will remain on site, the standards, requirements criteria or limitations under the aforementioned environmental law are or are not legally applicable to the hazardous substance, pollutant or contaminant concerned or relevant and appropriate under section 121(d) of CERCLA. My cosponsors of the amendment, Senators WIRTH and BROWN from Colorado, have informed me that they agree with this interpretation.

The Senate also approved an amendment today that modifies section 4(e) of the House bill. This amendment clarifies that the future establishment of the refuge shall not in any way restrict or limit the degree of cleanup at the site required under CERCLA. The amendment further requires that the area be sufficiently cleaned up to, at a minimum, meet the purposes for which the refuge will be established and allow for access to persons likely to be present on the refuge, including refuge personnel, wildlife researchers, and visitors.

Mr. President, in conclusion, I would like to thank my two colleagues from Colorado, Senators BROWN and WIRTH, for their diligence in working through this issue with the many parties interested in this legislation. It is my hope and, based upon discussions that have been going on for several weeks, my expectation that the House of Representatives will agree to the changes that the Senate has made here today, and that we can send this bill on to the President for signature in short order.

Mr. BROWN. Mr. President, I am pleased to rise in support of passage of H.R. 1435, the Rocky Mountain Arsenal National Wildlife Refuge bill. The bill, similar to legislation I introduced last year, will preserve and protect the wildlife at Rocky Mountain Arsenal and at the same time ensure a swift and thorough cleanup of the site.

It will facilitate the transformation of an area that suffered from environmental damage for decades into a refuge that will preserve a unique wildlife ecosystem. Communities in Adams County and all citizens of Colorado will be able to observe and enjoy some of the 400 wildlife species thriving in almost 27 miles of open prairie. As one of the largest urban wildlife centers in the world, it also will be of wonderful educational value and long-term economic benefit to the surrounding communities.

Rocky Mountain Arsenal was established in 1942, and was used by the Army to manufacture and dispose of chemical weapons, such as nerve gas. The Army also leased a section of the arsenal grounds to a private company to manufacture pesticides. Many of the products produced on site are some of the most toxic compounds known to man—DDT, dieldrin and aldrin among others. The by-products of both the Army's activities and pesticide manufacturing were deposited in a waste pond known as Basin F.

The arsenal, which has been placed on Superfund's national priority list, is considered to be one of the most toxic pieces of land in the world. It is the No. 1 cleanup priority for the entire Department of Defense Environmental Restoration Program.

For decades, the communities in Adams County, CO, have been plagued with the specter of this toxic site. Concerns about health and land values have been commonplace. It has been our hope that once the cleanup of this land is completed, Adams County could be left with a resource rather than a handicap.

Although the arsenal comprises 16,500 acres, the contamination is confined to a relatively small area. Within the outlying areas of the site, wildlife has flourished. In 1988, I wrote to Governor Romer asking that he form a task force with local officials to recommend ways to preserve open space and manage wildlife in the area.

Subsequently, in 1989, the Army and the Fish and Wildlife Service signed a cooperative agreement to provide for the conservation and management of the wildlife resources at the arsenal. Since the implementation of this agreement, the number of visitors to the area has soared. In 1991 alone, over 35,000 people toured the arsenal, including 5,500 school children in just the month of May.

Rocky Mountain Arsenal, located less than 10 miles from downtown Denver, serves as a habitat island, a largely undeveloped 27-square-mile urban area sanctuary for mule and white tail deer, bald eagles, hawks, geese, rabbits, pheasants, coyotes, prairie dogs, and other species. Almost half of the more than 900 wildlife species found in Colorado can be seen on the arsenal. It is also a prime wintering ground for the endangered bald eagle with up to 40 eagles using a communal roost on the arsenal from about November through February.

There are few, if any, other places in the United States where such large concentrations of threatened or endangered species are located so close to a major metropolitan area. This close proximity of wildlife and wildlife habitat to a major urban area provides uncommon opportunities for people to observe, study, and enjoy rare wildlife which otherwise would be more difficult to view and study.

Designating this ground has not been an easy task. Although all the parties involved in the negotiations over the

specific language to be included in H.R. 1435 supported the concept of establishing the arsenal as a wildlife refuge, many legitimate concerns were raised about what kind of effect this would have on the cleanup of the site.

Many hours of discussion and negotiation have resulted in the compromise you have before you in H.R. 1435. Carefully constructed language makes it clear that the liability and responsibility for environmental cleanup remains with the Army. In addition, language was added to ensure that this designation in no way shall restrict or lessen the degree of cleanup at the arsenal required under law.

I am convinced we have achieved the appropriate balance that protects the wildlife on site and ensures that a thorough cleanup is carried out without infringing on EPA's authority under Superfund to set cleanup standards and remedies.

I hope my colleagues will join me in supporting this measure. It is not often that we have the foresight to set aside unique areas such as the arsenal before development threatens the character of an area. Passage of H.R. 1435 will allow us to accomplish this for future generations.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 1435), as amended, was passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4016, the Community Environmental Response Facilitation Act now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4016) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require the Federal Government, before termination of Federal activities on any real property owned by the Government, to identify real property where no hazardous substance was stored, released, or disposed of.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3087

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. MITCHELL, proposes an amendment numbered 3087.

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

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

The amendment is as follows:

On page 4, strike lines 9–12 and insert in lieu thereof the following:

"(4) IDENTIFICATION OF UNCONTAMINATED PROPERTY.—(A) In the case of real property owned by the United States that: (i) is or has been used as a military installation and on which the United States plans to or has terminated military operations, pursuant to a base closure law, including The Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), Section 2687 of title 10, United States Code, or any provision of law authorizing the closure or realignment of a military installation enacted on or after the date of enactment of this Act; or (ii) is not used as a military installation and on which the United States plans to terminated Federal government operations, other than military operations,"

On page 6, following lines 6 add "or" and the following new clause:

"(viii) a completed preliminary assessment and site investigation if such document provides information equivalent to that which would be included in clauses (i–vii)."

On page 6, strike lines 20 and insert in lieu thereof:

"(C) In the case of property on which the United States is terminating military operations as described in paragraph (A) identification and concurrence required under subparagraphs (A) and (B) shall be made 18 months after the military installation is selected for closure pursuant to a base closure law or 60 days after the Environmental Protection Agency approves a remedial investigation/feasibility study, whichever is later. In all other cases the identification and concurrence required".

On page 7, add the following new sentence at the of line 4:

"The head of the department, agency, or instrumentality of the United States, may sell or otherwise transfer any parcel of real property identified under subparagraph (A) 180 days after submitting a request for concurrence under subparagraph (B)."

On page 7, following line 20, insert the following:

"(E) The head of the department, agency, or instrumentality of the United States with jurisdiction over the real property subject to this subsection may sell, lease, or otherwise transfer any right, title, or interest to the real property identified under subparagraph (A) without regard to whether the real property is or has been listed as a site on the National Priorities List."

On page 7, line 21, strike "(E)" and insert in lieu thereof: "(F)".

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

The amendment (No. 3087) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 4016), as amended, was passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer [Mr. AKAKA] appointed Mr. MOYNIHAN, Mr. MITCHELL, Mr. LAUTENBERG, Mr. CHAFEE, and Mr. WARNER conferees on the part of the Senate.

CHILD SUPPORT RECOVERY ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 678, S. 1002, a bill to impose a criminal penalty for flight to avoid payment of arrearages in child support; that the committee-reported substitute amendment be deemed agreed to; that any statements with respect to this bill appear at this point in the RECORD; that the bill be read for the third time and passed; and that the motion to reconsider be laid upon the table.

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

So the committee substitute amendment was deemed agreed to, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Recovery Act of 1992".

SEC. 2. FAILURE TO PAY LEGAL CHILD SUPPORT OBLIGATIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 11 the following new chapter:

"CHAPTER 11A—CHILD SUPPORT

"Sec.
"228. Failure to pay legal child support obligations.

"§ 228. Failure to pay legal child support obligations

"(a) OFFENSE.—Whoever willfully fails to pay a past due support obligation with re-

spect to a child who resides in another State shall be punished as provided in subsection (b).

"(b) PUNISHMENT.—The punishment for an offense under this section is—

"(1) in the case of a first offense under this section, a fine under this title, imprisonment for not more than 6 months, or both; and

"(2) in any other case, a fine under this title, imprisonment for not more than 2 years, or both.

"(c) RESTITUTION.—Upon a conviction under this section, the court shall order restitution under section 3663 in an amount equal to the past due support obligation as it exists at the time of sentencing.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'past due support obligation' means any amount—

"(A) determined under a court order or an order of an administrative process pursuant to the law of a State to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living; and

"(B) that has remained unpaid for a period longer than 180 days, or is greater than $2,500; and

"(2) the term 'State' includes the District of Columbia, and any other possession or territory of the United States.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 11 the following new item:

"11A. Child support ..... 228".

SEC. 3. DISCRETIONARY CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (20);

(2) by redesignating paragraph (21) as paragraph (22); and

(3) by inserting after paragraph (20) the following new paragraph:

"(21) comply with the terms of any court order or order of an administrative process pursuant to the law of a State, the District of Columbia, or any other possession or territory of the United States, requiring payments by the defendant for the support and maintenance of a child or of a child and the parent with whom the child is living; or".

SEC. 4. COMMISSION ON CHILD AND FAMILY WELFARE.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Child and Family Welfare (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 15 members of whom—

(A) 5 shall be appointed by the President, in consultation with the Attorney General and the Secretary of Health and Human Services;

(B) 3 shall be appointed by the President pro tempore of the Senate;

(C) 2 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 2 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Members of the Commission shall be—

(A) persons who have expertise in family law, children's issues, mental health, and related policies;

(B) persons who have expertise, through research and practice, in laws and policies related to child and family welfare;

(C) persons who represent organizations that seek to protect the civil rights of children;

(D) persons who represent advocacy groups that work for the interests of children;

(E) persons who represent advocacy groups that work for the interests of both custodial and noncustodial parents; and

(F) persons who have conducted extensive research on, or delivered services to, children adversely affected by divorce.

(3) DATE.—The appointments of the members of the Commission shall be made no later than June 1, 1993.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(h) DUTIES.—The Commission shall—

(1) compile information and data on the issues that affect the best interests of children, including domestic issues such as abuse, family relations, services and agencies for children and families, family courts and juvenile courts;

(2) compile a report that lists the strengths and weaknesses of the child welfare system as it relates to placement (including child custody and visitation), summarizes State laws and regulations relating to visitation, and makes recommendations for changing the system or developing a Federal role in strengthening the system;

(3) study the strengths and weaknesses of the juvenile and family courts as they relate to visitation, custody, and child support enforcement and suggest any recommendations for changing these systems; and

(4) study domestic issues that relate to the treatment and placement of children (such as child and spousal abuse) and suggest recommendations for any needed changes, including models for mediation and other programs.

(i) REPORT.—Not later than January 1, 1994, the Commission shall submit to the President and the Congress an interim report, and not later than January 1, 1995, a final report, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers to be appropriate.

(j) HEARINGS.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

(2) BROAD PUBLIC PARTICIPATION.—The Commission shall conduct hearings in various areas of the country, from the inner cities to the suburbs to rural areas, to gather a broad spectrum of information on the issues to be addressed. Parents, children, experts, religious leaders, and public and private agency officials shall be afforded the opportunity to give testimony at such hearings.

(k) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(l) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(m) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(n) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(o) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(p) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(q) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(r) TERMINATION OF THE COMMISSION.—(1) The Commission shall terminate 90 days after the date on which the Commission submits its final report under subsection (i).

(2) Any funds held by the Commission on the date of termination of the Commission shall be deposited in the general fund of the Treasury of the United States and credited

as miscellaneous receipts. Any property (other than funds) held by the Commission on that date shall be disposed of as excess or surplus property.

(8) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Commission for fiscal years 1993 and 1994 such sums as are necessary to carry out this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

So the bill (S. 1002), as amended, was deemed read the third time and passed.

BIOTECHNOLOGY PATENT PROTECTION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 421, S. 654, a bill to amend title 35, United States Code, with respect to patents on certain biological processes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 654) to amend title 35, United States Code, with respect to patents on certain processes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.

Section 103 of title 35, United States Code, is amended—

(1) in the first unnumbered paragraph by inserting "(a)" before "A patent";

(2) in the second numbered paragraph by inserting "(b)" before "Subject matter"; and

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

"(c) Notwithstanding any other provision of this section, a claimed process of making or using a machine, manufacture, or composition of matter is not obvious under this section if—

"(1) the machine, manufacture, or composition of matter is novel under section 102 of this title and nonobvious under this section; and

"(2)(A) the machine, manufacture, or composition of matter, and the claimed process invention at the time it was made, were owned by the same person or subject to an obligation of assignment to the same person; and

"(B) claims to the process and to the machine, manufacture, or composition of matter, are entitled to the same effective filing date, and appear in the same patent or in different patents which are owned by the same person and are set to expire on the same date.".

SEC. 2. PRESUMPTION OF VALIDITY.

The first unnumbered paragraph of section 282 of title 35, United States Code, is amended by inserting after the second sentence "A claim issued under the provisions of section 103(c) of this title on a process of making or using a machine, manufacture, or composition of matter shall not be held invalid under section 103 of this title solely because the machine, manufacture, or composition of matter is determined to lack novelty under section 102 of this title or to be obvious under section 103 of this title.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to all United States patents granted on or after the date of the enactment of the Act and to all applications for United States patents pending on or filed after such date of enactment, including any application for the reissuance of a patent.

AMENDMENT NO. 3088

(Purpose: To provide a committee substitute amendment)

Mr. FORD. Mr. President, I send an amendment to the desk on behalf of Senator DECONCINI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. DECONCINI, proposes an amendment numbered 3088.

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

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

The amendment is as follows:

On page 2, line 22, strike out all through the end and insert in lieu thereof the following:

TITLE I—BIOTECHNOLOGICAL PROCESS PATENTS

SEC. 101. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.

Section 103 of title 35, United States Code, is amended—

(1) in the first unnumbered paragraph by inserting "(a)" before "A patent";

(2) in the second unnumbered paragraph by inserting "(b)" before "Subject matter"; and

(3) by adding at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of this section, a claimed process of making or using a machine, manufacture, or composition of matter is not obvious under this section if—

"(1) the machine, manufacture, or composition of matter is novel under section 102 of this title and nonobvious under this section;

"(2) the claimed process is a biotechnological process as defined in subsection (d); and

"(3)(A) the machine, manufacture, or composition of matter, and the claimed process invention at the time it was made, were owned by the same person or subject to an obligation of assignment to the same person; and

"(B) claims to the process and to the machine, manufacture, or composition of matter, are entitled to the same effective filing date, and appear in the same patent application, different patent applications, or patent application and patent which are owned by the same person and which expire or are set to expire on the same date.

"(d) For purposes of this section, the term 'biotechnological process' means any method of making or using living organisms, or parts thereof, for the purpose of making or modifying products. Such term includes recombinant DNA, recombinant RNA, cell fusion including hybridoma techniques, and other processes involving site specific manipulation of genetic material.".

SEC. 102. NO PRESUMPTION OF INVALIDITY.

The first unnumbered paragraph of section 282 of title 35, United States Code, is amended by inserting after the second sentence "A claim issued under the provisions of section 103(c) of this title on a process of making or using a machine, manufacture, or composition of matter shall not be held invalid under section 103 of this title solely because the machine, manufacture, or composition of matter is determined to lack novelty under section 102 of this title or to be obvious under section 103 of this title.".

SEC. 103. EFFECTIVE DATE.

The amendments made by this title shall apply to all United States patents granted on or after the date of the enactment of this Act and to all applications for United States patents pending on or filed after such date of enactment, including any application for the reissuance of a patent.

TITLE II—BIOTECHNOLOGICAL MATERIAL PATENTS

SEC. 201. INFRINGEMENT BY IMPORTATION, SALE OR USE.

(a) INFRINGEMENT.—Section 271 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(h) Whoever without authority imports into the United States or sells or uses within the United States a product which is made by using a biotechnological material (as defined under section 154(b)) which is patented in the United States shall be liable as an infringer if the importation, sale, or use of the product occurs during the term of such patent".

(b) CONTENTS AND TERM PATENT.—Section 154 of title 35, United States Code, is amended—

(1) by inserting "(a)" before "Every";

(b) by striking out "in this title," and inserting in lieu thereof "in this title (1)";

(3) by striking out "and, if the invention" and inserting "(2) if the invention";

(4) by inserting after "products made by that process," the following: "and (3) if the invention is a biotechnological material used in making a product, of the right to exclude others from using or selling throughout the United States, or importing into the United States the product made or using such biotechnological material,"; and

(5) by adding at the end thereof the following:

"(b) For purposes of this section, the term 'biotechnological material' is defined as any material (including a host cell, DNA sequence, or vector) that is used in a biotechnological process as defined under section 103(d).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect six months after the date of enactment of this Act and, subject to paragraph (2), shall apply only with respect to products made or imported after the effective date of the amendments made by this section.

(2) EXCEPTIONS.—The amendments made by this section shall not abridge or affect the right of any person, or any successor to the business of such person (A) to continue to use, sell, or import any specific product in substantial and continuous sale or use by such person in the United States on date of enactment, or (B) for which substantial preparation by such person for such sale or use was made before such date, to the extent equitable for the protection of commercial in-

vestment made or business commenced in the United States before such date.

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

The amendment (No. 3088) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—BIOTECHNOLOGICAL PROCESS PATENTS

SEC. 101. CONDITIONS FOR PATENTABILITY; NONOBVIOUS SUBJECT MATTER.

Section 103 of title 35, United States Code, is amended—

(1) in the first unnumbered paragraph by inserting "(a)" before "A patent";

(2) in the second unnumbered paragraph by inserting "(b)" before "Subject matter"; and

(3) by adding at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of this section, a claimed process of making or using a machine, manufacture, or composition of matter is not obvious under this section if—

"(1) the machine, manufacture, or composition of matter is novel under section 102 of this title and nonobvious under this section;

"(2) the claimed process is a biotechnological process as defined in subsection (d); and

"(3)(A) the machine, manufacture, or composition of matter, and the claimed process invention at the time it was made, were owned by the same person or subject to an obligation of assignment to the same person; and

"(B) claims to the process and to the machine, manufacture, or composition of matter, are entitled to the same effective filing date, and appear in the same patent application, different patent applications, or patent application and patent which are owned by the same person and which expire or are set to expire on the same date.

"(d) For purposes of this section, the term 'biotechnological process' means any method of making or using living organisms, or parts thereof, for the purpose of making or modifying products. Such term includes recombinant DNA, recombinant RNA, cell fusion including hybridoma techniques, and other processes involving site specific manipulation of genetic material.".

SEC. 102. NO PRESUMPTION OF INVALIDITY.

The first unnumbered paragraph of section 282 of title 35, United States Code, is amended by inserting after the second sentence "A claim issued under the provisions of section 103(c) of this title on a process of making or using a machine, manufacture, or composition of matter shall not be held invalid under section 103 of this title solely because the machine, manufacture, or composition of matter is determined to lack novelty under section 102 of this title or to be obvious under section 103 of this title.".

SEC. 103. EFFECTIVE DATE.

The amendments made by this title shall apply to all United States patents granted on or after the date of the enactment of this Act and to all applications for United States patents pending on or filed after such date of enactment, including any application for the reissuance of a patent.

TITLE II—BIOTECHNOLOGICAL MATERIAL PATENTS

SEC. 201. INFRINGEMENT BY IMPORTATION, SALE OR USE.

(a) INFRINGEMENT.—Section 271 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(h) Whoever without authority imports into the United States or sells or uses within the United States a product which is made by using a biotechnological material (as defined under section 154(b)) which is patented in the United States shall be liable as an infringer if the importation, sale, or use of the product occurs during the term of such patent.".

(b) CONTENTS AND TERM PATENT.—Section 154 of title 35, United States Code, is amended—

(1) by inserting "(a)" before "Every";

(2) by striking out "in this title," and inserting in lieu thereof "in this title (1)";

(3) by striking out "and, if the invention" and inserting "(2) if the invention";

(4) by inserting after "products made by that process," the following: "and (3) if the invention is a biotechnological material used in making a product, of the right to exclude others from using or selling throughout the United States, or importing into the United States the product made or using such biotechnological material,"; and

(5) by adding at the end thereof the following:

"(b) For purposes of this section, the term 'biotechnological material' is defined as any material (including a host cell, DNA sequence, or vector) that is used in a biotechnological process as defined under section 103(d).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect six months after the date of enactment of this Act and, subject to paragraph (2), shall apply only with respect to products made or imported after the effective date of the amendments made by this section.

(2) EXCEPTIONS.—The amendments made by this section shall not abridge or affect the right of any person, or any successor to the business of such person (A) to continue to use, sell, or import any specific product in substantial and continuous sale or use by such person in the United States on date of enactment, or (B) for which substantial preparation by such person for such sale or use was made before such date, to the extent equitable for the protection of commercial investment made or business commenced in the United States before such date.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

INDIAN HEALTH CARE AMENDMENTS ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 655, S. 2481, the Indian Health Care Amendments Act of 1992.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2481) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and so forth and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Health Care Amendments Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to Indian Health Care Improvement Act.
Sec. 3. Findings; policy; definitions.

TITLE I—INDIAN HEALTH MANPOWER

Sec. 101. Purpose.
Sec. 102. Health professions.
Sec. 103. Breach of contract provisions relating to Indian health scholarships.
Sec. 104. Nursing.
Sec. 105. Maintenance of community health representative program.
Sec. 106. Changes to Indian health service loan repayment program.
Sec. 107. Recruitment activities.
Sec. 108. Advanced training and research.
Sec. 109. Tribally controlled postsecondary vocational institutions.
Sec. 110. INMED program.
Sec. 111. Scholarship and loan repayment recovery.
Sec. 112. Matching grants to tribes.
Sec. 113. Community health aid program.
Sec. 114. Tribal health program administration.
Sec. 115. Placement of participants in scholarship and loan repayment programs.
Sec. 116. Interdisciplinary training grants.
Sec. 117. Manpower shortages.
Sec. 118. Authorization of appropriations.

TITLE II—HEALTH SERVICES

Sec. 201. Health status and resource deficiency status.
Sec. 202. Catastrophic health emergency fund.
Sec. 203. Health promotion and disease prevention.
Sec. 204. Diabetes prevention, treatment, and control.
Sec. 205. Mental health prevention and treatment services.
Sec. 206. New studies.
Sec. 207. Right of recovery.
Sec. 208. Epidemiology grant program.
Sec. 209. California contract health services demonstration program.
Sec. 210. Coverage of screening mammography.
Sec. 211. Comprehensive school health education programs.
Sec. 212. Indian youth grant program.
Sec. 213. Tuberculosis prevention demonstration program.

Sec. 214. Patient travel costs.
Sec. 215. Authorization of appropriations.
TITLE III—HEALTH FACILITIES
Sec. 301. Health facilities closure and priorities.
Sec. 302. Safe water and sanitary waste disposal facilities.
Sec. 303. Ambulatory care facilities grant program.
Sec. 304. Indian health care delivery demonstration project.
Sec. 305. Expenditure of nonservice funds for renovation.
Sec. 306. Authorization of appropriations.
TITLE IV—ACCESS TO HEALTH SERVICES
Sec. 401. Treatment of payments to Indian health service facilities under medicare and medicaid programs.
Sec. 402. Report.
Sec. 403. Grants to and contracts with tribal organizations.
Sec. 404. Extension of demonstration program.
Sec. 405. Additional authority.
Sec. 406. Authorization of appropriations.
TITLE V—HEALTH SERVICES FOR URBAN INDIANS
Sec. 501. Authorization of appropriations.
Sec. 502. Grant authority.
Sec. 503. Federal Tort Claims Act coverage.
TITLE VI—ORGANIZATIONAL IMPROVEMENTS
Sec. 601. Indian Health Service.
Sec. 602. Authorization of appropriations.
Sec. 603. Director of Indian Health Service.
TITLE VII—SUBSTANCE ABUSE PROGRAMS
Sec. 701. Redesignation of existing title VII.
Sec. 702. Substance abuse programs.
TITLE VIII—MISCELLANEOUS
Sec. 801. Reports.
Sec. 802. Regulations.
Sec. 803. Extension of treatment of Arizona as a contract health service delivery area.
Sec. 804. Infant and maternal mortality; fetal alcohol syndrome.
Sec. 805. Reallocation of base resources.
Sec. 806. Child sexual abuse treatment programs.
Sec. 807. Tribal leasing.
Sec. 808. Extension of tribal management demonstration project termination date in certain cases.
Sec. 809. Long-term care demonstration project.
Sec. 810. Results of demonstration projects.
Sec. 811. Authorization of appropriations.
Sec. 812. Tribal self-governance project.
Sec. 813. Waiver of paperwork reduction.
Sec. 814. Joint venture demonstration projects.
Sec. 815. Demonstration of electronic data submission.
TITLE IX—TECHNICAL CORRECTIONS
Sec. 901. Repeal of expired reporting requirements.
Sec. 902. Other technical corrections.

SEC. 2. AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.

Whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

SEC. 3. FINDINGS; POLICY; DEFINITIONS.

(a) FINDINGS.—Section 2 of the Act (25 U.S.C. 1601) is amended—

(1) in paragraph (d), by striking the second sentence;

(2) by striking subsection (e) and inserting the following:

"(e) The unmet needs of tribal groups or local populations are sufficiently varied that resources provided for contracts under the authority of the Indian Self-Determination Act should provide maximum flexibility for tribal use of these funds in meeting local priorities."; and

(3) by striking paragraphs (f) and (g).

(b) DECLARATION OF POLICY.—Section 3 of the Act (25 U.S.C. 1602) is amended to read as follows:

"DECLARATION OF HEALTH OBJECTIVES

"SEC. 3. (a) The Congress declares that it is the policy of the United States—

"(1) in fulfillment of its special responsibilities and legal obligation to the American Indian and Alaska Native people residing throughout the United States, to meet the national goal of providing the highest possible health status to Indians and to provide existing Indian health services with all resources necessary to effect that policy.

"(2) to raise the health status of American Indian and Alaska Native people to the highest possible level;

"(3) to assure that all persons who are eligible for the health care services provided by the Indian Health Service have access to the same fundamental health care benefits; and

"(4) to assure the development of a comprehensive health care system, including tribal health care programs, that will meet the health care needs of American Indian and Alaska Native people in each of the developmental stages of life.

"(b) It is the intent of the Congress that the Nation meet the following health objectives with respect to Indians by the year 2000:

"(1) Reduce coronary heart disease deaths to no more than 100 per 100,000.

"(2) Reduce the prevalence of overweight individuals to no more than 30 percent.

"(3) Reduce the prevalence of anemia to less than 10 percent among children aged 1 through 5.

"(4) Reverse the rise in cancer deaths to achieve a rate of no more than 130 per 100,000.

"(5) Slow the rise in lung cancer deaths to achieve a rate of no more than 42 per 100,000.

"(6) Slow the rise in deaths from chronic obstructive pulmonary disease to achieve a rate of no more than 25 per 100,000.

"(7) Reduce deaths among men caused by alcohol-related motor vehicle crashes to no more than 44.8 per 100,000.

"(8) Reduce cirrhosis deaths to no more than 13 per 100,000.

"(9) Reduce drug-related deaths to no more than 3 per 100,000.

"(10) Reduce pregnancies among girls aged 17 and younger to no more than 50 per 1,000 adolescents.

"(11) Reduce to no more than 30 percent the proportion of pregnancies that are unintended.

"(12) Reduce suicide among men to no more than 12.8 per 100,000.

"(13) Reduce by 15 percent the incidence of injurious suicide attempts among adolescents aged 14 through 17.

"(14) Reduce to less than 10 percent the prevalence of mental disorders among children and adolescents.

"(15) Reduce homicides to no more than 11.3 per 100,000.

"(16) Reduce the incidence of child abuse or neglect to less than 25.2 per 1,000 children under age 18.

"(17) Reduce physical abuse directed at women by male partners to no more than 27 per 1,000 couples.

"(18) Reduce rape and attempted rape of women aged 12 and older to no more than 107 per 100,000 women.

"(19) Increase years of healthy life to at least 65 years.

"(20) Reduce deaths caused by unintentional injuries to no more than 66.1 per 100,000.

"(21) Reduce deaths caused by motor vehicle crashes to no more than 39.2 per 100,000.

"(22) Among children aged 6 months through 5 years, reduce the prevalence of blood lead levels exceeding 15 ug/dL and reduce to zero the prevalence of blood lead levels exceeding 25 ug/dL.

"(23) Reduce dental caries (cavities) so that the proportion of children with one or more caries (in permanent or primary teeth) is no more than 45 percent among children aged 6 through 8 and no more than 60 percent among adolescents aged 15.

"(24) Reduce untreated dental caries so that the proportion of children with untreated caries (in permanent or primary teeth) is no more than 20 percent among children aged 6 through 8 and no more than 70 percent among adolescents aged 15.

"(25) Reduce to no more than 20 percent the proportion of individuals aged 65 and older who have lost all of their natural teeth.

"(26) Reduce the prevalence of gingivitis aged 35–44 to no more than 50 percent.

"(27) Increase to at least 45 percent the proportion of individuals aged 35 to 44 who have never lost a permanent tooth due to dental caries or periodontal disease.

"(28) Reduce destructive periodontal diseases to a prevalence of no more than 15 percent among individuals aged 35 to 44.

"(29) Increase to at least 50 percent the proportion of children who have received protective sealants on the occlusal (chewing) surfaces of permanent molar teeth.

"(30) Increase to at least 65 percent the proportion of parents and caregivers who use feeding practices that prevent baby bottle tooth decay.

"(31) Reduce the infant mortality rate to no more than 8.5 per 1,000 live births.

"(32) Reduce the fetal death rate (20 or more weeks of gestation) to no more than 4 per 1,000 live births plus fetal deaths.

"(33) Reduce the maternal mortality rate to no more than 3.3 per 100,000 live births.

"(34) Reduce the incidence of fetal alcohol syndrome to no more than 2 per 1,000 live births.

"(35) Reduce stroke deaths to no more than 20 per 100,000.

"(36) Reverse the increase in end-stage renal disease (requiring maintenance dialysis or transplantation) to attain an incidence of no more than 13 per 100,000.

"(37) Reduce breast cancer deaths to no more than 20.6 per 100,000 women.

"(38) Reduce deaths from cancer of the uterine cervix to no more than 1.3 per 100,000 women.

"(39) Reduce colorectal cancer deaths to no more than 13.2 per 100,000.

"(40) Reduce to no more than 11 percent the proportion of individuals who experience a limitation in major activity due to chronic conditions.

"(41) Reduce significant hearing impairment to a prevalence of no more than 82 per 1,000.

"(42) Reduce significant visual impairment to a prevalence of no more than 30 per 1,000.

"(43) Reduce diabetes-related deaths to no more than 48 per 100,000.

"(44) Reduce diabetes to an incidence of no more than 2.5 per 1,000 and a prevalence of no more than 62 per 1,000.

"(45) Reduce the most severe complications of diabetes as follows:

"(A) End-stage renal disease, 1.9 per 1,000.

"(B) Blindness, 1.4 per 1,000.

"(C) Lower extremity amputation, 4.9 per 1,000.

"(D) Perinatal mortality, 2 percent.

"(E) Major congenital malformations, 4 percent.

"(46) Confine annual incidence of diagnosed AIDS cases to no more than 1,000 cases.

"(47) Confine the prevalence of HIV infection to no more than 100 per 100,000.

"(48) Reduce gonorrhea to an incidence of no more than 225 cases per 100,000.

"(49) Reduce Chlamydia trachomatis infections, as measured by a decrease in the incidence of nongonococcal urethritis to no more than 170 cases per 100,000.

"(50) Reduce primary and secondary syphilis to an incidence of no more than 10 cases per 100,000.

"(51) Reduce the incidence of pelvic inflammatory disease, as measured by a reduction in hospitalization for pelvic inflammatory disease to no more than 250 per 100,000 women aged 15 through 44.

"(52) Reduce sexually transmitted hepatitis B infection to no more than 30,500 cases.

"(53) Reduce indigenous cases of vaccine-preventable diseases as follows:

"(A) Diphtheria among individuals aged 25 and younger, 0.

"(B) Tetanus among individuals aged 25 and younger, 0.

"(C) Polio (wild-type virus), 0.

"(D) Measles, 0.

"(E) Rubella, 0.

"(F) Congenital Rubella Syndrome, 0.

"(G) Mumps, 500.

"(H) Pertussis, 1,000.

"(54) Reduce epidemic-related pneumonia and influenza deaths among individuals aged 65 and older to no more than 7.3 per 100,000.

"(55) Reduce the number of new carriers of viral hepatitis B among Alaska Natives to no more than 1 case.

"(56) Reduce tuberculosis to an incidence of no more than 15 cases per 100,000.

"(57) Reduce bacterial meningitis to no more than 8 cases per 100,000.

"(58) Reduce infectious diarrhea by at least 25 percent among children.

"(59) Reduce acute middle ear infections among children aged 4 and younger, as measured by days of restricted activity or school absenteeism, to no more than 105 days per 100 children.

"(60) Reduce pneumonia-related days of restricted activity as follows:

"(A) Individuals aged 65 and older (per 100 people), 38 days.

"(B) Children aged 4 and younger (per 100 children), 24 days.

"(61) Reduce cigarette smoking to a prevalence of no more than 20 percent.

"(62) Reduce smokeless tobacco use by Indian and Alaska Native youth to a prevalence of no more than 10 percent.

"(63) Increase to at least 65 percent the proportion of Indian and Alaska Native parents and caregivers who use feeding practices that prevent baby bottle tooth decay.

"(64) Increase to at least 75 percent the proportion of Indian and Alaska Native mothers who breast feed their babies in the early postpartum period, and to at least 50 percent the proportion who continue breast feeding until their babies are 5 to 6 months old.

"(65) Increase to at least 90 percent the proportion of pregnant Indian and Alaska Native women who receive prenatal care in the first trimester of pregnancy.

"(66) Increase to at least 70 percent the proportion of Indians and Alaska Natives who have received, as a minimum within the appropriate interval, all of the screening and immunization services and at least one of the counseling services appropriate for their age and gender as recommended by the United States Preventive Services Task Force.

"(67) Increase the proportion of degrees awarded to Indians and Alaska Natives in the health professions and allied and associated health profession fields to 0.6 percent.

"(68) Develop and implement a national process to identify significant gaps in the disease prevention and health promotion data for Indians and Alaska Natives and establish mechanisms to meet these needs.

"(69) Increase services to older individuals who are in need of medical care, personal care, or chore services in their home.

"(c) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report on the progress made in each area of the Service toward meeting each of the objectives described in subsection (b).

"(d) The objectives set forth in subsection (b) should include an emphasis on preventive, community-based services including, well-child and well-elder clinics, emphasis on family rather than individual treatment, and emphasis on in-home and community-based services for Indians who are aged 65 and older or who are functionally impaired.

"(e) The Secretary may revise the health objectives set forth in subsection (b) to reflect the findings of the Surgeon General related to American Indians and Alaska Natives contained in the 'Healthy People 2000' report.".

(c) DEFINITIONS.—Section 4 of the Act (25 U.S.C. 1603) is amended—

(1) in subsection (c)—

(A) by striking ", irrespective of whether he or she lives on or near a reservation,"; and

(B) by inserting "irrespective of whether he or she lives on or near a reservation," immediately after "such member,"; and

(2) by adding at the end the following new subsections:

"(m) 'Service area' means the geographical area served by each Area office.

"(n) 'Health profession' means medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatric medicine, geriatric medicine, psychology, social work, marriage and family therapy, environmental health and engineering, public health, nursing, public health nursing, chiropractic medicine, or an allied health profession.

"(o) 'Health professional' means an individual with a degree in a health profession.

"(p) 'Substance abuse' includes inhalant abuse.".

TITLE I—INDIAN HEALTH MANPOWER

SEC. 101. PURPOSE.

Section 101 of the Act (25 U.S.C. 1611) is amended to read as follows:

"PURPOSE

"SEC. 101. The purpose of this title is to increase the number of Indians entering the health professions and to assure an adequate supply of health professionals to Indians, Indian tribes, tribal organizations, and urban Indian organizations involved in the provision of primary health care to Indian people.".

SEC. 102. HEALTH PROFESSIONS.

(a) RECRUITMENT PROGRAM.—Section 102(a) of the Act (25 U.S.C. 1612(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) identifying Indians with a potential for education or training in the health professions, as defined in section 4(n), and encouraging and assisting them—

"(A) to enroll in courses of study in such professions; or

"(B) if they are not qualified to enroll in any such courses of study, to undertake such post-secondary education or training as may be required to qualify them for enrollment;";

(2) in paragraph (2)—

(A) by striking "school" both places it appears and inserting "course of study"; and

(B) by striking "clause (1)(A)" and inserting "paragraph (1)"; and

(3) in paragraph (3)—

(A) by inserting "in" immediately after "Indians";

(B) by inserting a comma before "courses";

(C) by striking ", in any school"; and

(D) by striking "clause (1)(A)" and inserting "paragraph (1)".

(b) PREPARATORY SCHOLARSHIP PROGRAM.—Section 103 of the Act (25 U.S.C. 1613) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) have demonstrated the capability to successfully complete courses of study in the health professions, as defined in section 4(n).";

(2) in subsection (b)(1), by inserting before the period at the end "on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary)";

(3) by striking subsection (b)(2) and inserting the following:

"(2) Pregraduate education of any grantee leading to a baccalaureate degree in an approved course of study preparatory to a field of study specified in subsection (a)(2), such scholarship not to exceed 4 years (or the part-time equivalent thereof, as determined by the Secretary).";

(4) in subsection (c), by striking "full time"; and

(5) by striking subsection (e) and inserting the following:

"(e) The Secretary shall not deny scholarship assistance to an eligible applicant under this section solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.".

(c) HEALTH PROFESSIONS SCHOLARSHIPS.—Section 104 of the Act (25 U.S.C. 1613a) is amended—

(1) in subsection (a)—

(A) by striking "Indian communities" and inserting "Indians, Indian tribes, tribal organizations, and urban Indian organizations";

(B) by striking "full time" and inserting "full or part time"; and

(C) by striking "of medicine" and all that follows through "social work" and inserting "and pursuing courses of study in the health professions, as defined in section 4(n)";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking "full time" and inserting "full or part time"; and

(ii) by striking "health profession school" and inserting "course of study"; and

(B) by adding at the end the following new paragraph:

"(4) In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

"(A) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

"(B) the period of obligated service specified in section 338A(f)(1)(B)(iv) of the Public Health Service Act (42 U.S.C. 254m(f)(1)(B)(iv)) shall be equal to the greater of—

"(i) the part-time equivalent of one year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

"(ii) two years; and

"(C) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.";

(3) by striking subsection (c) and inserting the following:

"(c) The Secretary shall not deny scholarship assistance to an eligible applicant under this section solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program."; and

(4) by striking subsection (d) and inserting the following:

"(d) The Secretary shall, acting through the Service, establish a Placement Office to develop and implement a national policy for the placement in available vacancies within the Service of health professionals required to meet the active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) without regard to any competitive personnel system, agency personnel limitation, or Indian preference policy.".

(d) EFFECTIVE DATE.—The amendments made by subsection (c)(1)(C) shall apply to scholarships granted under section 104 of the Indian Health Care Improvement Act after the date of the enactment of this Act.

(e) EXTERN PROGRAM.—Section 105 of the Act (25 U.S.C. 1614) is amended—

(1) in subsection (a), by striking "section 757 of the Public Health Service Act" and inserting "section 104"; and

(2) in subsection (b), by striking "school of medicine" and all that follows through "health professions" and inserting "course of study in the health professions, as defined in section 4(n)".

SEC. 103. BREACH OF CONTRACT PROVISIONS RELATING TO INDIAN HEALTH SCHOLARSHIPS.

Section 104(b) of the Act (25 U.S.C. 1613a(b)) (as amended by section 102(c) of this Act) is amended by adding at the end the following new paragraph:

"(5)(A) An individual who has, on or after the date of enactment of this paragraph, entered into a written contract with the Secretary under this section and who—

"(i) fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled (such level determined by the educational institution under regulations of the Secretary),

"(ii) is dismissed from such educational institution for disciplinary reasons,

"(iii) voluntarily terminates the training in such an educational institution for which he is provided a scholarship under such contract before the completion of such training, or

"(iv) fails to accept payment, or instructs the educational institution in which he is enrolled not to accept payment, in whole or in part, of a scholarship under such contract,

in lieu of any service obligation arising under such contract, shall be liable to the United States for the amount which has been paid to him, or on his behalf, under the contract.

"(B) If for any reason not specified in subparagraph (A), an individual breaches his written contract by failing either to begin such individual's service obligation under this section or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 108 in the manner provided for in such subsection.".

SEC. 104. NURSING.

(a) CONTINUING EDUCATION ALLOWANCES.—Section 106(a) of the Act (25 U.S.C. 1615(a)) is amended by inserting "nurses," after "dentists,".

(b) TRAINING FOR NURSE MIDWIVES, NURSE ANESTHETIST, AND NURSE PRACTITIONERS.—Section 112 of the Act (25 U.S.C. 1616e) is amended—

(1) in subsection (b)—

(A) at the end of paragraph (4), by striking "or";

(B) in paragraph (5), by striking the period at the end and inserting ", or"; and

(C) by adding at the end the following new paragraph:

"(6) establish and develop clinics operated by nurses, nurse midwives, nurse anesthetists, or nurse practitioners, in cooperation with accredited schools of nursing, to provide primary health care services to Indians."; and

(2) by striking subsection (f) and inserting the following:

"(f) Beginning with fiscal year 1992, of the amounts appropriated under the authority of this title for each fiscal year to be used to carry out this section, not less than $1,000,000 shall be used to provide grants under subsection (a) for the training of nurse midwives, nurse anesthetists, and nurse practitioners.".

(c) RETENTION BONUS FOR NURSES.—Section 117 (25 U.S.C. 1616j) of the Act is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(2) by adding after subsection (a) the following new subsection (b):

"(b) Beginning with fiscal year 1992, not less than 25 percent of the retention bonuses awarded each year under subsection (a) shall be awarded to nurses."; and

(3) by amending subsection (f) (as amended by paragraph (1)) to read as follows:

"(f) The Secretary may pay a retention bonus to any physician or nurse employed by an organization providing health care services to Indians pursuant to a contract under the Indian Self-Determination Act if such physician or nurse is serving in a position which the Secretary determines is—

"(1) a position for which recruitment or retention is difficult; and

"(2) necessary for providing health care services to Indians.".

(d) RESIDENCY PROGRAM.—Title I of the Act is amended by adding at the end the following new section:

"NURSING RESIDENCY PROGRAM

"SEC. 118. (a) The Secretary, acting through the Service, shall establish a program to enable licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian health program (as defined in section 108(a)(2)), and have done so for a period of not less than one year, to pursue advanced training.

"(b) Such program shall include a combination of education and work study in an Indian health program (as defined in section 108(a)(2)) leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse) or a bachelor's degree (in the case of a registered nurse).

"(c) An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to at least 3 times the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 108 in the manner provided for in such subsection.".

(e) GRANTS FOR THE PROVISION OF PRIMARY CARE SERVICES ON OR NEAR INDIAN COUNTRY.—Title I of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended by adding immediately after section 112 the following new section:

"NURSING SCHOOL CLINICS

"SEC. 112A. (a) GRANTS.—In addition to the authority of the Secretary under section 112(a)(1), the Secretary, acting through the Service, is authorized to provide grants to public or private schools of nursing for the purpose of establishing and developing clinics to address the health care needs of Indians, and to provide primary health care services to Indians who reside on or within 50 miles of Indian country, as defined in section 1151 of title 18, United States Code, or in medically underserved rural areas. A school of nursing receiving a grant pursuant to this section shall utilize the services of its students and faculty in operating such clinics.

"(b) PURPOSES.—Grants provided under subsection (a) of this section may be used to—

"(1) provide for all aspects of clinical training program development;

"(2) enhance the clinical faculty of any school receiving a grant pursuant to this section, by means such as increasing faculty salaries and recruiting new faculty; and

"(3) provide scholarships to students who participate in clinics established or developed pursuant to this section.

"(c) AMOUNT AND CONDITIONS.—The Secretary may award grants under this section in such amounts and subject to such conditions as the Secretary deems appropriate.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section.

(f) PROVISION OF PRIMARY CARE SERVICES IN RURAL AREAS.—Part C of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart VII—Provision of Primary Care Services in Rural Areas

"SEC. 765. PROVISION OF PRIMARY CARE SERVICES IN RURAL AREAS.

"(a) AUTHORIZATION TO USE AMOUNTS.—The Secretary may use not to exceed $5,000,000, out of amounts appropriated to carry out programs under this part, in each of the fiscal years 1993 through 1995 to award grants to public or private schools of nursing for the establishment of clinics that shall be administered by such schools.

"(b) APPLICATION.—A school desiring to receive a grant under subsection (a) shall prepare and submit to the Secretary, an application at such time, in such form, and containing such information as the Secretary may require.

"(c) USE OF GRANTS.—Amounts received under grants awarded under subsection (a) shall be used to—

"(1) establish clinics, to be run and staffed by the faculty and students of such grantee school, to provide primary care services in medically underserved rural areas or in areas on or within 50 miles of Indian country (as defined in section 1151 of title 18, United States Code).

"(2) provide for all aspects of clinical training program development, faculty enhancement and student scholarships in a manner that would benefit the clinic established under paragraph (1); and

"(3) carry out any other activities determined appropriate by the Secretary.

"(d) DESIGN.—The clinics established under subsection (c)(1) shall be designed to provide nursing students with a structured clinical experience that is similar in nature to that provided by residency training programs for physicians.".

SEC. 105. MAINTENANCE OF COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

Section 107(b) of the Act (25 U.S.C. 1616(b)) is amended—

(1) in paragraph (2), by inserting "and maintain" after "develop";

(2) in paragraph (2)(B), by adding at the end the following: "with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty,";

(3) in paragraphs (3) and (5), by striking "develop" each place it appears and inserting "maintain"; and

(4) in paragraph (4), by striking "develop and".

SEC. 106. CHANGES TO INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

(a) ELIGIBILITY REQUIREMENTS.—Section 108 of the Act (25 U.S.C. 1616a(b)) is amended—

(1) in subsection (a)(1), by striking "physicians," and all that follows through "professionals" and inserting "health professionals, as defined in section 4(o)"; and

(2) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking clause (i) and inserting the following:

"(i) in a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or"; and

(ii) in clause (ii), by striking "medicine" and all that follows through "health profession", and inserting "a health profession, as defined in section 4(n)";

(B) in paragraph (1)(B)—

(i) in clause (i)—

(I) by inserting "and" at the end; and

(II) by striking "medicine, osteopathy, dentistry, or other health profession" and inserting "a health profession, as defined in section 4(n),";

(ii) by striking clause (ii);

(iii) by redesignating clause (iii) as clause (ii); and

(iv) in clause (ii) (as redesignated by clause (iii) of this subparagraph), by striking "medicine, osteopathy, dentistry, or other health profession" and inserting "a health profession, as defined in section 4(n),"; and

(C) in paragraph (2)—

(i) by inserting "and" at the end of subparagraph (D);

(ii) by striking paragraphs (3) and (4); and

(iii) by inserting after paragraph (2) the following new paragraph:

"(3) submit to the Secretary an application for a contract described in subsection (f).".

(b) PRIORITY.—Section 108(d) of the Act (25 U.S.C. 1616a(d)) is amended—

(1) in paragraph (1), by striking out "The" and inserting "Consistent with paragraph (3), the"; and

(2) by adding at the end the following new paragraph:

"(3)(A) Subject to subparagraph (B), beginning with fiscal year 1992, of the total amounts appropriated for each fiscal year for loan repayment contracts under this section, the Secretary shall provide that—

"(i) not less than 25 percent be provided to applicants who are nurses, nurse practitioners, or nurse midwives; and

"(ii) not less than 10 percent be provided to applicants who are mental health professionals (other than applicants described in clause (i)).

"(B) The requirements specified in clause (i) or clause (ii) of subparagraph (A) shall not apply if the Secretary does not receive the number of applications from the individuals described in clause (i) or clause (ii), respectively, necessary to meet such requirements.".

(c) BECOMING A PARTICIPANT.—Paragraph (1) of section 108(e) (25 U.S.C. 1616a(e)) is amended to read as follows:

"(1) An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in subsection (f).".

(d) EXTENSION OF OBLIGATED SERVICE.—Paragraph (2)(A) of section 108(e) (25 U.S.C. 1616a(e)) is amended by inserting before the semicolon the following: ", including extensions resulting in an aggregate period of obligated service in excess of 4 years".

(e) CLARIFICATION REGARDING UNDERGRADUATE LOANS.—Paragraph (1) of section 108(g) (25 U.S.C. 1616a(g)) is amended by striking "loans received by the individual for—" and inserting "loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—".

(f) PAYMENT.—Subparagraph (A) of section 108(g)(2) (25 U.S.C. 1616a(g)(2)) is amended to read as follows:

"(A) For each year of obligated service that an individual contracts to serve under subsection (f), the Secretary may pay up to $35,000 on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(i) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

"(ii) provides an incentive to serve in Indian health programs with the greatest health manpower shortages; and

"(iii) provides an incentive with respect to the health professional involved remaining in an Indian health program with such manpower shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.".

(g) TAX LIABILITY.—

(1) IN GENERAL.—Paragraph (3) of section 108(g) (25 U.S.C. 1616a(g)) is amended to read as follows:

"(3) For the purpose of providing reimbursements for tax liability resulting from payments under paragraph (2) on behalf of an individual, the Secretary—

"(A) in addition to such payments, shall make payments to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply only with respect to contracts under section 108 of the Indian Health Care Improvement Act entered into on or after the date of enactment of this Act.

(h) ANNUAL REPORT.—Subsection (n) of section 108 is amended to read as follows:

"(n) The Secretary shall submit to the President, for inclusion in each report required to be submitted to the Congress under section 801, a report concerning the previous fiscal year which sets forth—

"(1) the health professional positions maintained by the Service or by tribal or Indian organizations for which recruitment or retention is difficult;

"(2) the number of Loan Repayment Program applications filed with respect to each type of health profession;

"(3) the number of contracts described in subsection (f) that are entered into with respect to each health profession;

"(4) the amount of loan payments made under this section, in total and by health profession;

"(5) the number of scholarship grants that are provided under section 104 with respect to each health profession;

"(6) the amount of scholarship grants provided under section 104, in total and by health profession;

"(7) the number of providers of health care that will be needed by Indian health programs, by location and profession, during the three fiscal years beginning after the date the report is filed; and

"(8) the measures the Secretary plans to take to fill the health professional positions maintained by the Service or by tribes or tribal or Indian organizations for which recruitment or retention is difficult.".

SEC. 107. RECRUITMENT ACTIVITIES.

Section 109 of the Act (25 U.S.C. 1616b) is amended—

(1) by striking the heading and inserting the following:

"RECRUITMENT ACTIVITIES";

and

(2) by amending subsection (b) to read as follows:

"(b) The Secretary, acting through the Service, shall assign one individual in each area office to be responsible on a full-time basis for recruitment activities.".

SEC. 108. ADVANCED TRAINING AND RESEARCH.

Section 111 of the Act (25 U.S.C. 1616d) is amended—

(1) in subsection (b), by striking the last sentence and inserting the following: "In such event, with respect to individuals entering the program after the date of the enactment of the Indian Health Care Amendments Act of 1992, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 108 in the manner provided for in such subsection."; and

(2) by striking subsection (d).

SEC. 109. TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTIONS.

(a) NURSING PROGRAM GRANTS.—Section 112(a)(2) of the Act (25 U.S.C. 1616e(a)(2)) is amended by inserting before the comma the following: "and tribally controlled postsecondary vocational institutions, as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2))".

(b) TRIBAL CULTURE AND HISTORY PROGRAMS.—Section 113(b)(1) of the Act (25 U.S.C. 1616f(b)(1)) is amended by inserting before the comma "and tribally controlled postsecondary vocational institutions, as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2))".

SEC. 110. INMED PROGRAM.

Section 114(b) of the Act (25 U.S.C. 1616g(b)) is amended—

(1) by inserting "(1)" immediately after "(b)"; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary shall provide one of the grants authorized under subsection (a) to a college or university to establish and maintain a program similar to the INMED program for the nursing profession, including postdoctoral nursing.

"(3) The Secretary shall provide one of the grants authorized under subsection (a) to a college or university to establish and maintain a program similar to the INMED program for the mental health profession.".

SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY.

Title I of the Act is amended by inserting after section 108 the following new section:

"SCHOLARSHIP AND LOAN REPAYMENT RECOVERY

"SEC. 108A. (a) There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'Fund'). The Fund shall consist of such amounts as may be appropriated to the Fund under subsection (b). Amounts appropriated for the Fund shall remain available until expended.

"(b) For each fiscal year, there is authorized to be appropriated to the Fund an amount equal to the sum of—

"(1) the amount collected during the preceding fiscal year by the Federal Government pursuant to—

"(A) the liability of individuals under subparagraph (A) or (B) of section 104(b)(5) for the breach of contracts entered into under section 104; and

"(B) the liability of individuals under section 108(l) for the breach of contracts entered into under section 108; and

"(2) the aggregate amount of interest accruing during the preceding fiscal year on obligations held in the Fund pursuant to subsection (d) and the amount of proceeds from the sale or redemption of such obligations during such fiscal year.

"(c)(1) Amounts in the Fund and available pursuant to appropriation Acts may be expended by the Secretary, acting through the Service—

"(A) to make scholarship grants under section 104; and

"(B) to provide loans under section 108.

"(d)(1) The Secretary of the Treasury shall invest such amounts of the Fund as such Secretary determines are not required to meet current withdrawals from the Fund. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(2) Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(e) The Secretary, acting through the Service, shall give priority to assigning an individual (for the purpose of such individual's obligated service requirements under section 104 or section 108) to an Indian health program (as defined in section 108(a)(2)) that has a need for a health professional to provide health care services as a result of an individual having breached a contract entered into under section 104 or section 108.".

SEC. 112. MATCHING GRANTS TO TRIBES.

Title I of the Act (as amended by this Act) is amended by adding at the end the following new section:

"MATCHING GRANTS TO TRIBES FOR SCHOLARSHIP PROGRAMS

"SEC. 119. (a)(1) The Secretary shall make grants to Indian tribes and tribal organizations for the purpose of assisting such tribes and tribal organizations in educating Indians to serve as health professionals in Indian communities.

"(2) An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as the Secretary determines are necessary to carry out this section.

"(b)(1) An Indian tribe or tribal organization receiving a grant under subsection (a) shall agree to provide scholarships to Indians pursuing education in the health professions in accordance with the requirements of this section.

"(2) With respect to the costs of providing any scholarship pursuant to paragraph (1)—

"(A) 20 percent of the costs of the scholarship shall be paid from the grant made under subsection (a) to the Indian tribe or tribal organization; and

"(B) 80 percent of such costs shall be paid from non-Federal contributions by the Indian tribe or tribal organization through which the scholarship is provided.

"(3) In determining the amount of non-Federal contributions that have been provided for purposes of subparagraph (B) of paragraph (2), any amounts provided by the Federal Government to the Indian tribe or tribal organization involved or to any other entity shall not be included.

"(4) Non-Federal contributions required by subparagraph (B) of paragraph (1) may be provided directly by the Indian tribe or tribal organization involved or through donations from public and private entities.

"(c) An Indian tribe or tribal organization shall provide scholarships under subsection (b) only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in the health professions, as defined in section 4(n).

"(d) In providing scholarships under subsection (b), the Indian tribe or tribal organization shall enter into a contract with each recipient of such scholarship. Such contract shall—

"(1) require such recipient to provide service in an Indian health program (as defined in section 108(a)(2)(A)), in the same service area where the Indian tribe or tribal organization providing the scholarship is located, for—

"(A) a number of years equal to the number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

"(B) such greater period of time as the recipient and the Indian tribe or tribal organization may agree;

"(2) provide that the amount of such scholarship—

"(A) may be expended only for—

"(i) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the school; and

"(ii) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled; and

"(B) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in subparagraph (A);

"(3) require the recipient of such scholarship to maintain an acceptable level of academic standing (as determined by the school in accordance with regulations issued by the Secretary); and

"(4) require the recipient of such scholarship to meet the educational and licensure requirements necessary to be a physician, certified nurse practitioner, certified nurse midwife, or physician assistant.

"(e) The recipient of a scholarship under subsection (b) shall agree, in providing health care pursuant to the requirements of subsection (d)(1)—

"(1) not to discriminate against an individual seeking such care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to the program established in title XVIII of the Social Security Act or pursuant to the program established in title XIX of such Act; and

"(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX of such Act to provide service to individuals entitled to medical assistance under the plan.

"(f)(1) Before making a grant under subsection (a) to an Indian tribe or tribal organization for a fiscal year, the Secretary shall determine the number of scholarship contracts provided under subsection (b) with respect to which there has been an initial breach by the scholarship recipient involved during the fiscal year preceding the fiscal year for which the Indian tribe or tribal organization is applying to receive the grant.

"(2) In the case of an Indian tribe or tribal organization with 1 or more initial breaches for purposes of paragraph (1), the Secretary shall reduce the amount of a grant under subsection (a) to the Indian tribe or tribal organization for the fiscal year involved by an amount equal to the sum of—

"(A) an amount equal to the expenditures of Federal funds made regarding the contracts involved; and

"(B) an amount representing interest on the amount of such expenditures, determined with respect to each contract on the basis of the maximum legal rate prevailing for loans made during the time amounts were paid under the contract, as determined by the Secretary of the Treasury.

"(3) If an Indian tribe or tribal organization is not receiving a grant under subsection (a) for a fiscal year for which a reduction under paragraph (2) would have been made in the event that the tribe or tribal organization had received such a grant, the Secretary shall reduce the amount of payments due to the tribe or tribal organization under other grants, cooperative agreements, or contracts under this Act by the amount specified in such paragraph.

"(4) The Secretary may carry out this subsection on the basis of information submitted by the tribes or tribal organizations involved, or on the basis of information collected through such other means as the Secretary determines to be appropriate.

"(g) The Secretary may not make any payments under subsection (a) to an Indian tribe or tribal organization for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Indian tribe or tribal organization has complied with requirements of this section.".

SEC. 113. COMMUNITY HEALTH AID PROGRAM.

Title I of the Act (as amended by this Act) is amended by adding at the end the following new section:

"COMMUNITY HEALTH AIDE PROGRAM FOR ALASKA

"SEC. 120. (a) Under the authority of the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary shall maintain a Community Health Aide Program in Alaska under which the Service—

"(1) provides for the training of Alaska Natives as health aides or community health practitioners;

"(2) uses such aides or community health practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

"(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides and community health practitioners.

"(b) The Secretary, acting through the Community Health Aide Program of the Service, shall—

"(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

"(2) in order to provide such training, develop a curriculum that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

"(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

"(C) promotes the achievement of the health status objectives specified in section 3(a);

"(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides individuals who have

successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

"(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

"(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners; and

"(6) develop a system under which the work of community health aides is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services.".

SEC. 114. TRIBAL HEALTH PROGRAM ADMINISTRATION.

Title I of the Act (as amended by this Act) is amended by adding at the end the following new section:

"TRIBAL HEALTH PROGRAM ADMINISTRATION

"SEC. 121. The Secretary shall, by contract or otherwise, provide training for individuals in the administration and planning of tribal health programs.".

SEC. 115. PLACEMENT OF PARTICIPANTS IN SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.

Title I of the Act (as amended by this Act) is amended by adding at the end the following new section:

"PLACEMENT OF PARTICIPANTS IN SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS

"SEC. 122. In placing an individual for the purpose of fulfilling the individual's obligated service requirement under sections 104 or 108, the Secretary shall, to the extent consistent with the provisions of this Act and title III of the Public Health Service Act, consider the individual's ties to any Indian tribe.".

SEC. 116. INTERDISCIPLINARY TRAINING GRANTS.

Title I of the Act (as amended by this Act) is amended by adding at the end the following new section:

"INTERDISCIPLINARY TRAINING GRANTS

"SEC. 123. (a) The Secretary, acting through the Service, shall provide grants to—

"(1) public or private colleges or universities;

"(2) tribally controlled community colleges; and

"(3) schools or programs in optometry, pharmacy, psychology, public health, or social work, for the interdisciplinary training of health professionals for the purpose of increasing the number of these health professionals who deliver health care services to Indians.

"(b) The Secretary shall give priority in providing grants under this section to applications submitted jointly by 2 or more institutions.

"(c) Grants provided under this section may be used—

"(1) to recruit health professionals for programs that train individuals in one or more of the health professionals described in subsection (a);

"(2) to provide scholarships to individuals enrolled in such programs to pay tuition for such program and other expenses incurred in connection with such program, including books, fees, room and board, and other living expenses;

"(3) to establish or maintain a program that encourages these health professionals to provide, or continue to provide, health care services to Indians; and

"(4) to establish or maintain a program that increases the skills of, and provides continuing education to, these health care professionals, including faculty enhancement activities.

"(d) Of the amount appropriated to carry out this section, not more than $1,000,000 may be used annually to establish postdoctoral training programs in psychology or pharmacy.

"(e) Each applicant for a grant under this section shall include such information as the Secretary may require, including a demonstration of the connection between the applicant and a health care facility that primarily serves Indians.

"(f) The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance funded by a grant under this section. Such obligation shall be met by service—

"(1) in the Indian Health Service;

"(2) in a program conducted under a contract entered into under the Indian Self-Determination Act; or

"(3) in a program assisted under title V of this Act.".

SEC. 117. MANPOWER SHORTAGES.

Title I of the Act (as amended by this Act) is amended by adding at the end the following new section:

"MANPOWER SHORTAGES

"SEC. 124. (a) IN GENERAL.—The Secretary is authorized to provide grants to any college, university, or consortium thereof, that is located in any of the 3 Service areas that the Secretary determines to have the most acute health manpower shortages.

"(b) PURPOSE.—A grant under this section shall be used for the purpose of training health professionals, including in the field of mental health, and using the training resources of grant recipients, including students and faculty, to provide services through Indian health facilities, to serve in those Service areas that the Secretary determines to have the greatest difficulty in recruiting and retaining such health professionals.

"(c) AGREEMENTS.—A grant recipient under this section shall enter into a formal agreement with the appropriate tribal government or governments, or tribal organization, or organizations, of those Service areas in which training under this section is taking place.

"(d) PROCEDURES.—The Secretary shall establish procedures for the submission and review of applications for grants under this section.

"(e) PREFERENCE.—The Secretary shall give preference in making grants under this section to those applicants that—

"(1) most comprehensively address area health manpower shortages;

"(2) coordinate their programs with other relevant programs in this title; and

"(3) have entered into agreements with Indian health facilities, whether operated by the Service or by Indian tribes under the Indian Self-Determination and Education Assistance Act.".

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title I of the Act (as amended by section 112 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 125. There are authorized to be appropriated such sums as may be necessary for fiscal year 1993 and each fiscal year thereafter through fiscal year 2000 to carry out this title, and to carry out the Native Hawaiian Health Scholarships program under section 338K of the Public Health Service Act (42 U.S.C. 254s).".

(b) CONFORMING AMENDMENTS.—Title I of the Act is amended—

(1) in section 102, by striking subsection (c);

(2) in section 105, by striking subsection (d);

(3) in section 106 (as amended by section 104(a) of this Act)—

(A) by striking "(a)"; and

(B) by striking subsection (b);

(4) in section 108, by striking subsection (o);

(5) in section 110, by striking subsection (c);

(6) in section 113, by striking subsection (c);

(7) in section 114, by striking subsection (e);

(8) in section 115, by striking subsection (f);

(9) in section 116, by striking subsection (e);

(10) in section 117 (as amended by section 104(c)(1) of this Act), by striking subsection (f);

TITLE II—HEALTH SERVICES

SEC. 201. HEALTH STATUS AND RESOURCE DEFICIENCY STATUS.

(a) IN GENERAL.—Section 201 of the Act (25 U.S.C. 1621) is amended—

(1) in subsection (a)—

(A) by striking "subsection (h)" and inserting "this section";

(B) by striking paragraph (1) and inserting the following:

"(1) eliminating the deficiencies in health status and resources of all Indian tribes,"; and

(C) in paragraph (4)—

(i) by inserting after "responsibilities" the following: ", either directly or through contract care,"; and

(ii) by striking "resources deficiency" and inserting "status and resource deficiencies";

(2) in subsection (b)—

(A) in paragraph (1), by striking "subsection (h)" and inserting "this section";

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(C) in paragraph (2)(A) (as redesignated by subparagraph (B) above)—

(i) by striking "subsection (h)" and inserting "this section";

(ii) in the first sentence, by striking "but such allocation" through "met"; and

(iii) in the second sentence—

(I) by striking "(in accordance with paragraph (2))"; and

(II) by striking "raise the deficiency level" and inserting "reduce the health status and resource deficiency";

(D) in paragraph (2)(B) (as redesignated by subparagraph (B) above), by inserting after "with" the following: ", and with the active participation of,".

(3) in subsection (c)—

(A) by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(B) by striking paragraph (1) (as redesignated by subparagraph (A) above) and inserting the following:

"(1) The term 'health status and resource deficiency' means the extent to which—

"(A) the health objectives set forth in section 3(a) are not being achieved, taking into account the actual cost of providing health care services given local geographic, climatic, rural or other circumstances; and

"(B) the Indian tribe does not have available to it the health resources it needs.";

(C) by striking paragraph (2) (as redesignated by subparagraph (A) above), and inserting the following:

"(2) The health resources available to an Indian tribe are limited to local health resources provided by the Service, and health resources used by the Indian tribe, including services and financing systems provided by any other Federal programs, provided that in determining available resources the Service shall also take into account actual availability of local alternative sources of health care.

(D) in paragraph (3) (as redesignated by subparagraph (A) above)—

(i) by striking "Under regulations, the" and inserting "The"; and

(ii) by striking "health resources deficiency level" and inserting "extent of the health status and resource deficiency";

(4) in subsection (d)(1), by striking "subsection (h)" and inserting "this section";

(5) in subsection (e)—

(A) in the material preceding paragraph (1)—

(i) by striking "60 days" and inserting "3 years";

(ii) by striking "Indian Health Care Amendments of 1988" and inserting in lieu thereof "Indian Health Care Amendments Act of 1992"; and

(iii) by striking "health services priority system" and inserting "health status and resource deficiency";

(B) in paragraph (1), by striking "health resources deficiencies" and inserting "health status and resource deficiencies";

(C) in paragraph (2), by striking "the level of health resources deficiency for" and inserting "the extent of the health status and resource deficiency of";

(D) in paragraph (3), by striking "raise all" and all that follows through the semicolon and insert "eliminate the health status and resource deficiencies of all Indian tribes served by the Service"; and

(E) by striking paragraphs (4) and (5) and redesignating paragraph (6) as paragraph (4); and

(6) in subsection (f), by striking "(f)(1)" and all that follows through the paragraph designation for paragraph (2) and inserting "(f)".

(b) EFFECTIVE DATE.—Except with respect to the amendments made by subsection (a)(5), the amendments made by subsection (a) shall take effect three years after the date of the enactment of this Act. The amendments made by subsection (a)(5) shall take effect upon the date of the enactment of this Act.

SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

Section 202 of the Act (25 U.S.C. 1621a) is amended—

(1) in subsection (a)(1)(B), by striking "under subsection (e)" and inserting "to the Fund under this section";

(2) in subsection (b)(2), by striking "not less than $10,000 or not more than $20,000;" and inserting "not less than—

"(A) $15,000 for 1992; and

"(B) for any subsequent year, the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;"; and

(3) in subsection (c), by striking "Funds appropriated under subsection (e)" and inserting "Amounts appropriated to the Fund under this section".

SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION.

Section 203 of the Act (25 U.S.C. 1621b) is amended—

(1) in subsection (a), by inserting before the period at the end the following: "so as to achieve the health objectives set forth in section 3(a)";

(2) in subsection (b), by striking "section 201(f)" and inserting "section 801"; and

(3) by striking subsection (c).

SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

Section 204 of the Act (25 U.S.C. 1621c) is amended—

(1) by striking subsection (c) and inserting the following:

"(c)(1) The Secretary shall continue to maintain through fiscal year 2000 each model diabetes project in existence on the date of enactment of the Indian Health Care Amendments Act of 1992 and located—

"(A) at the Claremore Indian Hospital in Oklahoma;

"(B) at the Fort Totten Health Center in North Dakota;

"(C) at the Sacaton Indian Hospital in Arizona;

"(D) at the Winnebago Indian Hospital in Nebraska;

"(E) at the Albuquerque Indian Hospital in New Mexico;

"(F) at the Perry, Princeton, and Old Town Health Centers in Maine;

"(G) at the Bellingham Health Center in Washington;

"(H) at the Fort Berthold Reservation;

"(I) at the Navajo Reservation;

"(J) at the Tohono O'Odham Reservation;

"(K) at the Zuni Reservation; or

"(L) in the States of Alaska, California, Minnesota, Montana, Oregon, or Utah.

"(2) The Secretary may establish new model diabetes projects under this section, except that the Secretary may not establish a greater number of such projects in one service area than in any other service area until there is an equal number of such projects established with respect to all service areas."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "and";

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) evaluate the effectiveness of services provided through model diabetes projects established under this section.".

SEC. 205. MENTAL HEALTH PREVENTION AND TREATMENT SERVICES.

Section 209 of the Act (25 U.S.C. 1621h) is amended—

(1) in subsection (j) (as redesignated by section 902(3)(B) of this Act), by striking "submit to the Congress an annual report" and inserting "submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report"; and

(2) by adding at the end the following new subsections:

"(l) LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.—Any person employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under the authority of this Act or through a contract pursuant to the Indian Self-Determination Act shall, within 1 year from the date of employment—

"(1) in the case of a person employed as a psychologist, be licensed as a psychologist or working under the direct supervision of a licensed psychologist;

"(2) in the case of a person employed as a social worker, be licensed as a social worker or working under the direct supervision of a licensed social worker; or

"(3) in the case of a person employed as a marriage and family therapist, be licensed as a marriage and family therapist or working under the direct supervision of a licensed marriage and family therapist.

"(m) INTERMEDIATE ADOLESCENT MENTAL HEALTH SERVICES.—(1) The Secretary, acting through the Service, may make grants to Indian tribes and tribal organizations to provide intermediate mental health services to Indian children and adolescents, including—

"(A) inpatient and outpatient services;

"(B) emergency care;

"(C) suicide prevention and crisis intervention; and

"(D) prevention and treatment of mental illness, and dysfunctional and self-destructive behavior, including child abuse and family violence.

"(2) Funds provided under this section may be used—

"(A) to construct or renovate an existing health facility to provide intermediate mental health services;

"(B) to hire mental health professionals;

"(C) to staff, operate, and maintain an intermediate mental health facility, group home, or youth shelter where intermediate mental health services are being provided; and

"(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units.

"(3) An Indian tribe or tribal organization receiving a grant under this section shall ensure that intermediate adolescent mental health services are coordinated with other tribal, service, and Bureau of Indian Affairs mental health, alcohol and substance abuse, and social services programs on the reservation of such tribe or tribal organization.

"(4) The Secretary shall establish criteria for the review and approval of applications for grants made pursuant to this section.

"(n)(1) The Secretary is authorized to provide grants to at least 3 colleges and universities for the purpose of developing and maintaining American Indian psychology careers recruitment programs as a means of encouraging American Indians to enter the mental health field.

"(2) The Secretary shall provide one of the grants authorized under paragraph (1) to develop and maintain an American Indians Into Psychology program at the University of North Dakota.

"(3)(A) The Secretary shall issue regulations for the competitive awarding of the grants provided under this subsection.

"(B) Applicants for grants under this subsection shall agree to provide a program which, at a minimum—

"(i) provides outreach and recruitment for health professions to Indian communities including elementary, secondary and community colleges located on Indian reservations that will be served by the program,

"(ii) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program,

"(iii) provides summer enrichment programs to expose Indian students to the varied fields of psychology through research and experiential activities,

"(iv) provides stipends to undergraduate and graduate students to pursue a career in psychology,

"(v) develops affiliation agreements with tribal community colleges, the Indian Health Service, university affiliated programs, and other appropriate entities to enhance the education of American Indian students,

"(vi) to the maximum extent feasible, utilizes existing university tutoring, counseling and student support services, and

"(vii) to the maximum extent feasible, employs qualified Indians in the program.

"(4) The American Indians Into Psychology program at the University of North Dakota shall, to the maximum extent feasible, coordinate with the INMED program authorized by section 114 of this Act, and existing university research and communications networks.".

SEC. 206. NEW STUDIES.

(a) HOSPICE CARE.—Section 205 of the Act is amended to read as follows:

"HOSPICE CARE FEASIBILITY STUDY

"SEC. 205. (a) The Secretary, acting through the Service and in consultation with representatives of Indian tribes, tribal organizations, Indian Health Service personnel, and hospice providers, shall conduct a study—

"(1) to assess the feasibility and desirability of furnishing hospice care to terminally ill Indians; and

"(2) to determine the most efficient and effective means of furnishing such care.

"(b) Such study shall—

"(1) assess the impact of Indian culture and beliefs concerning death and dying on the provision of hospice care to Indians;

"(2) estimate the number of Indians for whom hospice care may be appropriate and determine the geographic distribution of such individuals;

"(3) determine the most appropriate means to facilitate the participation of Indian tribes and tribal organizations in providing hospice care;

"(4) identify and evaluate various means for providing hospice care, including—

"(A) the provision of such care by the personnel of a Service hospital pursuant to a hospice program established by the Secretary at such hospital; and

"(B) the provision of such care by a community-based hospice program under contract to the Service; and

"(5) identify and assess any difficulties in furnishing such care and the actions needed to resolve such difficulties.

"(c) Not later than the date which is 12 months after the date of the enactment of this section, the Secretary shall transmit to the Congress a report containing—

"(1) a detailed description of the study conducted pursuant to this section; and

"(2) a discussion of the findings and conclusions of such study.

"(d) For the purposes of this section—

"(1) the term 'terminally ill' means any Indian who has a medical prognosis (as certified by a physician) of a life expectancy of six months or less;

"(2) the term 'hospice care' means the care, items, and services as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)); and

"(3) the term 'hospice program' means any program which satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395(dd)(2)).".

(b) MANAGED CARE.—Title II of the Act is amended by adding at the end the following new section:

"MANAGED CARE FEASIBILITY STUDY

"SEC. 210. (a) The Secretary, acting through the Service, shall conduct a study to assess the feasibility of allowing for an Indian tribe to purchase, directly or through the Service, managed care coverage for Indian tribes—

"(1) which desire to participate in group contract health plans or other managed care arrangements instead of operating an inpatient hospital or ambulatory facility; and

"(2) which offer the same plan to all eligible members of the community.

"(b) Not later than the date which is 12 months after the date of the enactment of this section, the Secretary shall transmit to the Congress a report containing—

"(1) a detailed description of the study conducted pursuant to this section; and

"(2) a discussion of the findings and conclusions of such study.".

SEC. 207. RIGHT OF RECOVERY.

Section 206 of the Act (25 U.S.C. 1621e) is amended—

(1) by inserting ", a tribe, or a tribal organization," immediately after "United States" each place it appears;

(2) in subsection (a), by inserting ", a tribe, or a tribal organization," immediately after "Service";

(3) in subsection (e)(1)(A), by inserting ", a tribe, or a tribal organization," immediately after "Secretary";

(4) by striking "(a) The" and inserting the following: "(a) Except as provided in subsection (f), the";

(5) in subsection (b), by striking "; or any political subdivision of a State,"; and

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

"(f) The United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian tribe or tribal organization.".

SEC. 208. EPIDEMIOLOGY GRANT PROGRAM.

Title II of the Act is amended by adding at the end the following new section:

"EPIDEMIOLOGY GRANT PROGRAM

"SEC. 211. (a) The Secretary shall provide grants to eligible recipients for the purpose of establishing area epidemiology centers to conduct the activities set forth in this section.

"(b) In consultation with the Indian Health Service, Indian tribes and urban Indian communities, an area epidemiology center established under this section shall—

"(1) establish a methodology to define baseline data for the health objectives specified in section 3;

"(2) determine the most effective way to establish and maintain a surveillance system for health objectives;

"(3) identify such health objectives that are the highest priority for monitoring, surveillance and attention, based on an initial assessment of the epidemiology of the area and each of the communities served;

"(4) evaluate existing delivery systems, data systems, and other systems that impact on the improvement of Indian health and the resources available to deliver, monitor or evaluate those services;

"(5) develop methods to obtain data on Indian health from the Indian Health Service, State Medicaid systems, Federal Medicare and Veterans Affairs systems, and private insurance systems; and

"(6) assist tribes and urban Indian communities in the identification of priority service areas, based on epidemiological data, and advocate for the targeting of services needed by tribal, urban and other Indian communities and make recommendations to improve health care delivery systems.

"(c) The following entities are eligible to receive grants to establish and develop an area epidemiology center under this section:

"(1)(A) The Secretary may provide grants to area Indian health boards, as defined in subparagraph (B), for the establishment and development of area epidemiology centers.

"(B) For the purposes of this section, the term 'area Indian health board' means an organization that—

"(i) provides information to and consults with tribal leaders, urban Indian community leaders, and related health staff, on health care and health services management issues; and

"(ii) provides, in collaboration with tribes and urban Indian communities, the Indian Health Service with information on ways to improve the health status of Indian people.

"(2) The Secretary may provide grants to intertribal consortia or Indian organizations that—

"(A) are incorporated for the primary purpose of improving Indian health; and

"(B) are representative of the tribes and urban Indian communities in which they are located.

"(3) The Secretary may provide grants directly to an Indian tribe for the purpose of establishing and developing an area epidemiology center.

"(d) The Secretary may provide grants to the entities described in subsection (c) that submit an application in such manner and at such time as the Secretary shall prescribe and that meet the following minimum criteria:

"(1) Applicants for grants shall ensure that the area epidemiology center will be established and operated for the primary purpose of addressing Indian health issues and will consult with the tribes or urban Indian communities that will be served by the area epidemiology center.

"(2) Applicants shall demonstrate the technical, administrative, and financial expertise necessary to conduct the eligible activities described in subsection (b).

"(3) Applicants shall ensure that the area epidemiology center will consult and cooperate with providers of related health and social services in order to avoid duplication of existing services, and demonstrate cooperation from the tribes or urban Indian organizations in the area.

"(e) The Secretary shall provide at least 1 grant to an eligible recipient, as prescribed in subsection (c), located in each Indian Health Service area.

"(f) The Secretary may provide a grant in such an amount as the Secretary determines appropriate to carry out the purposes of this section, but such amount shall not be less than $250,000 a year for each area epidemiology center.

"(g)(1) The Indian Health Service shall assign 1 epidemiologist from each of its area offices to each area epidemiology center to provide such center with technical assistance to carry out this section.

"(2) The Director of the Centers for Disease Control and the Director of the National Center for Health Statistics shall provide technical assistance to the centers in carrying out the requirements of this section.

"(h)(1) Not later than March 1, 1994, the Secretary shall transmit an initial report to the Congress describing the actions that the Secretary has taken to carry out the purposes of this section.

"(2) After the initial report, the Secretary shall report to the Congress biannually on the extent to which the area epidemiology centers established under this section have helped assess progress made towards meeting the health objectives specified in section 3.".

SEC. 209. CALIFORNIA CONTRACT HEALTH SERVICES DEMONSTRATION PROGRAM.

Title II of the Act is amended by adding at the end the following new section:

"CALIFORNIA CONTRACT HEALTH SERVICES DEMONSTRATION PROGRAM

"SEC. 212. (a) The Secretary shall establish a demonstration program to evaluate the use of a contract care intermediary to improve the accessibility of health services to California Indians.

"(b)(1) In establishing such program, the Secretary shall enter into an agreement with the California Rural Indian Health Board to reimburse the Board for costs (including reasonable administrative costs) incurred, during the period of the demonstration program, in providing medical treatment under contract to California Indians described in section 809(b) throughout the California contract health services delivery area described in section 810 with respect to high-cost contract care cases.

"(2) Not more than 5 percent of the amounts provided to the Board under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the Board during such fiscal year.

"(3) No payment may be made for treatment provided under the demonstration program to the extent payment may be made for such treatment under the Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

"(c) There is hereby established an advisory board which shall advise the California Rural Indian Health Board in carrying out the demonstration pursuant to this section. The advisory board shall be composed of representatives, selected by the California Rural Indian Health Board, from not less than 8 tribal health programs serving California Indians covered under such demonstration, at least one half of whom are not affiliated with the California Rural Indian Health Board.

"(d) The demonstration program described in this section shall begin on January 1, 1993, and shall terminate on September 30, 1997.

"(e) Not later than July 1, 1998, the California Rural Indian Health Board shall submit to the Secretary a report on the demonstration program carried out under this section, including a statement of its findings regarding the impact of using a contract care intermediary on—

"(1) access to needed health services;

"(2) waiting periods for receiving such services; and

"(3) the efficient management of high-cost contract care cases.

"(f) For the purposes of this section, the term 'high-cost contract care cases' means those cases in which the cost of the medical treatment provided to an individual—

"(1) would otherwise be eligible for reimbursement from the Catastrophic Health Emergency Fund established under section 202, except that the cost of such treatment does not meet the threshold cost requirement established pursuant to section 202(b)(2); and

"(2) exceeds $1,000.

"(g) There are authorized to be appropriated for each of the fiscal years 1993, 1994, 1995, 1996, and 1997 such sums as may be necessary to carry out the purposes of this section.".

SEC. 210. COVERAGE OF SCREENING MAMMOGRAPHY.

(a) IN GENERAL.—Title II of the Act is amended by adding at the end the following new section:

"COVERAGE OF SCREENING MAMMOGRAPHY

"SEC. 213. The Secretary, through the Service, shall provide for screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian and urban Indian women 35 years of age or older at a frequency, determined by the Secretary (in consultation with the Director of the National Cancer Institute), appropriate to such women, and under such terms and conditions as are consistent with standards established by the Secretary to assure the safety and accuracy of screening mammography under part B of title XVIII of the Social Security Act.".

(b) CONFORMING AMENDMENT.—Section 201(a)(4)(B) of the Indian Health Care Improvement Act (25 U.S.C. 1621(a)(4)(B)) is amended by striking the semicolon at the end and inserting the following: ", including screening mammography in accordance with section 213;".

SEC. 211. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

Title II of the Act is amended by adding at the end the following new section:

"COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS

"SEC. 214. (a) The Secretary, acting through the Service and in consultation with the Secretary of the Interior, may award grants to Indian tribes to develop comprehensive school health education programs for children from preschool through grade 12 in schools located on Indian reservations.

"(b) Grants awarded under this section may be used to—

"(1) develop health education curricula;

"(2) train teachers in comprehensive school health education curricula;

"(3) integrate school-based, community-based, and other public and private health promotion efforts;

"(4) encourage healthy, tobacco-free school environments;

"(5) coordinate school-based health programs with existing services and programs available in the community;

"(6) develop school programs on nutrition education, personal health, and fitness;

"(7) develop mental health wellness programs;

"(8) develop chronic disease prevention programs;

"(9) develop substance abuse prevention programs;

"(10) develop accident prevention and safety education programs;

"(11) develop activities for the prevention and control of communicable diseases; and

"(12) develop community and environmental health education programs.

"(c) The Secretary shall provide technical assistance to Indian tribes in the development of health education plans, and the dissemination of health education materials and information on existing health programs and resources.

"(d) The Secretary shall establish criteria for the review and approval of applications for grants made pursuant to this section.

"(e) Recipients of grants under this section shall submit to the Secretary an annual report on activities undertaken with funds provided under this section. Such reports shall include a statement of—

"(1) the number of preschools, elementary and secondary schools served;

"(2) the number of students served;

"(3) any new curricula established with funds provided under this section;

"(4) the number of teachers trained in the health curricula; and

"(5) the involvement of parents, members of the community, and community health workers in programs established with funds provided under this section.

"(f)(1) The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools operated by the Bureau of Indian Affairs.

"(2) Such program shall include—

"(A) school programs on nutrition education, personal health, and fitness;

"(B) mental health wellness programs;

"(C) chronic disease prevention programs;

"(D) substance abuse prevention programs;

"(E) accident prevention and safety education programs; and

"(F) activities for the prevention and control of communicable diseases.

"(3) The Secretary of the Interior shall—

"(A) provide training to teachers in comprehensive school health education curricula;

"(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

"(C) encourage healthy, tobacco-free school environments.

"(g) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

SEC. 212. INDIAN YOUTH GRANT PROGRAM.

Title II of the Act is amended by adding at the end the following new section:

"INDIAN YOUTH GRANT PROGRAM

"SEC. 216. (a) The Secretary, acting through the Service, is authorized to make grants to Indian tribes, tribal organizations, and urban Indian organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian preadolescent and adolescent youths.

"(b) Grants made pursuant to this section may be used to—

"(1) develop prevention and treatment models for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional healers; and

"(2) develop and provide community training and education.

"(c) The Secretary shall—

"(1) disseminate to Indian tribes information regarding models for the delivery of comprehensive health care services to Indian and urban Indian adolescents;

"(2) encourage the implementation of such models; and

"(3) at the request of an Indian tribe, provide technical assistance in the implementation of such models.

"(d) The Secretary shall establish criteria for the review and approval of applications under this section.

"(e) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

SEC. 213. TUBERCULOSIS PREVENTION DEMONSTRATION PROGRAM.

Title II of the Act is amended by adding at the end the following new section:

"TUBERCULOSIS PREVENTION DEMONSTRATION PROGRAM

"SEC. 216. (a) The Secretary, acting through the Service, may make grants to Indian tribes and tribal organizations to evaluate different measures used to prevent and eliminate tuberculosis (hereafter referred to in this section as 'TB') on Indian reservations.

"(b) A grant awarded under this section may be used to—

"(1) train health care staff in methods to prevent and eliminate TB;

"(2) conduct screenings of residents of Indian reservations to detect the presence, or monitor the condition, of persons who are at risk for contracting TB or who already have the disease;

"(3) educate the community about the nature and prevention of TB;

"(4) create and maintain a registry of persons with TB, including information obtained from screenings conducted pursuant to paragraph (2);

"(5) develop methods, such as use of a TB control team, to coordinate all TB prevention and elimination activities on a reservation; and

"(6) treat those afflicted with TB.

"(c) The Secretary shall—

"(1) make at least 1 grant under this section to an Indian tribe or tribal organization located in each Area office;

"(2) establish criteria for the review and approval of applications for grants under this section; and

"(3) provide, at the request of a grant applicant or recipient, technical assistance to accomplish the purposes of this section.

"(d) A grant recipient under this section shall—

"(1) cooperate with—

"(A) the Centers for Disease Control;

"(B) the Service;

"(C) State health agencies; and

"(D) local health agencies

to coordinate and conduct activities authorized under this section; and

"(2) submit to the Secretary an annual report on activities conducted with funds provided under this section.".

SEC. 214. PATIENT TRAVEL COSTS.

Title II of the Act is amended by adding at the end the following section:

"PATIENT TRAVEL COSTS

"SEC. 217. The Secretary, acting through the Service, shall provide funds to address and meet the high costs of patient travel in remote areas of Alaska when there is no reasonable alternative for the patient.".

SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title II of the Act is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 218. There are authorized to be appropriated such sums as may be necessary for fiscal year 1993 and each fiscal year thereafter through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title II of the Act is amended—

(1) in section 201(h)—

(A) by striking the first sentence; and

(B) by striking "subsection" and inserting "section";

(2) in section 202, by striking subsection (e);

(3) in section 204(e)—

(A) by striking the first sentence; and

(B) by striking "subsection (c)" and inserting "this section"; and

(4) in section 209 (as amended by section 902(3)(B) of this Act)—

(A) by striking subsections (c)(5), (d)(6), (f)(4), and (g)(5);

(B) in subsection (h)—

(i) by striking paragraph (2); and

(ii) by striking "(1)";

(C) in subsection (i)—

(i) by striking paragraph (2); and

(ii) by striking "(1)";

(D) in subsection (d)(3)(B), by striking "this subsection" and inserting "this section"; and

(E) in subsection (k)(6)—

(i) by striking the first sentence; and

(ii) by striking "subsection" and inserting "section".

TITLE III—HEALTH FACILITIES

SEC. 301. HEALTH FACILITIES CLOSURE AND PRIORITIES.

Section 301 of the Act (25 U.S.C. 1631) is amended—

(1) in subsection (a)(2), by striking "Hospitals" and inserting "Health Care Organizations";

(2) in subsection (b)(1)—

(A) by striking "other" before "outpatient";

(B) by striking "and" at the end of subparagraph (D);

(C) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(D) by adding at the end the following new subparagraphs:

"(F) the level of utilization of such hospital or facility by all eligible Indians; and

"(G) the distance between such hospital or facility and the nearest operating Service hospital.";

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(4) in subsection (c)(1) (as redesignated by paragraph (3) of this subsection), by striking the material preceding subparagraph (A) and inserting the following:

"(c)(1) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report which sets forth—"; and

(5) by striking paragraph (2) of subsection (c) (as redesignated by paragraph (3) of this subsection) and redesignating paragraphs (3), (4), and (5) of such subsection as paragraphs (2), (3), and (4), respectively.

SEC. 302. SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES.

Section 302 of the Act (25 U.S.C. 1632) is amended—

(1) by amending subsection (e) to read as follows:

"(e)(1) The Secretary is authorized to provide financial assistance to Indian tribes and communities in an amount equal to the Federal share of the costs of operating, managing, and maintaining the facilities provided under the plan described in subsection (c).

"(2) For the purposes of paragraph (1), the term 'Federal share' means 80 percent of the costs described in paragraph (1).

"(3) With respect to Indian tribes with fewer than 1,000 enrolled members, the non-Federal portion of the costs of operating, managing, and maintaining such facilities may be provided, in part, through cash donations or in kind property, fairly evaluated.";

(2) in subsection (f)(1), by striking out "subsection (h)" and inserting in lieu thereof "this section"; and

(3) in subsection (g)—

(A) in paragraph (1), by striking out "The Secretary" through "report" and inserting in lieu thereof the following: "The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report"; and

(B) by striking out paragraph (2) and redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

SEC. 303. AMBULATORY CARE FACILITIES GRANT PROGRAM.

Section 306 of the Act (25 U.S.C. 1636) is amended to read as follows:

"GRANT PROGRAM FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES

"SEC. 306. (a)(1) The Secretary, acting through the Service, shall make grants to tribes and tribal organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians. A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

"(2) A grant under paragraph (1) may only be made to a tribe or tribal organization pursuant to a contract entered into under the Indian Self-Determination Act.

"(b)(1) A grant provided under this section may be used only for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

"(A) located apart from a hospital;

"(B) not funded under section 301 or section 307; and

"(C) which, upon completion of such construction, expansion, or modernization will—

"(i) have a total capacity appropriate to its projected service population;

"(ii) serve no less than 500 eligible Indians annually; and

"(iii) provide ambulatory care in a service area (specified in the contract entered into under the Indian Self-Determination Act) with a population of not less than 2,000 eligible Indians.

"(2) The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to a tribe or tribal organization applying for a grant under this section whose tribal government offices are located—

"(A) on an island; and

"(B) more than 75 miles from the tribal government offices of the nearest other Indian tribe.

"(c)(1) No grant may be made under this section unless an application for such a grant has been submitted to and approved by the Secretary. An application for a grant under this section shall be submitted in such form and manner as the Secretary shall by regulation prescribe and shall set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out pursuant to a grant received under this section—

"(A) adequate financial support will be available for the provision of services at such facility;

"(B) such facility will be available to eligible persons without regard to ability to pay or source of payment; and

"(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible persons, serve non-eligible persons on a cost basis.

"(2) In awarding grants under this section, the Secretary shall give priority to tribes and tribal organizations that demonstrate—

"(A) a need for increased ambulatory care services; and

"(B) insufficient capacity to deliver such services.

"(d) If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be utilized for the purposes of providing ambulatory care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States.".

SEC. 304. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.

(a) AWARDING OF GRANTS.—Section 307(c) of the Act (25 U.S.C. 1637(c)(3)) is amended—

(1) in paragraph (1)(A), by inserting "or program" immediately after "facility";

(2) in paragraph (3)(A)—

(A) by striking "The" and inserting "On or before September 30, 1995, the"; and

(B) by adding before the colon the following: "and for which a completed application has been received by the Secretary"; and

(3) by striking subparagraph (B) and inserting the following:

"(B) Subject to the availability of appropriations, the Secretary shall also enter into contracts or award grants under this section taking into consideration applications received under this section from all service areas. The Secretary may not award a greater number of such contracts or grants in one service area than in any other service area until there is an equal number of such contracts or grants awarded with respect to all service areas from which the Secretary receives applications during the application period (as determined by the Secretary) which meet the criteria specified in paragraph (1).".

(b) REPORTS.—Section 307(h) of the Act (25 U.S.C. 1637(h)) is amended to read as follows:

"(h)(1) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted to the Congress under section 801 for fiscal year 1997, an interim report on the findings and conclusions derived from the demonstration projects established under this section.

"(2) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted to the Congress under section 801 for fiscal year 1999, a final report on the findings and conclusions derived from the demonstration projects established under this section, together with legislative recommendations.".

SEC. 305. EXPENDITURE OF NONSERVICE FUNDS FOR RENOVATION.

Section 305 of the Act (25 U.S.C. 1634) is amended to read as follows:

"EXPENDITURE OF NONSERVICE FUNDS FOR RENOVATION

"SEC. 305. (a)(1) Notwithstanding any other provision of law, the Secretary is authorized to accept any major renovation or modernization by any Indian tribe of any Service facility, or of any other Indian health facility operated pursuant to a contract entered into under the Indian Self-Determination Act, including—

"(A) any plans or designs for such renovation or modernization; and

"(B) any renovation or modernization for which funds appropriated under any Federal law were lawfully expended,

but only if the requirements of subsection (b) are met.

"(2) The Secretary shall maintain a separate priority list to address the needs of such facilities for personnel or equipment.

"(3) The Secretary shall plan for and shall seek funding to address the needs of facilities identified pursuant to paragraph (2).

"(b) The requirements of this subsection are met with respect to any renovation or modernization if—

"(1) the tribe or tribal organization—

"(A) provides notice to the Secretary of its intent to renovate or modernize; and

"(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for personnel or equipment; and

"(2) the renovation or modernization—

"(A) is approved by the appropriate area director of the Service; and

"(B) is administered by the tribe in accordance with the rules and regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

"(c) If any Service facility which has been renovated or modernized by an Indian tribe under this section ceases to be used as a Service facility during the 20-year period beginning on the date such renovation or modernization is completed, such Indian tribe shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such renovation or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such renovation or modernization) bore to the value of such facility at the time of the completion of such renovation or modernization.".

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title III of the Act is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 308. There are authorized to be appropriated such sums as may be necessary for fiscal year 1993 and each fiscal year thereafter through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title III of the Act is amended—

(1) in section 302, by striking subsection (h); and

(2) in section 307, by striking subsection (i).

TITLE IV—ACCESS TO HEALTH SERVICES

SEC. 401. TREATMENT OF PAYMENTS TO INDIAN HEALTH SERVICE FACILITIES UNDER MEDICARE AND MEDICAID PROGRAMS.

(a) MEDICARE PROGRAM.—(1) Section 401 of the Act (42 U.S.C. 1395qq note) is amended to read as follows:

"TREATMENT OF PAYMENTS UNDER MEDICARE PROGRAM

"SEC. 401. (a) Any payments received by a hospital or skilled nursing facility of the Service (whether operated by the Service or by an Indian tribe or tribal organization pursuant to a contract under the Indian Self-Determination Act) for services provided to Indians eligible for benefits under title XVIII of the Social Security Act shall not be considered in determining appropriations for health care and services to Indians.

"(b) Nothing in this Act authorizes the Secretary to provide services to an Indian beneficiary with coverage under title XVIII of the Social Security Act, as amended, in preference to an Indian beneficiary without such coverage.".

(2) Subsection (a) of section 1880 of the Social Security Act (42 U.S.C. 1395qq(a)) is amended to read as follows:

"(a) A facility of the Indian Health Service or of an Indian tribe or tribal organization carrying out a contract, grant, or cooperative agreement under the Indian Self-Determination Act (25 U.S.C. 450 et seq.), shall be eligible for payments under this title, notwithstanding sections 1814(c) and 1835(d) of this title, if it meets all of the conditions and requirements for such payments which are applicable generally to such a facility under this title, provided that this provision shall not apply to any facility owned and operated by an Indian tribe or tribal organization which is otherwise eligible for payments under this title.".

(3) Section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) is amended by striking out the last sentence.

(b) MEDICAID PROGRAM.—(1) Section 402 of the Act is amended to read as follows:

"TREATMENT OF PAYMENTS UNDER MEDICAID PROGRAM

"SEC. 402. (a) Notwithstanding any other provision of law, payments to which any facility of the Service (including a hospital, nursing facility, intermediate care facility for the mentally retarded, or any other type of facility which provides services for which payment is available under title XIX of the Social Security Act) is entitled under a State plan by reason of section 1911 of such Act shall be placed in a special fund to be held by the Secretary and used by him (to such extent or in such amounts as are provided in appropriation Acts) exclusively for the purpose of making any improvements in the facilities of such Service which may be necessary to achieve compliance with the applicable conditions and requirements of such title. In making payments from such fund, the Secretary shall ensure that each service unit of the Service receives at least 80 percent of the amounts to which the facilities of the Service, for which such service unit makes collections, are entitled by reason of section 1911 of the Social Security Act, if such amount is necessary for the purpose of making improvements in such facilities in order to achieve compliance with the conditions and requirements of title XIX of the Social Security Act.

"(b) Any payments received by such facility for services provided to Indians eligible for benefits under title XIX of the Social Security Act shall not be considered in determining appropriations for the provision of health care and services to Indians.".

(2) The increase (from 50 percent) in the percentage of the payments from the fund to be made to each service unit of the Service specified in the amendment made by paragraph (1) shall take effect beginning with payments made on January 1, 1993.

SEC. 402. REPORT.

Section 403 of the Act (25 U.S.C. 1671 note) is amended by striking "The Secretary" and all that follows through "section 701" and inserting "The Secretary shall submit to the President, for inclusion in the report required to be transmitted to the Congress under section 801,".

SEC. 403. GRANTS TO AND CONTRACTS WITH TRIBAL ORGANIZATIONS.

Section 404(b)(4) of the Act (25 U.S.C. 1622) is amended to read as follows:

"(4) develop and implement—

"(A) a schedule of income levels to determine the extent of payments of premiums by such organizations for coverage of needy individuals; and

"(B) methods of improving the participation of Indians in receiving the benefits provided under titles XVIII and XIX of the Social Security Act.".

SEC. 404. EXTENSION OF DEMONSTRATION PROGRAM.

Section 405 of the Act is amended—

(1) in subsection (c)(2), by striking "1995" and inserting "1996"; and

(2) in subsection (e), by striking "1995" and inserting "1996".

SEC. 405. ADDITIONAL AUTHORITY.

Title IV of the Act is amended by adding at the end the following new section:

"ADDITIONAL AUTHORITY

"SEC. 406. (a) The Secretary may enter into an agreement with any tribal or urban Indian organization which provides for the receipt and processing of applications for medical assistance under title XIX of the Social Security Act and benefits under title XVIII of the Social Security Act at tribal or Indian Health Service contract health services facilities.

"(b) The Secretary may pay premiums, deductibles, and copayments under part B of title XVIII of the Social Security Act for beneficiaries under part A of title XVIII of such Act who are not qualified medicare beneficiaries (as described in section 1905(p) of such Act) due to income, but whose family income is not more than 200 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981).

"(c) The Secretary shall not deny contract health services coverage to Indian recipients of medical care if such recipients—

"(1) have attained age 65, or are disabled;

"(2) have received emergency health care and have given notice of the receipt of such health care to the contract health services program within 30 days after receiving such health care, or have demonstrated good cause for not so doing;

"(3) have, upon the request of the administrator of the contract health services program, applied for coverage under title XIX of the Social Security Act within 90 days of the provision of such emergency health care (in accordance with section 1902(a)(34) of such Act); and

"(4) are otherwise eligible for contract health services coverage.".

SEC. 406. AUTHORIZATION OF APPR PRIATIONS.

(a) AUTHORIZATION.—Title IV of the Act is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 407. There are authorized to be appropriated such funds as may be necessary for fiscal year 1993 and each fiscal year thereafter through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Section 404 of the Act is amended by striking subsection (c).

TITLE V—HEALTH SERVICES FOR URBAN INDIANS

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title V of the Act is amended by inserting after section 510 (as redesignated by section 902(5)(B) of this Act) the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated such sums as may be necessary for fiscal year 1993 and each fiscal year thereafter through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title V of the Act (25 U.S.C. 1650 et seq.) is amended—

(1) in section 503—

(A) in subsection (c), by striking "(c)(1)" and inserting "(c)" and by striking paragraph (2);

(B) in subsection (d), by striking paragraph (4);

(C) in subsection (e), by striking paragraph (4); and

(D) in subsection (f), by striking paragraph (5); and

(2) in section 509 (as redesignated by section 902(4)(A) of this Act), by striking the last sentence.

SEC. 502. GRANT AUTHORITY.

(a) IN GENERAL.—Section 502 of the Act (25 U.S.C. 1651) is amended—

(1) by striking "contracts with" and inserting the following: "contracts with, or make grants to,";

(2) by inserting after "enters into with" the following: ", or in any grant the Secretary makes to,"; and

(3) by amending the title to read as follows:

"CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS".

(b) CONFORMING AMENDMENTS.—(1) Section 503 of the Act (25 U.S.C. 1653) is amended—

(A) in subsection (a), in the material preceding paragraph (1)—

(i) by inserting ", or make grants to," after "contracts with"; and

(ii) by inserting "or grant" after "such contract";

(B) in subsection (b)—

(i) in the material preceding paragraph (1), by inserting "or receive grants" after "enter into contracts"; and

(ii) in paragraph (5), by inserting "or to meet the requirements for receiving a grant" after "Secretary";

(C) in subsection (c)(1), by inserting before the period at the end the following: "or receiving grants under subsection (a)";

(D) in subsection (d)(1), by inserting before the period at the end the following: "or receiving grants under subsection (a)";

(E) in subsection (e)(1), by inserting before the period at the end the following: "or receiving grants under subsection (a)";

(F) in subsection (f), by inserting "or receiving grants under subsection (a)" after "this section"; and

(G) by amending the title to read as follows:

"CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES".

(2) Section 504 of the Act (25 U.S.C. 1654) is amended—

(A) by striking "SEC. 504." and all that follows through the end of subsection (a) and inserting the following:

"SEC. 504. (a) Under authority of the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary, through the Service, may enter into contracts with, or make grants to, urban Indian organizations situated in urban centers for which contracts have not been entered into, or grants have not been made, under section 503. The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (b)(1) in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the urban Indian organization which the Secretary has entered into a contract with, or made a grant to, under this section.";

(B) in subsection (b)—

(i) in the material preceding paragraph (1), by inserting ", or grant made," after "contract entered into"; and

(ii) in paragraph (2), by striking "within one year" and all that follows through the period at the end and inserting the following: ", or carry out the requirements of the grant, within one year after the date on which the Secretary and such organization enter into such contract, or within one year after such organization receives such grant, whichever is applicable.";

(C) in subsection (c), by inserting ", or grant made," after "entered into"; and

(D) by amending the heading to read as follows:

"CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS".

(3) Section 505 of the Act (25 U.S.C. 1655) is amended—

(A) in subsection (a), by inserting "compliance with grant requirements under this title and" before "compliance with,";

(B) in subsection (b)—

(i) by inserting "or received a grant" after "entered into a contract"; and

(ii) by inserting before the period at the end the following: "or the terms of such grant";

(C) in subsection (c)—

(i) by inserting "the requirements of a grant or complied with" after "complied with";

(ii) by inserting "or grant" after "such contract" each place it appears";

(iii) by inserting "or make a grant" after "enter into a contract"; and

(iv) by inserting "or grant" after "whose contract";

(D) in subsection (d), by inserting "or grant" after "a contract" each place it appears; and

(E) by amending the heading to read as follows:

"EVALUATIONS; RENEWALS".

(4) Section 506 of the Act (25 U.S.C. 1656) is amended—

(A) in subsection (b), by inserting "or grants" after "any contracts";

(B) in subsection (d), by inserting "or grant" after "contract" each place it appears;

(C) in subsection (e)—

(i) by inserting ", or grants to," after "Contracts with"; and

(ii) by inserting "or grants" after "such contracts";

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

"(g) Notwithstanding any other provision of law, organizations receiving grants or contracts under this title, including urban Indian demonstration projects, shall meet the definition of an urban Indian organization as defined in section 4(h); and

(E) by amending the heading to read as follows:

"OTHER CONTRACT AND GRANT REQUIREMENTS".

(5) Section 507 of the Act (25 U.S.C. 1657) is amended—

(A) in subsection (a)—

(i) in the material preceding paragraph (1), by inserting ", or a grant received," after "entered into"; and

(ii) in paragraphs (1) and (2), by inserting "or grant" after "contract" each place it appears; and

(B) in subsections (b) and (c), by inserting "or grant" after "contract" each place it appears.

(6) Section 509 of the Act (25 U.S.C. 1659) (as amended by section 902(5)(A) of this Act) is amended by inserting "or grant recipients" after "contractors" each place it appears.

(7) Section 510(a) of the Act (25 U.S.C. 1660) (as amended by section 902(5)(B) of this Act) is amended by striking the period at the end and inserting the following: ", and for providing central oversight of the programs and services authorized under this title.".

SEC. 503. FEDERAL TORT CLAIMS ACT COVERAGE.

Title V of the Act (as amended by section 501 of this Act) is further amended by adding at the end the following new section:

"FEDERAL TORT CLAIMS ACT COVERAGE

"SEC. 512. For the purposes of section 224 of the Public Health Service Act (42 U.S.C. 233(a)), with respect to claims for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, an urban Indian health program carrying out contract or agreement under section 503(a) for the benefit of urban Indians, is deemed to be part of the Public Health Service in the Department of Health and Human Services while carrying out any such contract or agreement, and its employees (including those acting on behalf of the organization as provided in section 2671 of title 28, United States Code) are deemed employees of the Public Health Service while acting within the scope of their employment in carrying out the contract or agreement.".

TITLE VI—ORGANIZATIONAL IMPROVEMENTS

SEC. 601. INDIAN HEALTH SERVICE.

Section 601(c) of the Act (25 U.S.C. 1661(c)) is amended—

(1) in paragraph (2), by striking "and";

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

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

"(4) all scholarship and loan functions carried out under title I.".

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

Title VI of the Act (25 U.S.C. 1661 et seq.) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 603. There are authorized to be appropriated such sums as may be necessary for fiscal year 1993 and each fiscal year thereafter through fiscal year 2000 to carry out this title.".

SEC. 603. DIRECTOR OF INDIAN HEALTH SERVICE.

(a) ABOLITION OF CURRENT POSITION.—The position of Director of the Indian Health Service shall be abolished effective January 1, 1993.

(b) ESTABLISHMENT OF NEW POSITION.—The position of Director of the Indian Health Service shall be established effective January 1, 1993.

(c) CONFIRMATION BY THE SENATE.—Section 601(a) of the Act (25 U.S.C. 1661(a)) is amended in the second sentence, by striking "Secretary" and inserting "President, by and with the advice and consent of the Senate".

(d) INTERIM APPOINTMENT.—The President may appoint a person to serve as Interim Director of the Indian Health Service from January 1, 1993, until a Director is appointed and confirmed as provided by section 601(a) of the Act, as amended by this Act. The Interim Director shall have the same duties, powers, and responsibilities as the Director while serving pursuant to this subsection.

(e) TERM.—Section 601(a) of the Act is amended by adding at the end the following: "The Director of the Indian Health Service shall serve a term of 4 years. A Director may be appointed, by and with the advice and consent of the Senate, for more than 1 term.".

TITLE VII—SUBSTANCE ABUSE PROGRAMS

SEC. 701. REDESIGNATION OF EXISTING TITLE VII.

(a) TITLE HEADING.—Title VII of the Act (25 U.S.C. 1671 et seq.) is redesignated as title VIII and the title heading is amended to read as follows:

"TITLE VIII—MISCELLANEOUS"

(b) REDESIGNATION OF SECTIONS.—Sections 701 through 720 of the Act (25 U.S.C. 1671 et seq.) are redesignated as sections 801 through 820, respectively.

(c) CONFORMING AMENDMENTS.—The Act is amended—

(1) in section 207(a), by striking "section 713" and inserting "section 813";

(2) in section 307(e), by striking "section 713" and inserting "section 813"; and

(3) in section 405(b)—

(A) in paragraph (1), by striking "sections 402(c) and 713(b)(2)(A)" and inserting "sections 402(a) and 813(b)(2)(A)"; and

(B) in paragraph (4), by striking "section 402(c)" each place it appears and inserting "section 402(a)".

(d) REFERENCES.—Any reference in a provision of law other than the Indian Health Care Improvement Act to sections redesignated by subsection (b) shall be deemed to refer to the section as so redesignated.

SEC. 702. SUBSTANCE ABUSE PROGRAMS.

(a) IN GENERAL.—The Act is amended by inserting after title VI the following new title:

"TITLE VII—SUBSTANCE ABUSE PROGRAMS

"GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER

"SEC. 701. (a) GRANTS FOR RESIDENTIAL TREATMENT.—The Secretary shall make grants

to the Navajo Nation for the purpose of providing residential treatment for alcohol and substance abuse for adult and adolescent members of the Navajo Nation and neighboring tribes.

"(b) PURPOSES OF GRANTS.—Grants made pursuant to this section shall be used to—

"(1) provide at least 15 residential beds each year for adult long-term treatment, including beds for specialized services such as polydrug abusers, dual diagnosis, and specialized services for women with fetal alcohol syndrome children;

"(2) establish clinical assessment teams consisting of a psychologist, a part-time addictionologist, a master's level assessment counselor, and a certified medical records technician which shall be responsible for conducting individual assessments and matching Indian clients with the appropriate available treatment;

"(3) provide at least 12 beds for an adolescent shelterbed program in the city of Gallup, New Mexico, which shall serve as a satellite facility to the Acoma/Canoncito/Laguna Hospital and the adolescent center located in Shiprock, New Mexico, for emergency crisis services, assessment, and family intervention;

"(4) develop a relapse program for the purposes of identifying sources of job training and job opportunity in the Gallup area and providing vocational training, job placement, and job retention services to recovering substance abusers; and

"(5) provide continuing education and training of treatment staff in the areas of intensive outpatient services, development of family support systems, and case management in cooperation with regional colleges, community colleges, and universities.

"(c) CONTRACT FOR RESIDENTIAL TREATMENT.—The Navajo Nation, in carrying out the purposes of this section, shall enter into a contract with an institution in the Gallup, New Mexico, area which is accredited by the Joint Commission of the Accreditation of Health Care Organizations to provide comprehensive alcohol and drug treatment as authorized in subsection (b).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to carry out the purposes of subsection (b)(1)—

"(A) $400,000 for fiscal year 1993;

"(B) $400,000 for fiscal year 1994; and

"(C) $500,000 for fiscal year 1995;

"(2) to carry out the purposes of subsection (b)(2)—

"(A) $100,000 for fiscal year 1993;

"(B) $125,000 for fiscal year 1994; and

"(C) $150,000 for fiscal year 1995;

"(3) to carry out the purposes of subsection (b)(3)—

"(A) $75,000 for fiscal year 1993;

"(B) $85,000 for fiscal year 1994; and

"(C) $100,000 for fiscal year 1995;

"(4) to carry out the purposes of subsection (b)(4), $150,000 for each of fiscal years 1993, 1994, and 1995; and

"(5) to carry out the purposes of subsection (b)(5)—

"(A) $75,000 for fiscal year 1993;

"(B) $90,000 for fiscal year 1994; and

"(C) $100,000 for fiscal year 1995."

"URBAN INDIAN PROGRAM

"SEC. 702. (a) GRANTS.—The Secretary may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school and community-based education in alcohol and substance abuse in urban centers to those urban Indian organizations with whom the Secretary has entered into a contract under title V of this Act.

"(b) GOALS OF GRANT.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the—

"(1) size of the urban Indian population;

"(2) accessibility to, and utilization of, other health resources available to such population;

"(3) duplication of existing Service or other Federal grants or contracts;

"(4) capability of the organization to adequately perform the activities required under the grant;

"(5) satisfactory performance standards for the organization in meeting the goals set forth in such grant, which standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis; and

"(6) identification of need for services.

The Secretary shall develop a methodology for allocating grants made pursuant to this section based on such criteria.

"(d) TREATMENT OF FUNDS RECEIVED BY URBAN INDIAN ORGANIZATIONS.—Any funds received by an urban Indian organization under this or any other Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

"PUEBLO SUBSTANCE ABUSE TREATMENT PROJECT FOR SAN JUAN PUEBLO, NEW MEXICO

"SEC. 703. The Secretary, acting through the Service, shall continue to make grants, through fiscal year 1995, to the 8 Northern Indian Pueblos Council, San Juan Pueblo, New Mexico, for the purpose of providing substance abuse treatment services to Indians in need of such services.

"ALCOHOL AND SUBSTANCE ABUSE TREATMENT FACILITY

"SEC. 704. (a) The Secretary, acting through the Service, shall establish a regional youth alcohol and substance abuse prevention and treatment center in Sacaton, Arizona, on the Gila River Indian Reservation. The center shall be established within facilities leased, with the consent of the Gila River Indian Tribe, by the Indian Health Service from such Tribe.

"(b) The center established pursuant to this section shall be known as the 'Regional Youth Alcohol and Substance Abuse Prevention and Treatment Center'.

"(c) The Secretary, acting through the Service, shall establish, as a unit of the regional center, a youth alcohol and substance abuse prevention and treatment facility in Schurz, Nevada.

"ALASKA NATIVE DRUG AND ALCOHOL ABUSE DEMONSTRATION PROJECT

"SEC. 705. (a) The Secretary, acting through the Service, shall make grants to the Alaska Native Health Board for the conduct of a two-part community-based demonstration project to reduce drug and alcohol abuse in Alaska Native villages and to rehabilitate families afflicted by such abuse. Sixty percent of such grant funds shall be employed by the Health Board to stimulate coordinated community development programs in villages seeking to organize to combat alcohol and drug use. Forty percent of such grant funds shall be transferred to a qualified nonprofit corporation providing alcohol recovery services in the village of St. Mary's, Alaska, to enlarge and strengthen a family life demonstration program of rehabilitation for families that have been or are afflicted by alcoholism.

"(b) The Secretary, acting through the Service, shall evaluate the program established under subsection (a) of this section and submit a report on such evaluation to the appropriate committees of Congress by January 1, 1994.

"TREATMENT CENTER

"SEC. 706. (a) The Secretary, acting through the Service, shall make a grant to the Thunderchild Treatment Center at Sheridan, Wyoming, to match funds already received by the Thunderchild Treatment Center through private contributions for the completion of construction of a multiple approach substance abuse treatment center which specializes in the treatment of alcohol and drug abuse of American Indians.

"(b) To carry out subsection (a), there is authorized to be appropriated, the sum of $2,000,000 for fiscal year 1994. No funding made available under this title for the purposes of carrying out this section shall be used for the staffing or operation of this facility. None of the funding appropriated to carry out subsection (a) shall be used for administrative purposes.

"FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT GRANTS

"SEC. 707. (a) The Secretary may make grants to Indian tribes and tribal organizations to establish fetal alcohol syndrome (hereafter in this title referred to as 'FAS') and fetal alcohol effect (hereafter in title referred to as 'FAE') programs as provided in this section for the purposes of meeting the health status objectives specified in section 3(b).

"(b) Grants made pursuant to this section shall be used to—

"(1) develop and provide community and in-school training, education, and prevention programs relating to FAS and FAE;

"(2) identify and provide alcohol and substance abuse treatment to high-risk women;

"(3) identify and provide appropriate educational and vocational support, counseling, advocacy, and information to FAS and FAE affected persons and their families or caretakers;

"(4) develop and implement counseling and support programs in schools for FAS and FAE affected children; and

"(5) develop prevention and intervention models which incorporate traditional healers, cultural values and community involvement.

"(c) The Secretary shall establish criteria for the review and approval of applications for grants under this section.

"(d) Ten percent of the funds appropriated to carry out this section shall be used to make grants to urban Indian organizations funded under title V.

"FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT EDUCATION

"SEC. 708. (a) The Secretary shall provide assistance to Indian tribes and tribal organizations for the development, printing, and dissemination of education and prevention materials on FAS and FAE and in the development and implementation of culturally sensitive assessment and diagnostic tools for use in tribal and urban Indian communities. Such materials shall be developed through the tribal consultation process.

"(b) The Secretary shall—

"(1) convene a FAS/FAE Task Force, composed of representatives from the National Institute on Drug Abuse, the National Institute on Alcohol and Alcoholism, the Office of Substance Abuse Prevention, the National Institute of Mental Health, the Service, the Office of Minority Health of the Department of Health and Human Services, the Administration for Native Americans, the Bureau of Indian Affairs, Indian tribes, tribal organizations, urban Indian communities, and Indian FAS/FAE experts to examine the needs of Indian tribes and Indian communities and available Federal resources; and

"(2) develop an annual plan for the prevention, intervention, treatment and aftercare for those affected by FAS and FAE in Indian communities.

"(c) The Secretary shall make grants to Indian tribes, tribal organizations, universities working with Indian tribes on cooperative projects, and urban Indian organizations for applied research projects which propose to elevate the understanding of methods to prevent,

intervene, treat, or provide aftercare for persons affected by FAS or FAE.

"REPORT

"SEC. 709. (a) The Secretary shall, not later than March 31 of each fiscal year, transmit a report to the Congress on the status of FAS and FAE in the Indian population. Such report shall include the following:

"(1) The progress of implementing a uniform assessment and diagnostic methodology in Service and tribally based service delivery systems.

"(2) The incidence of FAS and FAE babies born for all births by reservation and urban-based sites.

"(3) The prevalence of FAS and FAE affected Indian persons in Indian communities, their primary means of support, and recommendations to improve the support system for these individuals and their families or caretakers.

"(4) The level of support received from the entities specified in section 710(b) in the area of FAS and FAE.

"(5) The number of inpatient and outpatient substance abuse treatment resources which are specifically geared to meet the unique needs of Indian women, and the volume of care provided to Indian women through these means.

"(6) Recommendations regarding the prevention, intervention, and appropriate vocational, educational and other support services for FAS and FAE affected individuals in Indian communities.

"(b) The Secretary may contract the production of this report to a national organization specifically addressing FAS and FAE in Indian communities.

"ADOLESCENT AND ADULT FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT

"SEC. 710. The Secretary, acting through the Service, shall conduct a study of the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians and Alaska Natives with FAS or FAE. In carrying out this section, the Secretary is authorized to enter into a contract or other agreement with any organization, entity, or institution of higher education with significant knowledge of FAS and FAE and Indian communities.

"CLEARINGHOUSE

"SEC. 711. (a) The Secretary, acting through the Service, shall establish a national clearinghouse for prevention and educational materials and other information on fetal alcohol syndrome and fetal alcohol effect in Indian and Alaska Native communities.

"(b) The Secretary shall ensure access to all clearinghouse materials by any Indian tribe or urban Indian organization to assist in the development of culturally sensitive education and training materials and to assist in community education and prevention of fetal alcohol syndrome and fetal alcohol effect in Indian and Alaska Native communities.

"INDIAN WOMEN TREATMENT PROGRAMS

"SEC. 712. (a) The Secretary may make grants to Indian tribes and tribal organizations to develop and implement a comprehensive program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social and child care needs of Indian women, regardless of age.

"(b) Grants made pursuant to this section may be used to—

"(1) develop and provide community training, education, and prevention programs for Indian women relating to alcohol and substance abuse issues, including fetal alcohol syndrome and fetal alcohol effect;

"(2) identify and provide appropriate counseling, advocacy, support, and relapse prevention to Indian women and their families; and

"(3) develop prevention and intervention models for Indian women which incorporate traditional healers, cultural values, and community and family involvement.

"(c) The Secretary shall establish criteria for the review and approval of applications for grants under this section.

"(d) Twenty percent of the funds appropriated to carry out this section shall be used to make grants to urban Indian organizations funded under title V.

"SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROJECT

"SEC. 713. (a) The Secretary, acting through the Service, may enter into contracts with, or make grants to colleges, universities, and tribally controlled community colleges as defined in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.) to establish demonstration projects to develop educational curricula for substance abuse counseling.

"(b) Funds provided under this section shall be used only for developing and providing educational curricula for substance abuse counseling (including paying salaries for instructors).

"(c) Not later than 180 days after the date of the enactment of this section, the Secretary, after consultation with colleges, universities, and with Indian tribes and administrators of tribally controlled community colleges, shall develop and issue criteria for the review and approval of applications for funding under this section. Such criteria shall ensure that demonstration projects established under this section promote the development of the capacity of colleges, universities, and tribally controlled community colleges to educate substance abuse counselors.

"(d) The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

"(e) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects conducted under this section, together with legislative recommendations.

"(f) For the purposes of this section, the term "educational curriculum" means one or more of the following:

"(1) Classroom education.

"(2) Clinical work experience.

"(3) Continuing education workshops.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 714. Except as provided in sections 701, 706, and 713, there are authorized to be appropriated such sums as may be necessary for fiscal year 1993 and each fiscal year thereafter through fiscal year 2000 to carry out this title.".

(b) REDESIGNATION AND REPEAL OF EXISTING PROVISIONS.—

(1) REDESIGNATION.—The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is amended by redesignating section 4224 as section 4208A.

(2) REPEAL.—Part 6 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2471 et seq.), as amended by paragraph (1), is repealed.

TITLE VIII—MISCELLANEOUS

SEC. 801. REPORTS.

Section 801 of the Act (25 U.S.C. 1671) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"REPORTS

"SEC. 801. The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress a report containing—

"(1) a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and an assessment and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians, and ensure a health status for Indians, which are at a parity with the health services available to and the health status of, the general population;

"(2) a separate statement which specifies the amount of funds requested to carry out the provisions of section 201;

"(3) a separate statement of the total amount obligated or expended in the most recently completed fiscal year to achieve each of the objectives described in section 814, relating to infant and maternal mortality and fetal alcohol syndrome;

"(4) reports required pursuant to sections 3(b), 108(n), 203(b), 209(k), 301(c), 302(g), 403, and 817(a);

"(5) for fiscal year 1997, the interim report required pursuant to section 307(h)(1);

"(6) for fiscal year 1999, the report required pursuant to section 307(h)(2); and

"(7) a report on whether, and to what extent, new health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act, and any steps that the Secretary may have taken to consult with Indian tribes to address such impact.".

SEC. 802. REGULATIONS.

Section 802 of the Act (25 U.S.C. 1672) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"SEC. 802. Prior to any revision of or amendment to rules or regulations promulgated pursuant to this Act, the Secretary shall consult with Indian tribes and appropriate national or regional Indian organizations and shall publish any proposed revision or amendment in the Federal Register not less than sixty days prior to the effective date of such revision or amendment in order to provide adequate notice to, and receive comments from, other interested parties.".

SEC. 803. EXTENSION OF TREATMENT OF ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

Section 808 of the Act (25 U.S.C. 1678) (as redesignated by section 701(b) of this Act) is amended by striking "1991" and inserting "2000".

SEC. 804. INFANT AND MATERNAL MORTALITY; FETAL ALCOHOL SYNDROME.

Section 814 of the Act (25 U.S.C. 1680d) (as redesignated by section 701(b) of this Act) is amended—

(1) by striking "(a)"; and

(2) by striking subsection (b).

SEC. 805. REALLOCATION OF BASE RESOURCES.

Section 817(a) of the Act (25 U.S.C. 1680(g)) (as redesignated by section 701(b) of this Act) is amended by striking "Secretary has submitted to the Congress" and inserting "Secretary has submitted to the President, for inclusion in the report required to be transmitted to the Congress under section 801,".

SEC. 806. CHILD SEXUAL ABUSE TREATMENT PROGRAMS.

Section 819 of the Act (25 U.S.C. 1680i) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"SEC. 819. (a) The Secretary and the Secretary of the Interior shall, for each fiscal year through fiscal year 1995, continue the demonstration programs involving treatment for child sexual abuse provided through the Hopi Tribe and the Asiniboine and Sioux Tribes of the Fort Peck Reservation, and shall encourage the development of demonstration programs in other tribes.

"(b) Beginning October 1, 1995, the Secretary and the Secretary of the Interior may establish, in any service area, demonstration programs involving treatment for child sexual abuse, except that the Secretaries may not establish a greater

number of such programs in one service area than in any other service area until there is an equal number of such programs established with respect to all service areas.".

SEC. 807. TRIBAL LEASING.

Section 820 of the Act (25 U.S.C. 1680j) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"TRIBAL LEASING

"SEC. 820. Indian tribes providing health care services pursuant to a contract entered into under the Indian Self-Determination Act may lease permanent structures for the purpose of providing such health care services without obtaining advance approval in appropriation Acts.".

SEC. 808. EXTENSION OF TRIBAL MANAGEMENT DEMONSTRATION PROJECT TERMINATION DATE IN CERTAIN CASES.

Section 818 of the Act (25 U.S.C. 1680h) (as redesignated by section 701(b) of this Act) is amended—

(1) in subsection (d)(1), by inserting before the period at the end the following: ", or, in the case of a demonstration project for which a grant is made after September 30, 1990, three years after the date on which such grant is made"; and

(2) in subsection (d)(2), by striking "1994" and inserting "1996".

SEC. 809. LONG-TERM CARE DEMONSTRATION PROJECT.

Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 of this Act) is amended by adding at the end the following new section:

"LONG-TERM CARE DEMONSTRATION PROJECT

"SEC. 821. (a) The Secretary, acting through the Service, is authorized to enter into contracts with, or make grants to, Indian tribes or tribal organizations providing health care services pursuant to a contract entered into under the Indian Self-Determination Act, to establish demonstration projects for the delivery of home- and community-based services to functionally disabled Indians.

"(b)(1) Funds provided for a demonstration project under this section shall be used only for the delivery of home- and community-based services (including transportation services) to functionally disabled Indians.

"(2) Such funds may not be used—

"(A) to make cash payments to functionally disabled Indians;

"(B) to provide room and board for functionally disabled Indians;

"(C) for the construction or renovation of facilities or the purchase of medical equipment; or

"(D) for the provision of nursing facility services.

"(c) Not later than 180 days after the date of the enactment of this section, the Secretary, after consultation with Indian tribes and tribal organizations, shall develop and issue criteria for the approval of applications submitted under this section. Such criteria shall ensure that demonstration projects established under this section promote the development of the capacity of tribes and tribal organizations to deliver, or arrange for the delivery of, high quality, culturally appropriate home- and community-based services to functionally disabled Indians.

"(d) The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

"(e) At the discretion of the tribe or tribal organization, services provided under a demonstration project established under this section may be provided (on a cost basis) to persons otherwise ineligible for the health care benefits of the Service.

"(f) The Secretary shall establish not more than 24 demonstration projects under this section. The Secretary may not establish a greater number of demonstration projects under this section in one service area than in any other service area until there is an equal number of such demonstration projects established with respect to all service areas from which the Secretary receives applications during the application period (as determined by the Secretary) which meet the criteria issued pursuant to subsection (c).

"(g) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects conducted under this section, together with legislative recommendations.

"(h) The Secretary is authorized to enter into a shared services agreement with a health facility operated by a tribe or tribal organization that receives assistance under this section and that provides long-term care to older Indians. The Secretary, acting through the Service, shall place conditions and terms on such shared services agreements necessary to carry out this section. At the request of the tribe or tribal organization, the Secretary shall delegate to the tribe or tribal organizations powers of supervision and control over such local service employees as are necessary to carry out this section. For the purpose of this subsection, the term 'shared services agreement' means a contractual agreement between the Service and an Indian tribe or tribal organization whereby the Service agrees to share staff and other services with a health facility operated by such Indian tribe or tribal organization. Salaries for such staff and payments for such services shall be proportionately allocable to the service facility and health facility pursuant to such agreement.

"(i) For the purposes of this section, the following definitions shall apply:

"(1) The term 'home- and community-based services' means one or more of the following:

"(A) Homemaker/home health aide services.

"(B) Chore services.

"(C) Personal care services.

"(D) Nursing care services provided outside of a nursing facility by, or under the supervision of, a registered nurse.

"(E) Respite care.

"(F) Training for family members in managing a functionally disabled individual.

"(G) Adult day care.

"(H) Such other home- and community-based services as the Secretary may approve.

"(2) The term 'functionally disabled' means an individual who is determined to require home- and community-based services based on an assessment that uses criteria (including, at the discretion of the tribe or tribal organization, activities of daily living) developed by the tribe or tribal organization.

"(j) There are authorized to be appropriated for each of the fiscal years 1993, 1994, 1995, 1996, and 1997 such sums as are necessary to carry out this section. Such sums shall remain available until expended.".

SEC. 810. RESULTS OF DEMONSTRATION PROJECTS.

Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701) and amended by section 809 of this Act) is amended by adding at the end the following new section:

"RESULTS OF DEMONSTRATION PROJECTS

"SEC. 822. The Secretary shall provide for the dissemination to Indian tribes of the findings and results of demonstration projects conducted under this Act.".

SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title VIII of the Act, as amended by section 810, is further amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 823. There are authorized to be appropriated such sums as may be necessary for fiscal year 1993 and each fiscal year thereafter through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title VIII of the Act (25 U.S.C. 1671 et seq.) (as redesignated by subsections (a) and (b) of section 701 of this Act) is amended—

(1) in section 807 (as redesignated by section 701(b) of this Act), by striking subsection (f); and

(2) in section 818 (as redesignated by section 701(b) of this Act), by striking subsection (e).

SEC. 812. TRIBAL SELF-GOVERNANCE PROJECT.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is amended—

(1) in section 301, by inserting after "Interior" the following: "and the Secretary of Health and Human Services (hereafter in this title referred to as the 'Secretaries') each";

(2) in sections 302, 303, 304, and 305, by striking "Secretary" each place it appears and inserting in lieu thereof "Secretaries";

(3) in section 303(a)(1), by inserting after "Interior" the following: "and the Indian Health Service of the Department of Health and Human Services"; and

(4) by adding after section 309 the following new section:

"SEC. 310. For the purposes of providing one year planning and negotiations grants to the Indian tribes identified by section 302, with respect to the programs, activities, functions or services of the Indian Health Service, there are authorized to be appropriated such sums as may be necessary to carry out such purposes.".

SEC. 813. WAIVER OF PAPERWORK REDUCTION.

Title VIII of the Act, as redesignated by section 701(a), is amended by adding at the end the following new section:

"WAIVER OF PAPERWORK REDUCTION

"SEC. 824. (a) Chapter 35 of title 44, United States Code, shall not apply to information required to carry out any study or survey authorized or required by this Act.".

SEC. 814. JOINT VENTURE DEMONSTRATION PROJECTS.

Section 818 of the Act (25 U.S.C. 1680h) (as redesignated by section 701(b) and amended by section 811(b)(2) of this Act) is amended by adding after subsection (d) the following new subsection:

"(e)(1) The Secretary, acting through the Service, shall make arrangements with Indian tribes to establish joint venture demonstration projects under which an Indian tribe shall expend tribal, private, or other available nontribal funds, for the acquisition or construction of a health facility for a minimum of 20 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility. A tribe may utilize tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under this subsection.

"(2) The Secretary shall make such an arrangement with an Indian tribe only if the Secretary first determines that the Indian tribe has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the health facility described in paragraph (1).

"(3) An Indian tribe or tribal organization that has entered into a written agreement with the Secretary under this subsection, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the tribe, or paid to a third party on the tribe's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies), and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sen-

tence does not apply to any funds expended for the delivery of health care services, or for personnel or staffing, shall be recoverable.".

SEC. 815. DEMONSTRATION OF ELECTRONIC DATA SUBMISSION.

Title VIII of the Act, as redesignated by section 701(a) and amended by section 813 of this Act, is further amended by adding at the end the following new section:

"DEMONSTRATION OF ELECTRONIC DATA SUBMISSION

"SEC. 825. (a) The Secretary shall develop and implement a project to demonstrate in a pilot setting how current telecommunications and computer processing technology can be used to improve the turnaround, accuracy, and effectiveness of the information exchange between Indian Health Service health centers, private Contract Health Service providers, the Indian Health Service Area office and the Indian Health Service Fiscal Intermediary.

"(b) EFFECTIVE DATE.—The project described in subsection (a) shall be established effective June 15, 1993, and may involve the awarding of an outside contract.".

TITLE IX—TECHNICAL CORRECTIONS

SEC. 901. REPEAL OF EXPIRED REPORTING REQUIREMENTS.

The Act is amended—

(1) in section 116, by striking subsection (d);

(2) in section 204(a)—

(A) by striking paragraph (2);

(B) by striking "(a)(1)" and inserting "(a)";

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) in paragraph (2) (as redesignated by this subsection), by striking "subparagraph (A)" and inserting "paragraph (1)";

(3) in section 602, by striking subsection (a)(3); and

(4) by striking section 803 (as redesignated by section 701(b) of this Act).

SEC. 902. OTHER TECHNICAL CORRECTIONS.

The Act is amended—

(1) in section 4(c), by striking "sections 102, 103, and 201(c)(5)," and inserting "sections 102 and 103,";

(2) in title I—

(A) in section 102(b)(1), by striking ": Provided, That the" and inserting ". The";

(B) in section 105(c), by striking "Department of Health, Education, and Welfare" and inserting "Department of Health and Human Services"; and

(C) in section 108(d)(1)(A), by striking "Indian Health" and inserting "Indian health";

(3) in title II—

*(A) by striking "**SEC. 209. MENTAL HEALTH PREVENTION AND TREATMENT SERVICES.**" and inserting the following:*

"MENTAL HEALTH PREVENTION AND TREATMENT SERVICES

"SEC. 209."; and

(B) in section 209, by redesignating subsections (c) through (l) as subsections (b) through (k), respectively;

(4) in title III—

*(A) by striking "**SEC. 307. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.**" and inserting the following:*

"INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT

"SEC. 307."; and

(B) in section 301(d) (as redesignated by section 301(2) of this Act), by striking "sections 102 and 103(b)" and inserting "section 102";

(5) in title V—

*(A) by striking "**SEC. 409. FACILITIES RENOVATION.**" and inserting the following:*

"FACILITIES RENOVATION

"SEC. 509."; and

*(B) by striking "**SEC. 511. URBAN HEALTH PROGRAMS BRANCH.**" and inserting the following:*

"URBAN HEALTH PROGRAMS BRANCH

"SEC. 510.";

(6) in section 601(c)(3)(D), by striking "(25 U.S.C. 2005, et seq.)" and inserting "(42 U.S.C. 2005 et seq.)";

(7) in section 601(d)(1)(C), by striking "appropriate" and inserting "appropriated";

(8) in section 813(b)(2)(A) of the Act (25 U.S.C. 1680c(b)(2)(A)) (as redesignated by section 701(b) of this Act), by striking "section 402(c)" and inserting "section 402(a)"; and

(9) by amending the heading for section 816 of the Act (25 U.S.C. 1680f) (as redesignated by section 701(b)) to read as follows:

"INDIAN HEALTH SERVICE AND DEPARTMENT OF VETERANS AFFAIRS HEALTH FACILITIES AND SERVICES SHARING".

AMENDMENT NO. 3089

(Purpose: To make certain amendments to the bill)

Mr. FORD. Mr. President, on behalf of Senators INOUYE, MCCAIN, DECONCINI, DOMENICI, and MURKOWSKI, I send a series of amendments to the committee substitute and ask unanimous consent they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. INOUYE, for himself, Mr. MCCAIN, Mr. DECONCINI, Mr. DOMENICI, and Mr. MURKOWSKI, proposes an amendment numbered 3089.

Mr. FORD. 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 127, immediately after the period on line 9, insert the following: "The Secretary may increase this amount to be consistent with the National Health Service Corps Loan Repayment Program.".

On page 132, between lines 6 and 7, insert the following new section:

SEC. 110A. QUENTIN N. BURDICK INDIAN HEALTH PROGRAM.

(a) ESTABLISHMENT.—Title I of the Act is amended by adding after section 114 the following new section:

"QUENTIN N. BURDICK INDIAN HEALTH PROGRAM

"SEC. 114A. (a) The Secretary, acting through the Service, is authorized to establish, in consultation with appropriate officials at the University of North Dakota, the Quentin N. Burdick Indian Health Program at the University of North Dakota. The purpose of such program shall be to coordinate the Indian health training programs available at the University of North Dakota to better promote the health of Indian people.

"(b) The Secretary may give preference, in accordance with sections 112(d)(5), 114(b)(4), and 209(h)(3), to applications for grants or contracts submitted by the University of North Dakota through the Quentin N. Burdick Indian Health Program.".

(b) CONFORMING AMENDMENTS.—

(1) NURSING PROGRAMS.—Section 112(d) of the Act (25 U.S.C. 1616e(d)) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by inserting after paragraph (4) the following:

"(5) programs that are conducted through the Quentin N. Burdick Indian Health Program at the University of North Dakota.".

(2) INMED PROGRAMS.—Section 114(b) of the Act (25 U.S.C. 1616g(b)), as amended by section 110 of this Act, is further amended by adding at the end the following:

"(4) The Secretary shall give preference in providing grants under paragraphs (2) and (3) to applications submitted by the University of North Dakota through the Quentin N. Burdick Indian Health Program.".

(3) MENTAL HEALTH PROGRAMS.—Section 209(h) of the Act (as redesignated by section 902(3)(B) of this Act), is amended by adding at the end the following:

"(2) The Secretary shall give preference in entering into contracts or making grants under this subsection to appropriate programs conducted through the Quentin N. Burdick Indian Health Program at the University of North Dakota.".

On page 179, between lines 19 and 20, insert the following:

SEC. 216. CONTRACT HEALTH SERVICES PAYMENT STUDY.

Title II of the Act is amended by adding at the end thereof the following new section:

"CONTRACT HEALTH SERVICES PAYMENT STUDY

"SEC. 219. (a) The Secretary, acting through the Service and in consultation with representatives of the Indian tribes, Indian organizations operating Contract Health Care programs under the Indian Self-Determination and Education Assistance Act or under self-governance compacts, Indian Health Service personnel, private Contract Health Service providers, and the Indian Health Service Fiscal Intermediary, shall conduct a study—

"(1) to assess and identify the administrative barriers which hinder the timely payments for services delivered by private Contract Health Services providers for individual Indians by the Indian Health Service and the Indian Health Service Fiscal Intermediary;

"(2) to assess and identify the impact of delayed Contract Health Services payments by the Indian Health Service and the Indian Health Service Fiscal Intermediary to private Contract Health Services providers upon the personal credit records of individual Indians who have been treated by same providers; and

"(3) to determine the most efficient and effective means of improving the Indian Health Service Contract Health Services payment system and ensuring the development of appropriate consumer protection policies designed to protect individual Indians who receive authorized services from private Contract Health Services providers.

"(b) Such study shall—

"(1) assess the impact of the existing Indian Contract Health Services regulations and policies upon the ability of the Indian Health Service and the Indian Health Service Fiscal Intermediary to process, on a timely and efficient basis, the payment of billings submitted by private Contract Health Services providers;

"(2) assess the impact which delayed payments have on the private Contract Health Services providers' fiscal operations;

"(3) assess the nature and extent of the problems experienced by individual Indians with collection agencies seeking payments on behalf of Contract Health Services providers; and

"(4) identify the appropriate changes in Federal policies, administrative procedures and regulations required to eliminate the problems experienced by the private Contract Health Services' providers and individual Indians as a result of delayed Contract Health Services payments.

"(c) Not later than the date which is 12 months after the date of enactment of this section, the Secretary shall transmit to the Congress a report containing—

"(1) a detailed description of the study conducted pursuant to this section;

"(2) a discussion of the findings and conclusions of such study; and

"(3) recommendations for appropriate administrative and legislative solutions.

"(d) There are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 1993 or any fiscal year thereafter in which the report is due.".

SEC. 217. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.

(a) ELIGIBILITY.—Subject to the availability of funds appropriated under the authority of subsection (c) of this section, the Secretary shall provide funds through a direct grant or a cooperative agreement to Kamehameha School/Bishop Estate for the purpose of providing scholarship assistance to students who—

(1) meet the requirements of section 329 of the Public Health Service Act (42 U.S.C. 254b), and

(2) are Native Hawaiians.

(b) TERMS AND CONDITIONS.—(1) The scholarship assistance provided under subsection (a) of this section shall be provided under the same terms and subject to the same conditions, regulations, and rules that apply to scholarship assistance provided under section 338A of the Public Health Service Act (42 U.S.C. 254l), provided that—

(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve the Native Hawaiian health care systems, as identified by Papa Ola Lokahi;

(B) to the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by the Kamehameha Schools/Bishop Estate;

(C) the obligated service requirement for each scholarship recipient shall be fulfilled through service, in order of priority, in (i) any one of the five Native Hawaiian health care systems, or (ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii; and

(D) the provision of counseling, retention and other support services shall not be limited to scholarship recipients, but shall also include recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

(2) The Native Hawaiian Health Scholarship program shall not be administered by or through the Indian Health Service.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1993 through 2001 for the purpose of funding the scholarship assistance provided under subsection (a) of this section.

SEC. 218. PAYMENT OF CLAIMS.

Title II of the Act is amended by adding at the end the following new section:

"PROMPT ACTION

"SEC. 220. (a) The Indian Health Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

"(b) If the Indian Health Service fails to respond to a notification of a claim in accordance with subsection (a), the Indian Health Service shall accept as valid the claim submitted by the provider of a contract care service.

"(c) The Indian Health Service shall pay a completed contract care service claim within 30 days of completion of the claim, and shall be subject to the Prompt Payment Act (31 U.S.C. 3901 et seq.).".

On page 183, beginning with line 25, strike out all through line 3 on page 184 and insert in lieu thereof "government offices are located on an island.".

On page 202, after line 22, add the following new section:

SEC. 504. TREATMENT OF DEMONSTRATION PROGRAMS.

Notwithstanding any other provision of law, the two demonstration programs, Oklahoma City Clinic and Tulsa Clinic, which are in the Hospitals and Clinics program of the Indian Health Service, shall be treated as service units in the allocation of resources and coordination of care. The Secretary shall provide assistance to these programs in the development of resources, equipment and facility needs. For the period that the Oklahoma City and Tulsa clinics are in demonstration-project status, they shall not be subject to the provisions of Public Law 93-638. The Secretary shall evaluate the results of these demonstration projects and report back to Congress his findings and recommendations by March 1999.

On page 210, between lines 5 and 6, insert the following:

"(e) URBAN NIAAA TRANSFERRED PROGRAMS.—(1) The Secretary shall provide within the Urban Programs Branch of the Indian Health Service a grant program for the administration of urban Indian alcohol programs which were originally established under the National Institute on Alcoholism and Alcohol Abuse (NIAAA) and transferred to the Indian Health Service. The program shall include the following:

"(2) The purposes of these grants are to provide support for the continuation of alcohol prevention and treatment services for the urban Indian populations served, and other objectives agreed upon between the Service and the individual urban program.

"(3) Urban Indian service providers which meet the definition of an urban Indian organization under title V of this Act, and which operate Indian alcohol programs originally funded under the NIAAA subsequently transferred to the Indian Health Service, are eligible to participate in this program.

"(4) For the purposes of simplification, the Secretary may make either grants or contracts to eligible urban organizations, and may combine the NIAAA alcohol funds with other substance abuse funds currently administered through the Urban Programs Branch.

"(5) The Secretary shall evaluate and report to Congress on the activities of programs funded under this subsection at least every two years.

On page 219, between lines 17 and 18, insert the following:

"INDIAN HEALTH SERVICE RESPONSIBILITIES

"SEC. 714. The Memorandum of Agreement entered into pursuant to section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) shall include specific provisions pursuant to which the Service shall assume responsibility for—

"(1) the determination of the scope of the problem of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

"(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

"(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

"INDIAN HEALTH SERVICE PROGRAM

"SEC. 715. (a) The Secretary, acting through the Service, shall provide a program of comprehensive alcohol and substance abuse prevention and treatment which shall include—

"(1) prevention, through educational intervention, in Indian communities,

"(2) acute detoxification and treatment,

"(3) community-based rehabilitation,

"(4) community education and involvement, including extensive training of health care, educational, and community-based personnel,

"(5) residential treatment programs for pregnant and post partum women and their children, and

"(6) relapse prevention services, including group homes.

The target population of such a program shall be the members of Indian tribes. Additionally, efforts to train and educate key members of the Indian community shall target employees of health, education, judicial, law enforcement, legal, and social service programs.

"(b)(1) The Secretary, acting through the Service, may enter into contracts with public or private providers of alcohol and substance abuse treatment services for the purpose of assisting the Service in carrying out the program required under subsection (a).

"(2) In carrying out this subsection, the Secretary shall provide assistance to Indian tribes to—

"(A) develop criteria for the certification of alcohol and substance abuse service providers;

"(B) facilitate access to off-campus substance abuse degree programs; and

"(C) facilitate accreditation of service facilities that meet minimum standards for such services and facilities as may be determined pursuant to section 4205(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411(a)(3)).

"INDIAN HEALTH SERVICE YOUTH PROGRAM

"SEC. 716. (a) The Secretary shall develop and implement a program for acute detoxification and treatment for Indian youth who are alcohol and substance abusers. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis. These regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

"(b)(1) The Secretary shall construct or renovate, and appropriately staff and operate, a youth regional treatment center in each area under the jurisdiction of an area office. For the purposes of this subsection, the area offices of the Service in Tucson and Phoenix, Arizona, shall be considered one area office and the area office in California shall be considered to be two area offices, one office whose jurisdiction shall be considered to encompass the northern area of the

State of California, and one office whose jurisdiction shall be considered to encompass the remainder of the State of California.

"(2) For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

"(3) Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating and maintaining a residential youth treatment facility in Fairbanks, Alaska.

"(4) A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the tribes to be served by such center.

"(c)(1) The Secretary, acting through the Service, shall, in consultation with Indian tribes—

"(A) identify and use, where appropriate, federally owned structures suitable as local residential or regional alcohol and substance abuse treatment centers for Indian youth; and

"(B) establish guidelines for determining the suitability of any such federally owned structure to be used as a local residential or regional alcohol and substance abuse treatment center for Indian youth.

"(2) Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure.

"(d)(1) The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each Service service unit community-based rehabilitation and followup services for Indian youth who are alcohol or substance abusers which are designed to integrate long-term treatment and to monitor and support the Indian youth after their return to their home community.

"(2) Services under paragraph (1) shall be administered within each service unit by trained staff within the community who can assist the Indian youth in continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff shall include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

"(e) In providing the treatment and other services to Indian youth authorized by this section, the Secretary shall provide for the inclusion of family members of such youth in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (d) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

"(f)(1) The Secretary shall conduct a study to determine the incidence and prevalence of the abuse of multiple forms of drugs, including alcohol, among Indian youth residing on Indian reservations and in urban areas and the interrelationship of such abuse with the incidence of mental illness among such youth.

"(2) The Secretary shall submit a report detailing the findings of such study, together with recommendations based on such findings, to the Congress no later than two years after the date of the enactment of this section.

"TRAINING AND COMMUNITY EDUCATION

"SEC. 717. (a) The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each service unit a program of community education, including off-campus degree studies, and community involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education in alcohol and substance abuse to political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, and other critical members of each tribal community.

"(b) The Secretary shall, either directly or by contract, provide instruction in the area of alcohol and substance abuse, including instruction in prevention, relapse prevention services, crisis intervention, and family relations in the context of alcohol and substance abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol syndrome to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

"(c) In carrying out the education and training programs required by this section, the Secretary, acting through the Service and in consultation with tribes and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

"(1) the elevated risk of alcohol and substance abuse faced by children of alcoholics;

"(2) the cultural and multigenerational aspects of alcohol and substance abuse prevention and recovery; and

"(3) community-based and multidisciplinary strategies for preventing and treating alcohol and substance abuse.

"REPORTS

"SEC. 718. (a) The Secretary, with respect to the administration of any health program by a Service unit, directly or through contract, including a contract under the Indian Self-Determination and Education Assistance Act, shall require the compilation of data relating to the number of cases or incidents which any of the Service personnel or services were involved and which were related, either directly or indirectly, to alcohol or substance abuse. Such report shall include the type of assistance provided and the disposition of these cases.

"(b) The data compiled under subsection (a) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan under section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2471 et seq.).

"(c) Each service unit director shall be responsible for assembling the data compiled under this section and section 4214 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2434) into an annual tribal comprehensive report. Such report shall be provided to the affected tribe and to the Director of the Service who shall develop and publish a biennial national report based on such tribal comprehensive reports.

On page 219, line 19, strike out "SEC. 714." and insert in lieu thereof "SEC. 719.".

On page 230, line 22, immediately after the first period, insert the following:

Upon completion of the authorized planning activity or a comparable planning activity by a tribe, the Secretary is authorized to negotiate and implement a Compact of Self-Governance and Annual Funding Agreement with such tribe.

On page 232, line 22, strike "a project" and insert "2 projects".

On page 233, between lines 2 and 3, insert the following:

"(b) The Secretary shall conduct one of the projects authorized in subsection (a) in the Service area served by the Indian Health Service Area office located in Phoenix, Arizona.".

On page 233, line 3, strike "(b)" and insert "(c)".

On page 233, line 3, strike "project" and insert "projects".

On page 233, between lines 5 and 6, insert the following:

SEC. 816. LAND TRANSFER.

The Bureau of Indian Affairs is authorized to transfer, at no cost, up to 5 acres of land at the Chemawa Indian School, Salem, Oregon, to the Indian Health Service for the provision of health care services. The land authorized to be transferred by this section is that land adjacent to land under the jurisdiction of the Indian Health Service and occupied by the Chemawa Indian Health Center.

SEC. 817. LEASES WITH INDIAN TRIBES.

Section 804 of the Indian Health Care Improvement Act (25 U.S.C. 1674), as redesignated by section 701(b) of this Act, is amended to read as follows:

"SEC. 804. (a) Notwithstanding any other provision of law, the Secretary shall, in carrying out the purposes of this Act, enter into leases with Indian tribes and tribal organizations for periods not in excess of twenty years. Property leased by the Secretary from an Indian tribe or tribal organization may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe.

"(b) The Secretary, upon request of an Indian tribe or tribal organization, shall enter into leases, contracts, and other legal agreements with Indian tribes or tribal organizations which hold—

"(1) title to;

"(2) a leasehold interest in; or

"(3) a beneficial interest in (where title is held by the United States in trust for the benefit of the tribe);

facilities reasonably necessary for the administration and delivery of health services by the Service or by programs operated by Indian tribes or tribal organizations to compensate such Indian tribes or tribal organizations for costs associated with the use of such facilities for such purposes. Such costs include rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable, based on the reasonable rental costs of comparable premises in the community where such facilities are located. Leases, contracts, and other legal agreements with Indian tribes or tribal organizations operating contracts under the Indian Self-Determination and Education Assistance Act, Public Law 93-683, shall be in lieu of charges for space used in the performance of such contract which are otherwise funded through direct or indirect costs under such contracts.".

SEC. 818. OFFICE OF INDIAN WOMEN'S HEALTH CARE.

(a) ESTABLISHMENT.—There is established in the Indian Health Service (hereafter referred to in this section as the "Service") an Office of Indian Women's Health Care (hereafter referred to in this section as the "Office").

(b) PURPOSE.—

(1) IN GENERAL.—The Office shall oversee efforts of the Service to monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

(2) IN PARTICULAR.—In particular, the Office shall have the following purposes:

(A) To update all basic service information systems to include the collection and analysis of data pertinent to documenting the level and quality of health care being received by Indian women through the Service and related contractors.

(B) To review any proposed studies by the Service to ensure that Indian women are appropriately included in the scope of such studies.

(C) To establish and maintain an Indian women's health agenda, which shall—

(i) include the identification of priority areas of service;

(ii) incorporate existing efforts to identify such priority areas, for example, the Indian Women's Task Force and Round Table Conference held in Tucson, Arizona, in 1991;

(iii) ensure that the priority areas identified become an integral part of the planning and evaluation processes for all Service delivery systems;

(iv) form the basis for plans and annual budget requests to implement services, equipment, personnel, and other changes necessary to improve the delivery of health services to Indian women; and

(v) reflect the participation and views of Service beneficiaries.

(D) To allow for differences in priorities by Area offices, making maximum utilization of Area office capabilities and facilities.

(E) To recommend ways to obtain and coordinate additional government, tribal, and private resources to accomplish the plans developed pursuant to subparagraph (C)(iv).

(F) To include the findings, recommendations, agenda, plans, and other relevant information compiled by the Office in the annual reports submitted by the Service to the Congress.

(G) To conduct such other activities as may be necessary to carry out the overall purpose of the Office.

(c) DEFINITION.—For the purpose of this section, the term "Area office" has the meaning given the term in section 4(i) of the Indian Health Care Improvement Act (25 U.S.C. 1603(i)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 819. HEALTH PROFESSIONAL PRIORITIES IN RELATED PROGRAM.

Section 333A(a) of the Public Health Service Act (42 U.S.C. 254f-1(a)) is amended—

(1) in paragraph (2), by striking "and" after the semicolon at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(4) subject to paragraphs (1) through (3), give priority to meeting the needs of the Indian Health Service and the needs of health programs or facilities operated by tribes or tribal organizations under the Indian Self-Determination and Education Assistance Act, except to the extent not practicable.".

SEC. 820. PRIORITY FOR INDIAN RESERVATIONS.

(a) PRIORITY.—On and after the date of the enactment of this Act, the Bureau of Indian Affairs, Department of the Interior, and the Indian Health Service, Department of Health and Human Services, shall, in all matters involving the reorganization or development of service facilities, or in the establishment of related employment projects to address the unemployment conditions in economically depressed areas, give a priority to locating such facilities and projects on Indian lands.

(b) DEFINITION.—As used in this section, the term "Indian lands" means—

(1) all lands within the limits of any Indian reservation; and

(2) any lands title which is held in trust by the United States for the benefit of any Indian tribe or individual Indian, or held by any Indian tribe or individual Indian subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.

Mr. INOUYE. Mr. President, I rise in strong support of S. 2481, the Indian Health Care Amendments of 1992. The purpose of S. 2481 is to reauthorize the Indian Health Care Improvement Act, which defines, in terms of authorizations, the programmatic structure for the Indian Health Service. As the largest of seven Public Health Service agencies, the Indian Health Service is responsible for providing care to approximately 1½ million American Indians and Alaska Natives living on or near reservations in 33 States.

The responsibility for the provision of health care services to Indian people has its origins in commitments that were made by the United States in treaties with Indian nations, in which Indian tribal governments ceded millions of acres of land to the Federal Government. Thus, in a very real sense, Indian health care represents the first prepaid health plan in the history of this country.

The bill which we are considering today reconfirms the treaty commitments made by the United States with regard to Indian health care. When originally enacted into law, the overall goal of the Indian Health Care Improvement Act was to improve the health status of American Indians and tribal governments. While the health status of the Indian people has improved since 1976, it remains seriously below that of the U.S. population as a whole.

According to the Indian Health Service, the mortality rates of American Indians and Alaska Natives continue to exceed that of the U.S. all races group. For example, in 1987, the Indian age-adjusted mortality rates for the following causes exceeded those for the U.S. all races population by the following percentages: tuberculosis, 400 percent; alcoholism, 332 percent; diabetes mellitus, 139 percent, and accidents, 139 percent.

In 1990, the Department of Health and Human Services in its "Healthy People 2000" statement notes that, relative to other populations, the American Indian and Alaska Native population is young and impoverished, with more than 1 in 4 living below the poverty level. The Department goes on to explain:

> One reason for the youthfulness of the population is the large proportion of the population who die before age 45. Most of the excess deaths—those that would not have occurred if American Indian death rates were comparable to those of the total population—can be traced to six causes: unintentional injuries, cirrhosis, homicide, suicide, pneumonia, and complications of diabetes.

Mr. President, the health status of the Indian people continues to rank far below that of other Americans. And so despite the promises that we made—the legal commitments established in treaties and the laws that were enacted to carry out these responsibilities—we have not provided to Indian people the same quality of life that other Americans enjoy.

Thus, I would say that our commitment cannot and should not end until the Indian people receive what they paid for with the cession of their lands to the United States. In exchange for more than 500 million acres of land, the value of the insurance policy the Indians purchased far exceeds that of any health care consumer group in America.

Mr. President, many months ago, at the beginning of the 102d Congress, the Select Committee on Indian Affairs began a bipartisan effort with the House Interior and Insular Affairs Committee and the House Energy and Commerce Committee's Subcommittee on Health and the Environment to develop companion legislation to reauthorize the Indian Health Care Improvement Act. Following introduction of this legislation, the Senate held five hearings on S. 2481 and the House held three hearings on H.R. 3724.

Mr. President, I believe that S. 2481, attempts to accommodate the interests of nearly every region of Indian country. More than 60 witnesses representing tribal governments and Alaska Native villages presented testimony in support of S. 2481 and over 27 professional organizations were consulted on the contents of the bill. It has been my desire to address the variety of concerns expressed by tribal governmental officials, health care providers and Indian health consumers because I believe the serious health care conditions affecting Indian people require solutions which must come from Indian country. It is that problem-solving approach and aspiration which I am proud to share with each of my distinguished colleagues who serve on the Select Committee on Indian Affairs, particularly, vice chairman JOHN MCCAIN. Before proceeding to the amendments to S. 2481, I want to thank Vice Chairman MCCAIN for helping to shape this legislation and for chairing the hearing held in Phoenix, AZ. I also

wish to express my gratitude to both Senator DASCHLE and Senator MURKOWSKI for chairing hearings held respectively in South Dakota and Alaska.

Throughout Indian country, each of my colleagues have stories regarding inconsistencies in health care delivery, lack of health care resources, and need for overall improvement. For the first time, we are proposing a real equity—a real equality—in the kind of health care programs and services that are provided to Indian people. It will mean that no matter where you live in Indian country—no matter whether there are Indian Health Service hospitals, tribally operated clinics, or just contract care—that every eligible person will be entitled to the same basic package of health care benefits.

This goal will not be accomplished overnight, but the Congress of the United States has made a commitment to achieving this objective, and working with the Indian Health Service, we are going to get there.

Second, the Indian Health Care Improvement Act for the first time will acknowledge that health care is to be provided at every developmental stage of life—not just for infants, not just for young children—but for all eligible Indian people—throughout their lifetimes. The inclusion of health objectives in the act is intended to help us all measure the progress toward the goals that the Surgeon General has established for the year 2000. I am quite hopeful that in the decade of the 1990's, the Indian Health Service and the tribal health care providers who operate health care programs under the auspices of this act will achieve these goals.

Mr. President, the authorization for the Indian Health Care Improvement Act is due to expire at the end of the month, and we must expedite consideration of this bill.

Mr. MCCAIN. Mr. President, it gives me great pleasure to join my colleague and good friend from Hawaii, Senator INOUYE, the chairman of the Senate Select Committee on Indian Affairs, in bringing the Indian Health Care Improvement Act reauthorization bill to the Senate floor for consideration. As vice-chairman of the committee, I have been pleased to work with him closely in the development of the legislation before us today.

I believe this legislation represents a significant improvement in existing law, and it is a critically important step toward effectively meeting the health needs of our Nation's first citizens. This legislation continues to build on the important concept of empowering tribes to lay a greater role in their own health delivery. In my view, nothing could be more positive in addressing the very serious health needs of our Nation's first citizens.

As I stated, the legislation before us today represents a vast improvement over the existing act. It covers just about every corner of the health delivery system. We have created new programs and improved existing ones. We have addressed the needs of victims of child abuse and neglect and have begun to explore the option of long-term care. We have given the tribes a greater opportunity to influence the development of the health programs that serve their needs, and the subsequent delivery of services. And, we have provided the tools for needed flexibility within the system of Indian health care delivery. In sum, I believe we are moving in the right direction. One of the keys to this successful effort is the fact our Nation's first citizens have been fully involved with this legislation at every step along the way. I would like to specifically thank the Arizona tribes for all of the assistance they have provided me in the effort to assist the chairman in putting this legislation together. Without their assistance, many of the provisions in this legislation would not have been possible.

I would like to review for a minute several of the critical components of this legislation.

First, is the Indian health manpower title. This title proposes to expand the resources and scope of programs available to native Americans for health professions training. It would establish a new program to provide matching funds to tribes that wish to send their own members through health professions programs provided that they return and serve the health needs of their members. And, it directly addresses the shortage of nurses by providing for a continuing education allowance, and providing resources for the training of nurse midwives and nurse practitioners, and retention bonuses for nurses.

Second, is the health service title. This title proposes that all mental health care workers be licensed. As our colleagues know, the fact that a greater number of mental health workers in Indian country are unlicensed was the subject of a recent hearing before this committee. In addition, this title would require that two studies be conducted—one regarding the feasibility of establishing a hospice care program for native Americans and the other regarding the feasibility of tribes purchasing managed care coverage for their members.

Third, is the health facilities title. This title would require that the reports to Congress proposing the closure of a facility include information regarding the level of utilization by all eligible Indians, and the distance of such hospital facility and the nearest operating service hospital. In addition, this title would expand the scope of the health facilities demonstration project to include all areas of Indian country, but only after the existing nine have had the opportunity to consider participation.

Fourth, is the miscellaneous title. Among other things, it extends the treatment of Arizona as a contract health service delivery area.

Fifth, the legislation creates a program to begin automating the billing and records process within the contract care program of the Indian Health Service. This, coupled with the requirement that there be prompt payment of claims, will greatly assist in dealing with the problem of providers not receiving prompt payment for their services and in turn going after individuals for the cost of the care that had been provided. It will also streamline administrative procedures, and ultimately result in the more timely provision of services and produce savings.

Sixth, the legislation requires that the Director of the Indian Health Service be subject to Senate confirmation every 4 years. This will make the Indian Health Service more accountable to the Senate and to our Nation's first citizens.

Seventh, the legislation includes language to modify and expand the alcohol and drug treatment programs. During the committee consideration of the legislation, this language was set aside for a time to review inspectors general studies of significant problems within the IHS and BIA Indian alcohol and drug abuse programs. The committee decided to add the language back to the bill, but is clearly concerned that both agencies implement the changes recommended by the IG's. I am pleased at the expressed commitment of the IHS and BIA to fully implement the changes. All of us on the committee will be monitoring this situation very closely, as alcohol and drug abuse remains the No. 1 health care problem facing native Americans.

Mr. President, as I stated earlier, this is a good piece of legislation. It is a significant step forward, and I join my good friend from Hawaii in encouraging our colleagues to give this legislation their strong support.

Mr. President, the House has passed its version of the Indian Health Care Improvement Act Reauthorization bill. It is my hope that a conference can be convened between the House and Senate, immediately following the passage of the bill before us today and the bill they will be considering soon. If so, I am confident that we will be able to bring to the Senate floor a conferenced version of this critical legislation that will help us take some significant steps forward in the health status of our Nation's first citizens.

Mr. INOUYE. Mr. President, Senator MCCAIN and I are proposing a number of changes to the bill that have been agreed to on both sides, consistent with the terms of the unanimous-consent agreement.

Most importantly and with great reverence for the work of our former colleague and longstanding member of the

Select Committee on Indian Affairs, Senator Quentin N. Burdick, I am pleased to offer an amendment to title I of the act which recognizes and will continue the work of our good friend on behalf of the Indian people in North Dakota. This amendment will establish the "Quentin N. Burdick Indian Health Programs" at the University of North Dakota to address the nursing, mental health and interdisciplinary training needs of Indian scholars, who seek to serve the health needs of Indian people. I can only say that Senator Burdick loved—and was well loved by—the Indian people of North Dakota. In this regard, we humbly offer this amendment today in his honor.

We have agreed to additional amendments which make a number of modest changes to title II of the act to include amendments requested by Senator DECONCINI and Senator MCCAIN related to improvements needed within the Contract Health Services program of the IHS. I have also included an amendment to continue the Native Hawaiian Health Scholarship Program as authorized under the Public Health Service Act. The Native Hawaiian Health Scholarship Program is funded separately outside of the Indian Health Service and will not affect the availability of scholarships as authorized under title I of the Indian Health Care Improvement Act.

Changes to title V of the act contained in the managers amendments to S. 2481, address the needs of urban Indian programs. Senator NICKLES has worked closely with the two demonstration projects located in Oklahoma City and Tulsa, OK, to ensure that these programs are treated as service units in the allocation of resources and coordination of care during the period of the demonstration project which is intended to the year 2000. An amendment is also offered which provides within the Urban Programs Branch of the IHS, a grant program for the administration of urban Indian alcohol programs originally established under the National Institute on Alcoholism and Alcohol Abuse and transferred to the Indian Health Service.

After hearing of the concerns expressed by the Department of Interior and Department of Health and Human Services inspector general's offices regarding the delivery of alcoholism and substance abuse prevention and treatment services and the response of the Indian Health Service and the Bureau of Indian Affairs in the July 30, 1992 hearing on these programs, we have chosen to restore language in title VII which was originally contained in S. 2481 to reauthorize these programs. Alcoholism and substance abuse are often times the leading causes of virtually every adverse physical, social and behavioral health condition affecting Indian people. Thus, the committee has chosen to continue efforts established under the Indian Juvenile Alcohol and Drug Abuse Act of 1986 through the year 2000 and to define the responsibilities for the Indian Health Service in carrying out these programs under these amendments.

Finally, the changes to title VIII of the act, related to a land transfer between the Bureau of Indian Affairs and the IHS, leases between the IHS and Indian tribal governments, the creation of an Office of Indian Women's Health Care as suggested by Senator DOMENICI, amendments to the Public Health Service Act to give priority to meeting the needs of the IHS under the National Health Service Corps, and an amendment requested earlier by Senator BURDICK which requires the BIA and IHS in the establishment of related projects to give priority to locating such facilities and projects on Indian lands.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, we have cleared these changes and I support Senator INOUYE in this amendment.

Mr. INOUYE. Mr. President, I urge the adoption of these amendments.

LOCATION OF PROJECTS ON INDIAN LANDS

Mr. INOUYE. Mr. President, on behalf of Senator BURDICK and others, I have sent to the desk an amendment to S. 2481, the bill to reauthorize the Indian Health Care Improvement Act. The amendment will give priority to Indian reservation lands for the location of projects and facilities of the Indian Health Service and the Bureau of Indian Affairs.

Mr. President, the Nation's Indian reservations suffer from unemployment rates that range from 30 and 85 percent. American Indians have the lowest standard of living and the most severe social problems of any people in the United States. Numerous hearings and reports concerning American Indians conclude that unemployment is the primary factor contributing to the economic distress on Indian reservations.

The priority to Indian reservation land amendment would require the Indian Health Service [IHS] and the Bureau of Indian Affairs [BIA] to give priority to Indian reservation lands when these agencies are planning to construct or relocate service facilities or employment projects. The legislation would require IHS and BIA to take into consideration the long-term benefit of employment opportunities on Indian reservation lands that would result from the siting of facilities and projects on Indian lands. The cost benefits of employment opportunities to the Indian reservation ultimately will result in the reduction of Indian health care and related Indian affair costs due to economically distressed areas such as Indian reservation lands.

I urge my colleagues in the Senate to support this important amendment.

OFFICE OF INDIAN WOMEN'S HEALTH, INDIAN HEALTH SERVICE

Mr. DOMENICI. Mr. President, the bill before us today includes my amendment to create a new Office of Indian Women's Health in the Indian Health Service [IHS] of the Public Health Service [PHS], U.S. Department of Health and Human Services [HHS].

I have become convinced of the importance of such a permanent office in IHS after reviewing "Indian Women's Health Issues", a final report following a roundtable conference held in Tucson, AZ, January 9 and 10, 1991. This conference was sponsored by IHS, Office of Planning, Evaluation and Legislation.

The Tucson Roundtable Conference identified nine of the most important health issues facing Indian women today. They reported that "factors such as poverty, racism, sexism, abuse, and cultural loss are all contributing factors to the prevention, intervention, early detection and treatment of such major killers as cervical cancer, type II diabetes, accidents, cirrhosis of the liver, and violence."

Specific recommendations and strategies were developed in nine key areas of concern by the conference. The most immediate Indian women's health problems identified are:

Breast and cervical cancer; diabetes; reproductive care; alcoholism and substance abuse; poor self-esteem; domestic violence; inadequate research; neglect of the elderly; and access to care.

This conference concluded, "If the IHS and tribal communities are to effectively address Indian women's health, they must understand her relationship to her cultural, social, physical, and spiritual environment."

A national Indian Women's Health Conference is in the planning stages for fiscal year 1993. It will use the Tucson Roundtable findings as recommendations for a base.

The Public Health Service in HHS has an Action Plan for Women's Health, published in September 1991. This plan includes detailed goals, strategies, action steps, and mileposts for improving the health care of Indian women through the Indian Health Service which is a part of the Public Health Service. There is also an ongoing Women's Task Force in the IHS.

I believe, Mr. President, that the excellent work done to date cannot be ignored, and it must become a permanent part of the IHS to continue to ensure the best health care possible for Indian women.

The special health needs of Indian women are addressed in another part of the bill before us, S. 2481, the Indian Health Care Amendments Act of 1992. Section 718 of this bill creates Indian women treatment programs. These are competitive grants to develop and implement a comprehensive program of prevention, intervention, treatment,

and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women.

Therefore, Mr. President, we see that the special care needs of Indian women are being addressed both by the PHS women's health initiative and its related IHS task force and roundtable, as well as with new competitive grants to help alleviate specific concerns that are recognized to be of critical importance to women.

My amendment will enhance both major efforts by ensuring that Indian women receive the ongoing attention of IHS in annual efforts to identify problem areas and recommend solutions to the Congress.

This is accomplished by creating the Office of Indian Women's Health that will make these Indian women's initiatives an integral part of the IHS structure. Continuing assessments will be made of the status of Indian women's health conditions and care. The IHS will recommend strategies for improving these conditions and will include improvements in the design of women's health programs. The permanent new office will serve to help the IHS become and remain more alert to the special cultural conditions of Indian women as these conditions impact on health care needs.

This office would be responsible for overseeing all efforts of the IHS to monitor and improve the quality of health care for Indian women in the planning and delivery of all IHS programs. This charge would include the development of programs in all IHS centers, clinics, and hospitals to improve and enhance the treatment models of care for Indian women and Indian girls of all ages. This integrative approach further ensures that women's unique concerns are taken into account in all IHS strategies and programs.

The Office of Indian Women's Health Care would serve all IHS beneficiaries including American Indian and Alaska Native women.

Key functions of the office would be:

First, update all basic IHS information systems to include the collection and analysis of data pertinent to documenting the level and quality of health care being received by Indian women through the IHS and related contractors. Any special studies by the IHS will be reviewed in the design phases to insure that Indian women are appropriately included.

Second, establish and maintain an active Indian women's health agenda to include the identification of priority areas of service. Existing efforts to identify these priorities such as the Indian Women's Task Force and Roundtable Conference will be incorporated into this agenda.

Third, insure that the priority areas identified in the agenda become an integral part of the planning and evaluation processes for all IHS delivery systems.

Fourth, require that the Indian women's agenda be translated into action plans with appropriate annual budget requests to implement services, equipment, personnel, and other changes necessary to improve the delivery of health services to Indian women.

Fifth, allow for differences in priorities by IHS areas. The action plan will make maximum utilization of area office capabilities and facilities. It will also recommend ways to coordinate additional government, tribal, and private resources to accomplish the plans.

Sixth, include the findings, recommendations, agenda, action plans, and other relevant information in the annual IHS reports to Congress.

It is anticipated that the key office functions described above will result in further documentation of the special health care needs of Indian women and practical ways to address them. The office is most likely to begin with the nine problem areas described above and will have the capacity to address new problems as they arise.

At the request of the administration, my amendment does not include as associate director for this office. Rather, the administration would prefer to organize this office under a Women's Health Coordinator to accomplish the goals and purposes of the office. Whether a coordinator or associate director is finally chosen is left to the discretion of the IHS Director.

We provide an authorization of such sums as necessary to implement the purposes of this office. We will also require that the setting of the Indian women's health agenda and its priorities include the active participation of Indian women beneficiaries.

Finally, I would like to thank the members of the Senate Select Committee on Indian Affairs with special thanks to chairman INOUYE and vice chairman MCCAIN for their support of this amendment in the manager's floor amendment. Their long and consistent efforts to improve the health care of American Indians and Native Alaskans deserves the recognition and gratitude of our colleagues.

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

The amendment (No. 3089) was agreed to.

Mr. CONRAD. Mr. President, I rise today in support of S. 2481, a bill to amend the Indian Health Care Improvement Act. One would be hard-pressed to identify an area in which there is a more telling disparity between the general population and the American Indian population than in the area of health care. This legislation, which I have cosponsored, seeks to eliminate health deficiencies among Native Americans and to ensure that the health status of Native Americans meets minimum standards by the year 2000. The bill will accomplish this by getting to the root of the health problems in Indian country.

S. 2481 is an extensive bill, so I will highlight only a few of its provisions. Among the most notable provisions in this legislation are those relating to substance abuse—a problem of devastating proportions on Indian reservations. According to the Indian Health Service, the alcoholism rate among American Indians is six times the national average, while the alcoholism death rate for American Indians is four times the national average.

Unfortunately, this upward trend in substance abuse has aggravated a related and equally devastating problem on Indian reservations: fetal alcohol syndrome. Although recognized as the leading cause of mental retardation in the United States, fetal alcohol syndrome, if given the proper attention, is entirely preventable. I wish to commend the committee, and particularly my colleague from South Dakota, Senator DASCHLE, for making such a strong effort to combat this appalling disease.

S. 2481 requires the Indian Health Service to assess the scope of substance and alcohol abuse among the American Indian population and to focus more fully on such prevalent problems as fetal alcohol syndrome and the lack of residential facilities for pregnant women. The bill authorizes the Secretary of Health and Human Services to make fetal alcohol syndrome grants to provide community and in-school training and education on the disease, to provide vocational support and counseling to fetal alcohol syndrome-affected persons, and to develop prevention and intervention models.

This legislation would also establish the regional youth alcohol and substance abuse prevention and treatment center in Arizona, would use the Medicare and Medicaid Programs to grant Indian people better access to improved health facilities and services, and would ensure that native Americans in urban areas have access to much-needed health services.

In addition, S. 2481 addresses a problem which is often overlooked but which has serious implications for the future of Indian health care: the severe shortage of native Americans in health-related professions. The Indian Health Service quite simply does not have the resources to recruit and retain qualified physicians, nurses, and other health care personnel. Therefore, this bill authorizes the IHS to use educational grants and programs to recruit, train, and retain health professionals.

One area in which I have taken a special interest is the availability of psychiatric care. Earlier this year, the Journal of the American Medical Association published an extremely disturb-

ing survey of more than 13,000 American Indian and Alaska Native teenagers. As described in the survey, the world of native American teenagers is too often a world of hopelessness. Many fall prey to drug and alcohol addiction, experience parental neglect and sexual abuse, and die at much too early an age. According to this study, native American teenagers have approximately twice the death rate of teenagers in any other racial group. In 1986, for example, the rate for Indians and Alaska Natives between the ages of 15 and 19 was 190 deaths per 100,000, compared to 81 per 100,000 among all American teens. By the end of high school, one out of five Indian girls and one out of eight Indian boys have attempted suicide.

Let me just toss out a few more telling statistics from this same survey: 33 percent of native American youth report never having driven under the influence of alcohol; 18 percent report that they have been a victim of sexual or physical abuse, or both; well over a third of males and over half of females in grades 7–9—we're talking here about kids 12 to 15 years old—report having had sexual intercourse and not using birth control; and approximately 14 percent may be at high risk for future health problems due to such things as insufficient exercise, consistent use of tobacco, and diets high in fat and cholesterol and low in vegetables, fruits and fibers. These are not simply physical ailments, but fundamental psychological and emotional problems that must be given direct and immediate attention.

Unfortunately, the lack of Indian personnel in the field of psychology has created a serious cultural gap in the delivery of mental health care to Indian people. At my request, the committee included a provision in S. 2481 to make grants available to at least three colleges and universities for the purpose of developing and maintaining American Indian psychology careers recruitment programs. One of these grants would supplement the Indians Into Medicine Program at the University of North Dakota.

Also established by this legislation will be the Quentin N. Burdick Indian Health Program to coordinate the Indian health training programs available at the University of North Dakota. As a veteran member of the Senate Select Committee on Indian Affairs, Quentin Burdick was tireless in his efforts to improve the lives of Native Americans. He was committed to providing Indian people not only with the kind of quality health care that all Americans deserve, but also the opportunity to become active contributers to the health care profession. Quentin Burdick is a cosponsor of S. 2481, and I am very sorry that he will not be here to witness its passage.

Mr. President, I yield the floor.

Mr. DASCHLE. Mr. President, the Select Committee on Indian Affairs, under Chairman DANIEL INOUYE, has worked many months on the reauthorization of the Indian Health Care Improvement Act. The result of this effort is before us today.

I am grateful for the opportunity to have held a hearing at Lower Brule, SD, on this subject in April, and to know that the testimony given there was contributed to the shaping of this legislation. I want to take a moment to commend and thank the Aberdeen Area Indian Health Service Tribal Chairmen's Association for their considerable contribution to the planning and substance of the hearing at Lower Brule. I endeavored, in cooperation with the association, to ensure the Aberdeen area tribes' participation in the reauthorization of this major health bill. This hearing contributed to solid recommendations to the Select Committee for improving the health status of those served not only by the Indian Health Service in the Aberdeen area, but nationally as well.

I believe that the Tribal Chairmen's Association in the Aberdeen area is one of the most active and effective in the Nation. Their efforts are aimed at dealing with some of the worst health statistics in the Nation:

The Aberdeen area continues to lead the IHS with 19.8 infant deaths per 1,000 live births.

The age-adjusted mortality rate for alcoholism for the Aberdeen area is 11 times higher than that of the United States all races.

The diabetes mortality rate is almost 4 times that of United States all races.

The life expectancy of the Aberdeen area is 66.3 years compared to that of United States all races, which is 75.0 years.

Age-adjusted mortality for heart disease for the Aberdeen area is over 1½ times that of the United States all races as well as being the worst in the IHS.

I intend to continue to work with the association until we no longer have to quote statistics like these.

The enactment of the Indian Health Care Improvement Act in 1976 marked a turning point in Federal Indian health care. Along with the Indian Self-Determination Act, the Indian Health Care Improvement Act clearly acknowledges the unique legal relationship between the Federal Government and American Indians and Alaska Natives and the resulting responsibility to maintain and improve the health of these people. The original act clearly identified the Federal responsibility and noted the deficiencies both in Indian health status and in the resources necessary to provide adequate health services. The act itself was a comprehensive, coordinated set of actions to ensure adequate health manpower for Indian Health Service facilities through recruitment and scholarships (title I), increased resources for a defined series of curative and preventive health services (title II), a consistent effort to provide adequate Indian hospitals, health centers, and other health facilities and safe water and sanitary waste disposal for American Indian homes and communities (title III), improved access to, and improved quality of, health services for Indian people by authorizing the Indian Health Service to receive reimbursements for Medicare and Medicaid (title IV) and health services for urban Indians (title V).

As a result, for the first time, Indian tribal governments and their constituents had a clear vision of their opportunity to receive high-quality comprehensive health services meeting the same high national standards established for other citizens, and to participate fully with the Federal Government in the planning and operation of these services.

The Federal Government has a great responsibility when it comes to meeting the health care delivery needs of our Nation's first citizens. However, we also need a more flexible approach to Indian health programs so that tribes can be more involved in assessing priorities, and in designing and implementing delivery systems to address these priorities.

S. 2481, the bill we have before us today, builds on the original act. It has my wholehearted support.

Mr. President, there are three subjects in this legislation on which I would like to comment because they are of particular concern: First, I believe this bill makes an important attempt to deal with the problem of Fetal Alcohol Syndrome Effect through grants and education programs. Second, a serious problem in the Aberdeen area is the difficulty of obtaining adequate health professionals to staff the remote and isolated reservation service units. This bill gives us some much-needed tools to attract and maintain health professionals. Finally, Mr. President, this bill addresses a major concern of the Aberdeen area tribal chairmen, and that is the possible closure of inpatient facilities. The bill emphasizes the importance of ensuring that the quality of health care will in no way be diminished before an inpatient facility is closed.

The legislation we have before us today is an important step in our continuing efforts to obtain quality health care for Indian people.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The text of S. 2481, as passed by the Senate, will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

MEASURE PLACED ON CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that H.R. 3591, the Federally Supported Health Centers Assistance Act just received from the House be placed upon the calendar.

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

NATIVE AMERICAN VETERANS' HOME LOAN EQUITY ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 641, S. 2528 relating to housing loans to native American veterans; that the committee substitute amendment be agreed to; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

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

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to support S. 2528, the proposed "Native American Veterans Loan Equity Act of 1992," which was introduced by my friend and fellow committee member, Senator AKAKA. I am proud to be an original cosponsor of this bill, which was reported by our committee on August 12, 1992 (S. Rept. No. 102-378), to establish a pilot program of direct home loans for native American veterans who live or wish to live on trust lands.

Mr. President, I congratulate my good friend, Senator AKAKA, for his work on this bill, which I believe will help us begin to overcome the legal and economic barriers that effectively have precluded native American veterans living on reservations and other trust lands from using VA home loan benefits that they have earned through service to our country.

Mr. President, Senator AKAKA's bill builds on a foundation established by his distinguished predecessor and my friend, the late Senator Spark Matsunaga, who introduced a similar bill in the 101st Congress, S. 1146.

The pilot program in this bill is designed to enable the VA to determine whether a direct-loan program effectively can provide the home loan benefits that are not available to these veterans through the VA-guaranteed home loan program. The guaranteed loan program relies on private lenders, who do not make home mortgage loans with respect to residences on trust lands because they cannot obtain a traditional security interest in the property. The pilot program is a modest, innovative approach that leaves a great deal of flexibility for the VA and tribal governments to tailor the program to the widely varying needs and circumstances of individual native American veterans and native American groups. The bill requires the VA to work out with individual tribal organizations appropriate arrangements to implement and administer the program in a manner that provides reasonable protection for the Government's financial interest without violating the rights of native Americans under their trust relationship with the Government.

Mr. President, it has been a pleasure to work with Senator AKAKA on this bill. I want to note the excellent and tireless work on this legislation by a senior member of his staff, John Tagami, who also worked on this issue as a member of Senator Matsunaga's staff. I also want to acknowledge the inspiring grassroots efforts of various groups and individuals representing native American veterans and Indian housing interests, including the Native American Veterans Coordinating Council.

I also am grateful to our committee's ranking Republican member, Mr. SPECTER, and all other members of the committee for their cooperation on this measure and, for the fine work of the committee staff—on the minority side, Quentin Kinderman, and Tom Roberts; the committee's editorial director, Roy Smith; and on the majority staff, Neil Koren, Bill Brew, and Ed Scott.

I urge all of my colleagues to support this important bill to help ensure that all veterans have access to the benefits they earned while serving our country.

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs, I am pleased to support passage of S. 2528. This bill would require the Secretary of Veterans' Affairs to establish a 5-year pilot program of direct loans to enable native American veterans to purchase homes on reservations.

This bill, originally introduced by Senator AKAKA, would assist our native American veterans by making available to them a benefit that has long been enjoyed by other veterans of this country: The right to use their entitlement to a veterans' home loan guaranty to purchase a home in the location in which they wish to live.

There are, according to VA studies, approximately 170,000 native American veterans, about half of whom live on reservations or other trust lands. Although many of these deserving veterans are eligible for the VA home loan program, there are no documented instances where a VA home loan has been issued to a native American for a home on trust land.

The reasons for this are well documented, and include the poor economic conditions on many reservations, as well as the unique legal status of tribal lands, and other disincentives to private lenders associated with making loans on tribal property.

This bill, Mr. President, would create a pilot program to help find a way that these deserving veterans can achieve what many of us take for granted, acquiring a home of one's own. S. 2528 would create a $5 million, 5-year test program to determine if a direct loan process is the solution to this problem.

The bill has been drafted carefully to protect the interests of the Government as well as those of veterans, with specific limits on the maximum loan, the maximum interest rate, and a mechanism to give VA a security interest in the residence for which the loan is guaranteed. If this pilot program is successful, as I am confident it will be, it will result in a significant improvement in the quality of life of many native American veterans, and also bring much needed employment and commerce to the native American communities affected.

In closing, I would like to thank the staff who worked so hard to prepare this bill: John Tagami from Senator AKAKA's staff; Neil Koren, Michael Cogan, Bill Brew, and Ed Scott from the majority staff; and Quent Kinderman and Tom Roberts of my staff.

Mr. President, helping our native American veterans to utilize the benefits that they earned serving this country with honor and courage is an important goal of the Congress. This measure takes an important step in that direction.

I urge my colleagues to support S. 2528.

Mr. AKAKA. Mr. President, it is with great pleasure that I note the imminent passage today of S. 2528, the Native American Veterans Home Loan Equity Act of 1992, which I introduced earlier this year with Senators CRANSTON, DECONCINI, DASCHLE, and INOUYE, and which was subsequently cosponsored by Senators MURKOWSKI, HOLLINGS, CONRAD, KENNEDY, and our dear and recently departed colleague, Senator Burdick.

The Veterans' Affairs Committee heard testimony on the bill last April 9 from representatives from VA, veterans service organizations, the native American community, and the financial and housing industry. On June 24, based on the highly supportive comments received at the hearing, the

committee unanimously reported the legislation, with minor modifications.

As reported from committee, S. 2528 authorizes a 5-year, $5 million pilot program of direct VA home loan benefits to native American veterans—including American Indians, native Hawaiians, Pacific Islanders, and Alaskan Natives—to purchase, construct, or improve housing on trust lands. I am very pleased to note that appropriations to fund the full $5 million authorization has been provided in the fiscal year 1993 VA, HUD, and Independent Agencies appropriations measure, which this body recently adopted. Among other provisions, the legislation would:

Require VA to conduct the pilot program in a variety of geographic areas and in areas experiencing a range of economic circumstances;

Give VA the authority to enter into individually tailored agreements with tribal organizations—each of which has different political, administrative, and legal practices—regarding loan foreclosure, processing, enforcement, and other procedures.

Require the Secretary of Veterans Affairs to develop credit underwriting standards that take into account the general purpose of the bill, which is to make housing available to native American veterans on trust lands; and,

Establish a maximum individual loan amount of $80,000 with an interest rate no greater than the rate of VA-guaranteed loans, and require the veteran to pay closing costs and loan origination expenses. The Secretary would be authorized to exceed this limit in areas with high housing costs.

The purpose of S. 2528 is to make VA home loan entitlements available to the Nation's 170,000 native American veterans, as many as half of whom already resides on trust lands, who effectively cannot use their entitlement to VA-guaranteed loans to purchase or build homes on trust lands. In the half-century since the VA home loan program began, there has not been a single documented case of a native American veteran receiving a VA-guaranteed home loan on reservations or other trust lands. This is compared to the more than 13 million veterans who have been able to use their entitlement elsewhere to obtain more than $350 billion in loans to achieve the American dream of home ownership.

The reasons for this deplorable situation are several, Mr. President, including outright discrimination by lenders, higher costs of doing business on trust lands, and lack of VA outreach. In addition, the endemic unemployment and generally poor economic conditions which exist on many trust lands preclude many veterans from establishing income and credit histories acceptable to lenders.

However, arguably the most important obstacle facing native Americans in obtaining home loans is the legal status of trust lands. Banks and other lenders will simply not make loans to anyone, much less a native American veteran, for housing on trust land, which is inalienable and thus problematical as collateral or security. It is clear that lenders will never be induced to make loans to veterans for housing on trust lands without being given great financial inducements, and perhaps not even then. It is this legal barrier against the transfer of title of trust lands that S. 2528 attempts to address, by making the Federal Government the lender in place of private lenders.

Mr. President, S. 2528 is modeled in part on legislation introduced in the preceding Congress by my predecessor on this committee, the late Senator Spark Matsunaga, and is the product of extensive consultation with many individuals and parties, including VA, HUD, the Interior Department, veterans service organizations, the financial and housing industries, and the native American community.

Our bill is also based on the results of a July 1991 VA study required by this committee, "Assessment of the Utilization of the VA Home Benefit by Native American Veterans Living on Trust Land," conducted under contract by the consulting firm of Booz, Allen & Hamilton.

Special note must be made of the contributions of VA's Advisory Committee on native American Veterans, chaired by Mr. Ray Field, which first identified the problem that S. 2528 hopes to rectify, and of its successor organization, the Native American Veterans Coordinating Council. Should this bill become law, native American veterans will owe a debt of gratitude to Mr. Field and other committed native American veterans, including David Ortega Shaw, Richard Baker, and Judge Thomas Kaulukukui, who spent countless days working for adoption of this measure.

Finally, I would like to note the valuable technical and substantive advice provided by Senator CRANSTON, chairman of the Veterans' Affairs Committee, and the committee staff, particularly Ed Scott, Michael Cogan, and Neil Koren. Without their help, we would not be at this juncture today.

Mr. President, I am extremely pleased that the Senate is at last acting to correct a glaring inequity in the VA Home Loan Program. With passage of this measure, we are sending a message to native Americans everywhere that the U.S. Government recognizes their special needs, and is willing and able to take the steps necessary to address problems unique to their community.

Mr. MURKOWSKI. Mr. President, I rise to commend Veterans Affairs' Committee Chairman CRANSTON, as well as our colleague, Senator AKAKA of Hawaii, for so ably managing and today bringing to the floor for final action S. 2528, a bill that could promote Alaska Native veterans' obtaining VA home loans. I was pleased to be a cosponsor of this worthwhile legislation that will have direct impact on my home State of Alaska.

In the history of the VA Home Loan Program, Mr. President, no loans have ever been made to native Americans, including Alaska Natives, who wish to use their VA eligibility to purchase homes on Federal reservation or trust lands. Mr. President, over 13 million home loans have been made to veterans since the inception of the program after World War II, but not one VA loan or loan guaranty has ever been made to the members of a group veterans that is arguably most in need in housing assistance—native American veterans who choose to reside on reservations or on trust lands.

Mr. President, when my colleague from Hawaii originally developed this idea, I saw it as a wise and fair proposal, with only a very modest cost. I urge my colleagues to support final passage of this legislation, so that at long last we may be able to address a disturbing inequity affecting Alaska Native veterans and other native American veterans who wish to use their well-earned VA eligibility to purchase homes on trust lands. I believe that S. 2528—which authorizes a VA pilot program to meet this need and requires the Secretary of Veterans Affairs to make a report to Congress on these efforts—is a fair and equitable remedy.

S. 2528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Veterans' Home Loan Equity Act of 1992".

SEC. 2. NATIVE AMERICAN VETERANS DIRECT HOUSING LOAN PILOT PROGRAM.

(a) PROGRAM.—Chapter 37 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM

"§ 3761. Pilot program

"(a) The Secretary shall establish and implement a pilot program under which the Secretary may make direct housing loans to Native American veterans. The purpose of such loans is to permit such veterans to purchase, construct, or improve dwellings on trust land. The Secretary shall establish and implement the pilot program in accordance with the provisions of this subchapter.

"(b) In carrying out the pilot program under this subchapter, the Secretary shall, to the extent practicable, make direct housing loans to Native American veterans who are located in a variety of geographic areas and in areas experiencing a variety of economic circumstances.

"(c) No loans may be made under this subchapter after September 30, 1997.

"§ 3762. Direct housing loans to Native American veterans

"(a) The Secretary may make a direct housing loan to a Native American veteran if—

"(1) the Secretary has entered into a memorandum of understanding with respect to such loans with the tribal organization that has jurisdiction over the veteran; and

"(2) the memorandum is in effect when the loan is made.

"(b)(1) Subject to paragraph (2), the Secretary shall ensure that each memorandum of understanding that the Secretary enters into with a tribal organization shall provide for the following:

"(A) That each Native American veteran who is under the jurisdiction of the tribal organization and to whom the Secretary makes a direct loan under this subchapter—

"(i) holds, possesses, or purchases using the proceeds of the loan a meaningful interest in a lot or dwelling (or both) that is located on trust land; and

"(ii) will purchase, construct, or improve (as the case may be) a dwelling on the lot using the proceeds of the loan.

"(B) That each such Native American veteran will convey to the Secretary by an appropriate instrument the interest referred to in subparagraph (A) as security for a direct housing loan under this subchapter.

"(C) That the tribal organization and each such Native American veteran will permit the Secretary to enter upon the trust land of that organization or veteran for the purposes of carrying out such actions as the Secretary determines are necessary—

"(i) to evaluate the advisability of the loan; and

"(ii) to monitor any purchase, construction, or improvements carried out using the proceeds of the loan.

"(D) That the tribal organization has established standards and procedures that apply to the foreclosure of the interest conveyed by a Native American veteran pursuant to subparagraph (B), including—

"(i) procedures for foreclosing the interest; and

"(ii) procedures for the resale of the lot or the dwelling (or both) purchased, constructed, or improved using the proceeds of the loan.

"(E) That the tribal organization agrees to such other terms and conditions with respect to the making of direct loans to Native American veterans under the jurisdiction of the tribal organization as the Secretary may require in order to ensure that the pilot program established under this subchapter is implemented in a responsible and prudent manner.

"(2) The Secretary may not enter into a memorandum of understanding with a tribal organization under this subsection unless the Secretary determines that the memorandum provides for such standards and procedures as are necessary for the reasonable protection of the financial interests of the United States.

"(c)(1)(A) Except as provided in subparagraph (B), the principal amount of any direct housing loan made to a Native American under this section may not exceed $80,000.

"(B) The Secretary may make loans exceeding the amount described in subparagraph (A) in a geographic area if the Secretary determines that housing costs in the area are significantly higher than average housing costs nationwide. The amount of such increase shall be the amount that the Secretary determines is necessary in order to carry out the pilot program under this subchapter in a manner that demonstrates the advisability of making direct housing loans to Native American veterans who are located in a variety of geographic areas and in geographic areas experiencing a variety of economic conditions.

"(2) Loans made under this section shall bear interest at a rate determined by the Secretary, which rate may not exceed the appropriate rate authorized for guaranteed loans under section 3703(c)(1) or section 3712(f) of this title, and shall be subject to such requirements or limitations prescribed for loans guaranteed under this title as the Secretary may prescribe.

"(3) Notwithstanding section 3704(a) of this title, the Secretary shall establish minimum requirements for planning, construction or improvement, and general acceptability relating to any direct loan made under this section.

"(d)(1) The Secretary shall establish credit underwriting standards to be used in evaluating loans made under this subchapter. In establishing such standards, the Secretary shall take into account the purpose of this program to make available housing to Native American veterans living on trust lands.

"(2) The Secretary shall determine the reasonable value of the interest in property that will serve as security for a loan made under this section and shall establish procedures for appraisals upon which the Secretary may base such determinations. The procedures shall incorporate generally the relevant requirements of section 3731 of this title, unless the Secretary determines that such requirements are impracticable to implement in a geographic area, on particular trust lands, or under circumstances specified by the Secretary.

"(e) Loans made under this section shall be repaid in monthly installments.

"(f) In connection with any loan under this section, the Secretary may make advances in cash to provide for repairs, alterations, and improvements and to meet incidental expenses of the loan transaction. The Secretary shall determine the amount of any expenses incident to the origination of loans made under this section, which expenses, or a reasonable flat allowance in lieu thereof, shall be paid by the veteran in addition to the loan closing costs.

"(g) Without regard to any provision of this chapter (other than a provision of this section), the Secretary may—

"(1) take any action that the Secretary determines to be necessary with respect to the custody, management, protection, and realization or sale of investments under this section;

"(2) determine any necessary expenses and expenditures and the manner in which such expenses and expenditures shall be incurred, allowed, and paid;

"(3) make such rules, regulations, and orders as the Secretary considers necessary for carrying out the Secretary's functions under this section; and

"(4) in a manner consistent with the provisions of this chapter and with the Secretary's functions under this subchapter, employ, utilize, and compensate any persons, organizations, or departments or agencies (including departments and agencies of the United States) designated by the Secretary to carry out such functions.

"(h) The Secretary shall carry out an outreach program to inform and educate tribal organizations and Native American veterans of the pilot program provided for under this subchapter and the availability of direct housing loans for Native American veterans who live on trust lands.

"§ 3763. Housing loan program account

"(a) There is hereby established in the Treasury of the United States an account known as the 'Native American Veteran Housing Loan Program Account' (hereafter in this subchapter referred to as the 'Account').

"(b) The Account shall be available to the Secretary to carry out all operations relating to the making of direct housing loans to Native American veterans under this subchapter, including any administrative expenses relating to the making of such loans. Amounts in the Account shall be available without fiscal year limitation.

"§ 3764. Definitions

"For the purposes of this subchapter—

"(1) The term 'trust land' means any land that—

"(A) is held in trust by the United States for Native Americans;

"(B) is subject to restrictions on alienation imposed by the United States on Indian lands (including native Hawaiian homelands);

"(C) is owned by a Regional Corporation or a Village Corporation, as such terms are defined in section 3(g) and 3(j) of the Alaska Native Claims Settlement Act, respectively (43 U.S.C. 1602(g), (j)); or

"(D) is on any island in the Pacific Ocean if such land is, by cultural tradition, communally-owned land, as determined by the Secretary.

"(2) The term 'Native American veteran' means any veteran who is a Native American.

"(3) The term 'Native American' means—

"(A) an Indian, as defined in section 4(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(a));

"(B) a native Hawaiian, as that term is defined in section 201(a)(7) of the Hawaiian Homes Commission Act, 1920 (Public Law 67-34; 42 Stat. 108);

"(C) an Alaska Native, within the meaning provided for the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

"(D) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

"(4) The term 'tribal organization' shall have the meaning given such term in section 4(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(c)) and shall include the Department of Hawaiian Homelands, in the case of native Hawaiians, and such other organizations as the Secretary may prescribe.".

(b) CONSULTATION.—In carrying out the direct housing loan pilot program authorized under subchapter V of chapter 37 of title 38, United States Code (as added by subsection (a)) the Secretary of Veterans Affairs shall consider the views and recommendations, if any, of the Advisory Committee on Native-American Veterans established under section 19032 of the Veterans' Health-Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 388).

(c) CONFORMING AMENDMENT.—The table of sections of such chapter is amended by adding at the end the following new matter:

"SUBCHAPTER V—NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM

"3761. Pilot program.
"3762. Direct housing loans to Native American veterans.
"3763. Housing loan program account.
"3764. Definitions.".

SEC. 3. ANNUAL REPORTS.

Not later than February 1 of each of 1994 through 1998, the Secretary of Veterans Affairs shall transmit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report relating to—

(1) the implementation of the Native American veterans direct housing loan pilot program established under subchapter V of chapter 37 of title 38, United States Code (as added by section 2) during the period ending on September 30 of the year preceding the date of the report;

(2) the Secretary's exercise of the authority provided under section 3762(c)(1)(B) of such title (as so added) to make loans exceeding the maximum loan amount;

(3) the appraisals performed for the Secretary during that period under the authority of section 3732(d)(2) of such title (as so added), including a description of—

(A) the manner in which such appraisals were performed;

(B) the qualifications of the appraisers who performed such appraisals; and

(C) the actions taken by the Secretary with respect to such appraisals to protect the interests of veterans and the United States; and

(3) the Secretary's recommendations, if any, for legislation regarding the pilot program.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

New direct loan obligations for Native American veteran housing loans under subchapter V of chapter 37 of title 38, United States Code (as added by section 2), may be incurred only to the extent that appropriations of budget authority to cover the anticipated cost, as defined in section 502 of the Congressional Budget Act of 1974, for such loans are made in advance. There is authorized to be appropriated for such purpose $5,000,000 for fiscal year 1993, which amount shall remain available without fiscal year limitation.

Mr. FORD. Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 12:09 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 680. An act to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism in the United States, and for other purposes;

H.R. 4551. An act to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under that Act, and for other purposes; and

S.J. Res. 337. Joint resolution designating September 18, 1992, as "National POW/MIA Recognition Day", and authorizing display of the National League of Families POW/MIA flag.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

At 2:13 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has disagreed to the amendments of the Senate numbered 1 through 68 to the bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes; and that it agrees to the amendment of the Senate numbered 69 to the said bill, with an amendment, in which it requests the concurrence of the Senate.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3591. An act to amend the Public Health Service Act to provide protections from legal liability for certain health care professionals providing services pursuant to such Act.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1537. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code (Rept. No. 102–410).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2788. A bill to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for fiscal years 1993 through 1995, and for other purposes (Rept. No. 102–411).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment and an amendment to the title:

H.R. 2014. A bill to designate the United States Post Office Building located at 153 East 110th Street, New York, New York, as the "Oscar Garcia Rivera Post Office Building".

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

H.R. 4539. A bill to designate the general mail facility of the United States Postal Service in Gulfport, Mississippi, as the "Larkin I. Smith General Mail Facility" and the facility of the United States Postal Service in Poplarville, Mississippi, as the "Larkin I. Smith Post Office".

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment and an amendment to the title:

H.R. 4786. A bill to designate the facility of the United States Postal Service located at 20 South Main in Beaver City, Utah, as the "Abe Murdock United States Post Office Building".

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

H.R. 5453. A bill to designate the Central Square facility of the United States Postal Service in Cambridge, Massachusetts, as the "Clifton Merriman Post Office Building".

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 316. A bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102–32. Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (Exec. Rept. 102–53).

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION AS RECOMMENDED BY THE COMMITTEE ON FOREIGN RELATIONS

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed at Moscow on July 31, 1991, including Annexes on Agreed Statements and Definitions; Protocols on Conversion or Elimination, Inspection, Notification, Throw-weight, Telemetry, and Joint Compliance and Inspection Commission, Memorandum of Understanding (all transmitted within Treaty Doc. 102–20), the Corrigenda of December 19, 1991, and the Protocol to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed at Lisbon, Portugal, on May 23, 1992, between the United States of America and the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine, as successor states of the former Union of Soviet Socialist Republics in connection with the START Treaty (transmitted within Treaty Doc. 102–32 and hereinafter referred to as the May 23, 1992 Protocol); all such documents being integral parts of and collectively referred to as, the "START Treaty", subject to the following:

(a) CONDITIONS.—The Senate's advice and consent to the ratification of the START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) BINDING OBLIGATIONS.—That upon entry into force of the START Treaty, including the May 23, 1992 Protocol, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine shall be legally bound under international law to all the obligations of the Union of Soviet So-

cialist Republics set forth in the START Treaty, its two Annexes, six Protocols, Memorandum of Understanding and Corrigenda.

(2) LEGAL AND POLITICAL OBLIGATIONS OF USSR.—That the legal and political obligations of the Union of Soviet Socialist Republics reflected in the four related separate agreements, seven legally binding letters, four areas of correspondence, two politically binding declarations, thirteen joint statements and ten other statements on related issues transmitted in Treaty Doc. 102-20 for the information of the Senate with the START Treaty are included in the "obligations of the former Union of Soviet Socialist Republics under the Treaty" assumed by the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine pursuant to Article I of the May 23, 1992 Protocol, and that the legal obligations assumed therein are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these legal obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine, in such form as he deems appropriate.

(3) BYELARUS, KAZAKHSTAN AND UKRAINE LETTERS.—That the letter from Chairman Shushkevich of the Supreme Soviet of the Republic of Byelarus to President Bush dated May 20, 1992; the letter from President Nazarbayev of the Republic of Kazakhstan to President Bush dated May 19, 1992; and the letter from President Kravchuk of Ukraine to President Bush dated May 7, 1992 (all having been submitted to the Senate as associated with the May 23, 1992 Protocol in Treaty Doc. 102-32), being obligations legally binding only in the event of ratification of the START Treaty, are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republic of Byelarus, the Republic of Kazakhstan and Ukraine, in such form as he deems appropriate.

(4) NUCLEAR NON-PROLIFERATION TREATY.—That the obligations of the Republic of Byelarus, the Republic of Kazakhstan and Ukraine to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 as non-nuclear-weapon States Parties in the shortest possible time, set forth in Article V of the May 23, 1992 Protocol, are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republic of Byelarus, the Republic of Kazakhstan and Ukraine in such form as he deems appropriate.

(5) IMPLEMENTATION ARRANGEMENTS.—If the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine have not made arrangements to implement the START Treaty's limits and restrictions, and to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, by the date of entry into force of the Treaty, then the President—

(A) shall consult with the Senate regarding the effect on the START Treaty of such developments; and

(B) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreement on the completion of the aforesaid arrangements.

(6) ELIMINATION OF NUCLEAR WEAPONS FROM BYELARUS, KAZAKHSTAN AND UKRAINE.—If the Republic of Byelarus, the Republic of Kazakhstan and Ukraine have not eliminated all nuclear weapons located on their territory and have not eliminated, in accordance with the procedures of the START Treaty, all strategic offensive arms located on their territory, within seven years following the date of entry into force of the START Treaty, as agreed to in legally binding letters submitted to the Senate in connection with the May 23, 1992 Protocol in Treaty Doc. 102-32, then the President—

(A) shall consult with the Senate regarding the effect on the START Treaty of such developments,

(B) shall, if the President determines that failure to eliminate, within seven years following the date of entry into force of the START Treaty, all nuclear weapons, including all strategic offensive arms, located on the territories of the Republic of Byelarus, the Republic of Kazakhstan and Ukraine is of such significance as to constitute a changed circumstance affecting the treaty's object and purpose, and if the President decides not to invoke the withdrawal right under Article XVII of the Treaty, the President shall request a meeting of the Joint Compliance and Inspection Commission in accordance with Article XV of the Treaty, to assess the viability of the Treaty and to ascertain if an amendment is needed to accommodate the change of circumstance, or the President shall undertake other appropriate diplomatic steps; and

(C) shall, if the President has made the determination and decision described in subparagraph (B)—

(i) submit for the Senate's advice and consent to ratification any change in the obligations of the States Parties under the Treaty that is designed to accommodate such circumstance and is agreed to by all States Parties, unless such change is a minor matter of an administrative or technical nature; or

(ii) if no such change in the obligations of the States Parties is agreed to by all States Parties but the President determines nonetheless that continued adherence to the START Treaty would serve the national security interests of the United States, the President shall seek a Senate resolution of support of such continued adherence, notwithstanding the changed circumstance affecting the Treaty's object and purpose.

(7) PRESIDENTIAL REPORT ON TREATY COMPLIANCE.—Within 180 days of the Senate's giving its advice and consent to ratification of the Treaty, the President shall submit to the Senate an updated and expanded compliance report in classified and unclassified form, setting forth—

(A) a listing and discussion of the actions which are violations or probable violations of the obligations of the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties, and the ultimate resolution of these issues;

(B) a listing and discussion of the actions which are in compliance with the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties; and

(C) a comparison of the military significance of those actions listed in subparagraphs (A) and (B).

(8) NUCLEAR STOCKPILE WEAPONS ARRANGEMENT.—In as much as the prospect of a loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the United States and to international peace and security, in connection with any further agreement reducing strategic offensive arms, the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor—

(A) the numbers of nuclear stockpile weapons on the territory of the parties to this Treaty; and

(B) the location and inventory of facilities on the territory of the parties to this treaty capable of producing or processing significant quantities of fissile materials.

(b) DECLARATIONS.—The Senate's advice and consent to ratification of the START Treaty is subject to the following declarations, which express the intent of the Senate:

(1) SUBSTANTIAL FURTHER REDUCTIONS.—Cognizant of the United States' obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control", the Senate finds that the President entered into a Joint Understanding of June 17, 1992, on behalf of the United States, with President Yeltsin, on behalf of the Russian Federation, agreeing to conclude promptly a treaty providing for substantial further reductions in strategic offensive arms. The Senate encourages the conclusion of such a treaty at the earliest possible date and will give it prompt consideration upon submission by the President for advice and consent to ratification. In anticipation of the completion, ratification, and entry into force of a treaty with the Russian Federation for substantial further reductions in strategic arms, the Senate calls upon the other nuclear-weapons-states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(2) MISSILE TECHNOLOGY CONTROL REGIME.—The Senate urges the President to seek the adherence by the Republic of Byelarus, the Republic of Kazakhstan and Ukraine to the guidelines of the Missile Technology Control Regime.

(3) ELIMINATION AND DISMANTLEMENT OF NUCLEAR WARHEADS.—The Senate commends the Republic of Byelarus, the Republic of Kazakhstan, and Ukraine for eliminating the tactical nuclear warheads from their territories and urges the rapid elimination of the strategic nuclear warheads from their territories pursuant to their obligations under the START Treaty. The Senate urges the President to instruct the Safety, Security and Dismantlement negotiators to proceed expeditiously to obtain the destruction of all nuclear warheads from eliminated systems and to facilitate secure safeguarded storage of the special nuclear material withdrawn from eliminated weapons.

(4) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of

the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988.

(5) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 3248. A bill for the relief of Tania Gil Compton; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3249. A bill to modernize the United States Customs Service; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. SIMON, and Mr. PELL):

S. 3250. A bill to amend Section 481(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. DURENBERGER:

S. 3251. A bill to suspend temporarily the duty on capillary membrane material; to the Committee on Finance.

By Mr. SEYMOUR:

S. 3252. A bill relating to the collection of delinquent child support payments; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 344. A resolution to make appointments to the Committee on Appropriations, the Committee on Environment and Public Works, the Special Committee on Aging, and the Select Committee on Indian Affairs; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 3248. A bill for the relief of Tania Gil Compton; to the Committee on the Judiciary.

RELIEF OF TANIA GIL COMPTON

• Mr. MURKOWSKI. Mr. President, I rise today to offer a bill to provide for the relief of Tania Gil Compton in order for her to gain U.S. citizenship.

Tania Marcela Gil, born May 28, 1975, was adopted by Ben and Carol Compton on March 23, 1992, in Cali, Colombia. Her younger siblings were adopted by the Comptons in 1989. Whether by mistake or other unknown reasons, Tania was not placed for adoption with her siblings in 1989. The parents did not know about Tania until some time after her siblings learned English.

The Comptons decided to adopt Tania to keep the family together. Although they started the paperwork for adoption prior to Tania's 16th birthday, the finalization did not occur until after she had already turned 16. Since the adoption process took so long, she is legally ineligible for citizenship through adoption.

However, in order to keep the family together and to provide a stable, loving home for Tania, with the help of the INS, I was able to obtain humanitarian parole for her to come to the United States. This however, does not allow Tania permanent status to reside in the United States. Two years after the parole is issued they must petition for additional time and if this is not granted, Tania would have to return to Colombia where she has no home, no family.

Tania should be allowed to become a United States citizen so that she may enjoy the citizenship her brother and sisters have without the concern of one day having to return to Colombia. This bill would legally classify Tania as a child in order for her to be allowed to apply for U.S. citizenship. Tania has fallen through the cracks and she deserves the assistance this private relief bill provides.•

By Mr. HATCH:

S. 3249. A bill to modernize the U.S. Customs Service; to the Committee on Finance.

CUSTOMS MODERNIZATION AND INFORMED COMPLIANCE ACT

Mr. HATCH. Mr. President, I am introducing a bill today that is critical to the future operation of our Customs Service, as this distinguished institution moves over its 200-year threshold of service to our country.

The Customs Modernization Act will greatly enhance the efficient operation of our import and export system, as it grows at an unprecedented rate, one that will accelerate still faster with the adoption of the North American Free-Trade Agreement.

In fewer words still, the bill will:

Save businesses money while giving them more geographical flexibility.

Shorten the time that importers await the arrival of components and other goods critical to manufacturing, retail, wholesale, and other business operations.

Allow greater and better monitored compliance with U.S. trade laws.

And, perhaps most importantly, codify the basis for the continued technological upgrading of customs services—this will eliminate much redtape and especially reduce the paper load of documentation required by our system since 1789.

Mr. President, these are just a few of the many detailed advantages which I have listed in the balance of remarks which I ask unanimous consent be included in the RECORD.

BALANCE OF REMARKS

Mr. President, the United States has long lagged Europe in customs efficiency, something probably related to the much higher percentage of domestic product of European countries devoted to international trade. Yet, we are becoming a more important world trader on a daily basis, requiring export-import management systems no less efficient than those of our partners if we are to be truly competitive.

This legislation enjoys the support of a broad coalition of importers, carriers, brokers, and other industries. To be sure, there is some concern on the part of small brokers which I intend to address in committee; I intend to make every effort to accommodate every interest that has a legitimate, contributory role to play in the U.S. trade community.

The legislation has passed the House. It needs to be adopted before we adjourn—failure to do so could jeopardize this country's trade opportunities for years to come. I urge my colleagues to support this bill.

By Mr. MOYNIHAN (for himself, Mr. SIMON, and Mr. PELL):

S. 3250. A bill to amend section 481(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

FOREIGN ASSISTANCE ACT AMENDMENTS

Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation which seeks to address a most serious problem in the foreign relations of the United States. It seeks to halt a spreading international perception of the United States as a lawless state which supports the practice of kidnaping. My hope, in particular, is to repair the growing rift between the United States and our neighbors, Mexico and Canada.

Mr. President, I know that my colleagues are well aware of the decision by the United States Drug Enforcement Agency to arrange for the kidnaping of a Mexican citizen to stand trial in the United States for allegedly participating in the torture and murder of a DEA agent. The United States did not even attempt to use the extradition treaty in effect between the United States and Mexico to obtain the trial of this person. Nonetheless, when the kidnaping was challenged by both Mexico and Canada as a violation of the United States-Mexico extradition treaty, the U.N. Charter, the Charter of the Organization of American States and customary international law, the present administration—indeed the present Attorney General—chose to defend the kidnaping.

The Supreme Court recently found that this kidnaping did not violate the literal terms of the United States-Mexico extradition treaty. I have already discussed this decision—which was denounced in a stinging dissent written by Justice Stevens as monstrous—at some length on the Senate floor and will not repeat my comments now.

However, I do wish to bring to my colleagues' attention some of the international reaction to this decision, par-

ticularly in Canada. Mr. President, the United States has a 3,000-mile-long border with Canada. Our relations with our neighbor to the north are absolutely extraordinary in their degree of comity and cooperation. There is not a longer undefended international border in the world. It is imperative, Mr. President, to appreciate the significance of that fact. The United States simply cannot prevent persons from fleeing the United States into Canada. We perforce must rely upon the good offices and friendship of the Government of Canada in arresting and returning criminals to the United States. It will, therefore, come as no surprise that approximately 50 percent of all United States requests for extradition are directed to Canada. There were 74 such requests in 1991 alone.

Mr. President, it is not surprising that the Government of Mexico would strongly disagree with the Supreme Court's decision. It denounced the decision as invalid and unacceptable, demanded immediate renegotiation of the extradition treaty and temporarily suspended cooperation on antidrug efforts. In response, the State Department issued a demonstrably false statement that "[w]e have the utmost respect for Mexican sovereignty * * *" I have been critical of the Mexican judiciary, but others accused in this heinous murder have been successfully prosecuted there and long prison terms meted out. Yet, the United States did not even attempt to use the extradition treaty in this case.

Outrage from Mexico might, therefore, be expected. What is not fully appreciated, however, is the uproar that this decision has caused in Canada and other nations of the world. Justice Stevens wrote: "I suspect most courts throughout the civilized world * * * will be deeply disturbed by the 'monstrous' decision the Court announces today." He has been proven correct. Canadian parliamentarians have denounced the decision, arguing that it "makes a mockery of extradition treaties which have been signed by the "U.S." The Department of State has been candid about the enormous outrage that this abduction and Supreme Court decision have caused in Canada and elsewhere. Deputy Legal Adviser Alan Kreczko testified on July 24 before the Civil and Constitutional Rights Subcommittee of the House Committee on the Judiciary that—

> Many governments have expressed outrage that the United States believes it has the right to decide unilaterally to enter their territory and abduct one of their nationals. Governments have informed us that they would regard such action as a breach of international law. They have also informed us that they would protect their nationals from such action, that such action would violate their domestic law, that they would vigorously prosecute such violations.

Significantly, Mr. Kreczko reported that "[s]ome have indicated that the decision could affect their parliaments' review of pending law enforcement agreements with the United States."

This testimony strongly supports the wise testimony of Michael Abbell, a Justice Department official in the Carter and Reagan administrations and an expert on extradition law, who testified at the same hearing that "[n]ot only is the position of the administration and of the Supreme Court legally and morally wrong, but, ironically it is also antithetical to the long-term law enforcement interests of the United States." That statement bears repeating: "ironically it is * * * antithetical to the long-term law enforcement interests of the United States." Mr. President, it cannot be emphasized too strongly that the decision to embrace kidnaping is harmful to law enforcement, not helpful. It will not assist the United States in combatting crime. On the contrary, it will diminish the very international cooperation against crime which is essential to success against drug traffickers and other criminals.

The United States has now unequivocally pledged in a letter from President Bush to President Salinas that the United States will "neither conduct, encourage nor condone" abductions from Mexico. Thus, we will not use this tool in Mexico again. In the meantime, however, we have jeopardized cooperation on extradition matters with nations around the world.

Mr. President, I welcome President Bush's pledge to the Mexican Government, but more is needed. This legislation will provide governments around the world which wish to cooperate with the United States the assurance that the United States will not take unilateral actions which violate our solemn treaty commitments and customary international law. It reserves to the United States the right to act where there is no effective sovereignty over a particular region and reserves the right to act against a state with which we are at war. It does no more than enact the President's own pledge to Mexico and merely extends the substance of the Mansfield amendment—a provision which has been a part of United States law for 16 years—outside the narcotics control area. It leaves the United States with many tools against terrorists and other criminals, such as those steps we are now taking at the United Nations to obtain the criminals who are alleged to have bombed Pan Am Flight 103.

I ask unanimous consent that the text of this legislation, which I send to the desk, be printed in the RECORD at this point, and I yield the floor.

S. 3250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS

The Congress finds that—

(a) In 1976 the Congress adopted the International Security Assistance and Arms Export Control Act which amended Section 481(c) of the Foreign Assistance Act of 1961 to prohibit U.S. officials from participating in any direct arrest in a foreign country with respect to narcotics control efforts;

(b) In adopting this provision, known as the Mansfield Amendment, the Committee of Foreign Affairs stated that its purpose was "to insure that U.S. personnel [in foreign states] do not * * * adversely affect U.S. relations with that country";

(c) Since 1976 the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives have on several occasions refined Section 481(c) while retaining its central prohibition on direct U.S. involvement with arrest in foreign countries in narcotics control matters;

(d) Close cooperation between the United States and other nations, including the extradition of criminals to the United States, is essential to combat international crime;

(e) The kidnaping of a Mexican citizen by persons acting at the direction of the United States Drug Enforcement Agency and the recent decision of the United States Supreme Court holding that this kidnaping did not violate a 1978 U.S.-Mexican extradition treaty cast doubt on the meaning of this and other extradition treaties and threaten to disrupt cooperation between the United States and Mexico, Canada and the 101 other nations with which the United States has signed extradition treaties;

(f) The Government of Mexico vigorously protested the kidnaping and the Supreme Court's decision, threatened to suspend cooperation with the United States on drug enforcement matters and announced that it will no longer accept United States foreign assistance intended to prevent drugs from entering the United States.;

(g) The Department of External Affairs of the Government of Canada, which receives approximately 50% of all United States extradition requests, has vigorously protested the kidnaping and the Supreme Court's decision;

(h) In the past, persons have been kidnapped from the United States to stand trial abroad and the United States has vigorously protested such actions; and

(i) This kidnapping and subsequent Supreme Court decisions have placed American citizens at risk by creating a precedent for the kidnapping of Americans.

SEC. 2. AMENDMENT TO SECTION 481(C) OF THE FOREIGN ASSISTANCE ACT.

Section 481(c)(1) of the Foreign Assistance Act is amended to read as follows: "(1) Prohibition on direct arrest and abduction—(a) Notwithstanding any other provision of law, no officer, agent or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action; and (b) Notwithstanding any other provision of law, no officer, agent of employee of the United States government may authorize, carry out or assist, directly or indirectly, the abduction of any person within the territory of any foreign state exercising effective sovereignty over such territory without the express consent of that state."

SEC. 3. EXCEPTION FOR VIOLATIONS OF THE LAWS OF WAR.

Section 481(c) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new provision: "(7) This subsection does not prohibit the seizure of any official, agent or employee of a state during armed hostilities for purpose of bring-

ing such person to trial for violations of the internationally recognized laws of war."

SECTION 4. SANCTION FOR VIOLATION.

Section 481(c) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new provision: "(8) A person brought to the United States in violation of subsection (1)(b) hereof shall not be prosecuted by the United States government if the state in which such abduction occurred objects and in the event of such an objection such person shall be promptly returned to the state in which the abduction occurred."

Mr. SIMON. Mr. President, I am pleased to join with my colleague, the distinguished senior Senator from New York, in introducing legislation to promote international cooperation in the fight against drug traffickers and other criminals. On June 15, in United States versus Alvarez-Machain, the Supreme Court ruled that even if the United States kidnaps a criminal suspect from a foreign country, over that country's objections and without following the procedure set out in an extradition treaty, a U.S. Federal court is not precluded from exercising jurisdiction over that individual.

This decision is very troubling for a number of reasons. In the Alvarez-Machain case, the suspect was abducted from Mexico despite the existence of a United States-Mexico extradition treaty. Under the Court's reasoning, the absence of an express prohibition on kidnapping did not foreclose this option. I strongly disagree with this narrow reading of the United States-Mexico extradition treaty and I take issue with the Court's myopic view of this Nation's obligations under international law.

The Alvarez-Machain decision sows the seeds of doubt about U.S. respect for the sovereignty of foreign nations and the force of international law as well as our respect for the constitutional command to honor treaties as "the Supreme Law of the Land." Furthermore, the opinion undermines the safety of American citizens and the efficacy of U.S. international antidrug efforts. If the United States can kidnap a citizen from another country for trial in our courts, what is to prevent other nations from kidnapping our citizens to be tried and punished abroad? If the United States can disregard an extradition treaty, there are those who might get the idea that we do not regard any of our international treaties as binding. If the United States disregards the rule of international law, how can it command the respect and cooperation of other nations in the global effort to deter drug trafficking and other criminal activity?

The bill we introduce today would counter the troubling message in the Alvarez-Machain decision, by explicitly prohibiting agents of the United States from kidnapping a foreign national from a sovereign nation for criminal trial in the United States unless that nation consents. It also makes a series of findings which reaffirm the United States' commitment to honoring international law and cooperating with other nations to end drug trafficking.

Canada, which receives approximately 50 percent of all United States extradition requests, as well as Mexico, vigorously protested the United States governments' action in this case and the Supreme Court's recent decision. In addition, Mexico has threatened to suspend cooperation with the United States on drug enforcement matters. Clearly, we need their cooperation in our international narcotics control law enforcement efforts. This bill will help to restore their confidence in our respect for their sovereignty and our treaties. It will further U.S. law enforcement by securing the cooperation of other countries in the global effort to lawfully prosecute criminals.

Mr. President, again, I commend the senior Senator from New York and I intend to work closely with him toward the passage of this very important piece of legislation. I encourage our colleagues to support and cosponsor it. The broad and serious implications of the Court's decision merit the swift passage of this legislation.

By Mr. SEYMOUR:

S. 3252. A bill relating to the collection of delinquent child support payments; to the Committee on Finance.

COLLECTION OF DELINQUENT CHILD SUPPORT PAYMENTS

• Mr. SEYMOUR. Mr. President, I rise today on behalf of the millions of children in this country who live each day in poverty. Today, more than one in five children in the United States lives in poverty—approximately 20 percent in 1990. In 1974, the child poverty rate was 15.4 percent, while in 1990, this rate grew to 20.6 percent—an increase of 3.3 million children.

The United States prides itself as the land of opportunity, a country that provides its citizens with the resources to gain an education, job skills, and the responsibility to invest these resources for the future. In this case, the responsibility to invest in the future of one's children.

In 1989, of the 10 million women who had children present under the age of 21 from an absent father, 42 percent were never awarded child support rights. Only 26 percent received full payment. About one-half of the 5 million women owed child support payments received the full amount, and about 24 percent received no payment at all. And in 1990, 52 percent of all children in female-headed families were poor compared with only 10 percent of children in families with a male present.

Mr. President, these statistics are unconscionable. In a country where we strictly enforce the payment of income and property tax, we continue to be unsuccessful in collecting delinquent child support payments. Due to the exponential growth in caseloads for each State, child support enforcement has not been a successful endeavor.

Unfortunately, those individuals who are able to pay child support are crossing State borders and out of reach of the child support enforcement agencies. Each day these individuals evade child support payments, their children suffer the consequences of hunger and poverty.

If we continue to ignore this problem, thousands of children will live in impoverished homes. Paternity is the responsibility of both parents and should be strictly enforced, just as we strictly enforce the responsibility of paying taxes.

Therefore, I stand before you today to introduce legislation that offers a solution to the problem of child support enforcement, and the poverty it causes to children. The biggest problem to conquer is to get money to the children. Therefore, I propose a tax credit equal to the amount owed for the custodial parent up to $5,000 per taxable year. This will provide the needed funds to help keep these families out of poverty, while the Government tries to find the delinquent parent.

To remedy delinquent payment, this bill would impose a strict tax increase of 125 percent of any unpaid child support payment for the noncustodial parent for the taxable year. If the noncustodial parent subsequently pays the delinquent child support, his/her tax liability will be reduced by 100 percent for the amount paid.

This results in payment of owed child support plus a penalty of 25 percent, which will then revert to the Treasury to help pay for the tax credit to the custodial parent. By increasing the tax liability of delinquent child support payments, those who are apprehended subsequently pay the past child support payment and are penalized for their delinquency.

Mr. President, our children deserve a chance—a chance that delinquent child support payments threaten to take away. This legislation provides a solution to years of poverty for over 3 million children nationwide.•

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. CRANSTON, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 653

At the request of Mr. HEFLIN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 653, a bill to prohibit injunctive relief, or an award of costs, including attorney's fees, against a judicial officer for action taken in a judicial capacity.

S. 1506

At the request of Mr. GLENN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1506, a bill to extend the terms of the olestra patents, and for other purposes.

S. 2080

At the request of Mr. LEVIN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2080, a bill to clarify the application of Federal preemption of State and local laws, and for other purposes.

S. 2515

At the request of Mr. DECONCINI, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2515, a bill to authorize the establishment of job training programs for unemployed veterans and persons who have been recently separated from the Armed Forces, to pay certain assistance and benefits to employers of such veterans and persons, such veterans, and such persons to defray certain costs relating to the provision of such training, and for other purposes.

S. 2661

At the request of Mr. MOYNIHAN, the names of the Senator from Ohio [Mr. GLENN], the Senator from Idaho [Mr. SYMMS], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 2661, a bill to authorize the striking of a medal commemorating the 250th Anniversary of the founding of the American Philosophical Society and the birth of Thomas Jefferson.

S. 2696

At the request of Mr. DOMENICI, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Arizona [Mr. MCCAIN], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 2696, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

S. 2707

At the request of Mr. RIEGLE, the names of the Senator from Maine [Mr. COHEN], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Tennessee [Mr. SASSER], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Rhode Island [Mr. PELL], the Senator from Pennsylvania [Mr. SPECTER], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Maryland [Mr. SARBANES], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 2707, a bill to authorize the minting and issuance of coins in commemoration of the Year of the Vietnam Veteran and the 10th Anniversary of the dedication of the Vietnam Veterans Memorial, and for other purposes.

S. 2764

At the request of Mr. LEVIN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2764, a bill to revive and strengthen the "Super 301" authority of the United States Trade Representative to eliminate unfair trade barriers, and for other purposes.

S. 2804

At the request of Mrs. KASSEBAUM, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 2804, a bill to establish a program to provide technical assistance to employers and labor unions, in order to assist in preparing the workplace to employ women in apprenticeable occupations and other nontraditional occupations, and for other purposes.

S. 2835

At the request of Mr. HATCH, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2835, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish provisions regarding the composition and labeling of dietary supplements.

S. 2942

At the request of Mr. HATCH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2942, a bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes.

S. 3009

At the request of Mr. DOMENICI, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 3009, a bill to amend title 10, United States Code, to provide for the payment of an annuity or indemnity compensation to the spouse or former spouse of a member of the Armed Forces whose eligibility for retired or retainer pay is terminated on the basis of misconduct involving abuse of a dependent, and for other purposes.

S. 3092

At the request of Mr. NUNN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 3092, a bill to amend the charter of the Group Hospitalization and Medical Services, Inc., to remove the partial exemption granted to the corporation from the insurance laws and regulations of the District of Columbia.

S. 3153

At the request of Mr. DECONCINI, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 3153, a bill to reform Customs Service operations, and for other purposes.

S. 3195

At the request of Mr. GLENN, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oregon [Mr. PACKWOOD], the Senator from Wyoming [Mr. WALLOP], the Senator from Rhode Island [Mr. PELL], the Senator from Ohio [Mr. METZENBAUM], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. SHELBY], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KERRY], the Senator from Nevada [Mr. REID], the Senator from California [Mr. CRANSTON], the Senator from Nebraska [Mr. KERREY], the Senator from Kentucky [Mr. FORD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Georgia [Mr. FOWLER], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 3195, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States' involvement in World War II.

S. 3221

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 3221, a bill to deny most-favored-nation status to Serbia and Montenegro unless certain conditions are met.

SENATE JOINT RESOLUTION 260

At the request of Mr. COCHRAN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 260, a joint resolution designating the week of October 18, 1992, through October 24, 1992, as "National School Bus Safety Week."

SENATE JOINT RESOLUTION 278

At the request of Mr. DODD, the names of the Senator from Nevada [Mr. REID], the Senator from Massachusetts [Mr. KERRY], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 278, a joint resolution designating the week of January 3, 1993, through January 9, 1993, as "Braille Literacy Week."

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE JOINT RESOLUTION 330

At the request of Mr. KENNEDY, the names of the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. HATFIELD], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 330, a joint resolution to designate March 1993 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 332

At the request of Mr. SASSER, the names of the Senator from Rhode Is-

land [Mr. CHAFEE], the Senator from Alaska [Mr. STEVENS], the Senator from Michigan [Mr. RIEGLE], the Senator from Maine [Mr. COHEN], the Senator from Hawaii [Mr. AKAKA], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Utah [Mr. HATCH], the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. WARNER], the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mr. CRANSTON], the Senator from Georgia [Mr. NUNN], the Senator from Kentucky [Mr. FORD], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 332, a joint resolution to establish the month of October 1992 as "Country Music Month."

SENATE JOINT RESOLUTION 333

At the request of Mr. DECONCINI, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 333, a joint resolution designating the week beginning February 7, 1993, as "Lincoln Legacy Week."

SENATE CONCURRENT RESOLUTION 127

At the request of Mr. DECONCINI, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Concurrent Resolution 127, a concurrent resolution to express the sense of the Congress that women's soccer should be a medal sport at the 1996 centennial Olympic games in Atlanta, GA.

SENATE RESOLUTION 344—MAKING APPOINTMENTS TO CERTAIN SENATE COMMITTEES

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 344

Resolved, That the Senator from North Dakota (Mr. Conrad) is hereby appointed to serve as a member on the Committee on Appropriations for the One Hundred Second Congress, and

That the Senator from North Dakota (Mrs. Burdick) is hereby appointed to serve as a member on the Committee on Environment and Public Works, the Special Committee on Aging, and the Select Committee on Indian Affairs for the One Hundred Second Congress.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT

LEAHY (AND OTHERS) AMENDMENT NO. 3041

Mr. LEAHY (for himself, Mr. LEVIN, Mr. COHEN, Mr. GRASSLEY, and Mr. WELLSTONE) proposed an amendment to the bill (S. 3114) to authorize appropriation for fiscal year 1993 for military activities for, the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

On page 17, line 8, strike out "$9,274,999,000" and insert in lieu thereof "$6,588,427,000".

On page 38, strike out line 1 and all that follows through page 41, line 8, and insert in lieu thereof the following:

SEC. 153 B-2 BOMBER AIRCRAFT PROGRAM.

(a) LIMITATION OF PURPOSES FOR USE OF FUNDS.—Subject to subsection (b), funds available to the Department of Defense for the B-2 bomber aircraft program that are unobligated as of the date of the enactment of this Act may be obligated on and that date only for completing the procurement of aircraft under such program and paying all curtailment costs under the program.

(b) LIMITATION ON OBLIGATION OF FUNDS.—None of the funds available to the Department of Defense for the B-2 bomber aircraft program that are unobligated as of the date of the enactment of this Act may be obligated unless and until—

(1) the Secretary of Defense submits to the congressional defense committees—

(A) the reports and certifications referred to in section 131(b)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1306); and

(B) the report under subsection (c); and

(2) 30 days have elapsed since the date of the submission of the report under subsection (c).

(c) REPORT ON LOW OBSERVABILITY AND SURVIVABILITY.—The report referred to in subsection (b)(1)(B) is a report submitted by the Secretary of Defense to the congressional defense committees that contains the following matters:

(1) The Secretary's assessment of the extent to which the B-2 aircraft will meet the original operational performance objectives that were established for the B-2 aircraft in order to ensure the high survivability of the aircraft, including an accounting of the specific low observability objectives that were not fulfilled in a B-2 flight test conducted during July 1991 and the effect on survivability (if any) of the currently projected low observable characteristics of the B-2 aircraft.

(2) A full description of the information upon which the assessment required by paragraph (1) is based, including all relevant flight test data.

(3) A full description of any actions planned to be taken to improve the B-2 aircraft's low observability capabilities beyond the capabilities that have been demonstrated in flight testing before the date of the submission of the report under this subsection, and the associated costs and benefits.

(4) A quantitative assessment by the Secretary of Defense of the likelihood that a B-2 aircraft having the low observable characteristics projected for the aircraft can survive in the execution in the future of its primary mission as a penetrating nonnuclear bomber as compared to the likelihood that a B-2 aircraft meeting all of the specifications contained in the current development contract can survive in the execution of such mission.

(d) GAO REVIEW.—(1) The Comptroller General of the United States shall—

(A) review each report submitted pursuant to subsection (c); and

(B) provide the congressional defense committees with his comments on such report.

(2) The Secretary of Defense shall transmit a copy of the report to the Comptroller General at the same time that he transmits the report to the congressional defense committees.

COHEN AMENDMENT NO. 3042

Mr. COHEN proposed an amendment to the bill S. 3114, supra, as follows:

Add a new section after Section 3140, as follows:

"SEC. . LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.

(a) INTERIM MORATORIUM.—No nuclear explosive test may be conducted until 90 days after the President submits to Congress the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall not be submitted until the 103d Congress has convened and shall include the following information:

(1) A date within fiscal year 1993 for resumption of the Nuclear Testing Talks with Russia and a strategy for expanding these negotiations to include all other nuclear weapon states, with the objective of achieving a verifiable comprehensive test ban by September 30, 1998;

(2) A strategy for achieving renewal and strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons at the review conference to be held in 1995;

(3) The 1991 Test Ban Readiness Program report; and

(4) A listing of the nuclear weapons projected to remain in the U.S. stockpile after implementation of strategic offensive arms reductions, taking into account the START treaty and, to the extent possible, a treaty to be negotiated pursuant to the June 17, 1992 joint understanding on further strategic arms reductions.

(c) LIMITATION ON NUMBER OF TESTS.—Nuclear explosive tests conducted pursuant to this sections shall be limited to not more than 5 tests in any fiscal year, of which not more than 3 such tests in any fiscal year may be designed to produce a nuclear yield in excess of 35 kilotons. Not more than 20 such tests may be conducted pursuant to this section during the period ending September 30, 1998.

(d) TESTING FOR SAFETY.—Pending the achievement of a verifiable comprehensive test ban, and subject to subsections (a), (c), and (e), U.S. nuclear explosive tests may be conducted only to evaluate and improve the safety of nuclear weapons in the U.S. stockpile identified in the report submitted pursuant to subsection (e).

(e) EXCEPTION.—Notwithstanding the provisions of subsection (d), and subject to the certification requirement of subsection (f), not more than one of the tests permitted in any fiscal year by subsections (c) and (d) may be conducted for the purpose of ensuring the survivability of systems or ensuring the reliability of a nuclear weapon in the U.S. stockpile as identified in the report submitted pursuant to subsection (a).

(f) PRIOR CERTIFICATION REQUIREMENT.—No nuclear explosive test may be conducted pursuant to subsections (c), (d), or (e) unless the President certifies to Congress not less than 60 days in advance of such test that it is in the national interest to conduct such a test and specifying in detail the nature of the test.

(g) SENSE OF CONGRESS.—It is the sense of Congress that it is the policy of the United States to adopt measures that will enable, to the greatest extent possible, the United States to ensure the survivability of systems

against nuclear weapon effects without nuclear explosive testing.

(h) BAN ON TESTING AFTER FISCAL YEAR 1998.—Subject to subsection (i), the United States shall not conduct a nuclear explosive test after September 30, 1998.

(i) ADDITIONAL CERTIFICATION REQUIREMENT.—If, after September 30, 1998, the President submits to Congress a certification described in subsection (j), the restriction specified in subsection (h) shall not apply for a one-year period beginning 60 days after the submission of such certification.

(j) CERTIFICATION REQUIRED.—A certification referred to in subsection (i) is one certifying that:

(1) Another country has conducted a nuclear explosive test after the date specified in subsection (h) and such test is inimical to the security interests of the United States or threatens achievement of the non-proliferation objectives of the United States; or

(2) The United States is actively engaged in the negotiations described in the report submitted pursuant to subsection (b)(1), and achievement of United States objectives in such negotiations would be undermined by the restriction specified in subsection (h).

(k) JOINT RESOLUTION.—A nuclear test permitted by this section shall not be conducted if, during the 90-day period following the submission to Congress of a report provided for in subsection (a) or during the 60-day period following the submission to Congress of a certification provided for in subsections (f) or (i), a joint resolution disapproving such test is enacted into law.

(l) TESTING BY UNITED KINGDOM.—The limitations of this section shall not be construed to limit the Government of the United Kingdom from conducting one nuclear explosive test per fiscal year at the Nevada Test Site pursuant to an agreement with the Government of the United States, except that no such test may be conducted before the report required by subsection (a) is submitted to Congress and each such test shall count against the numerical limitations of subsection (c)."

HATFIELD (AND OTHERS) AMENDMENT NO. 3043

Mr. HATFIELD (for himself, Mr. EXON, Mr. MITCHELL, Mr. KENNEDY, and Mr. LEVIN) proposed an amendment to amendment No. 3042 proposed by Mr. COHEN to the bill S. 3114, supra, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1064. LIMITATION RELATING TO NUCLEAR WEAPONS TESTING.

(a) MORATORIUM FOR 9 MONTHS.—No underground test of a nuclear weapon may be conducted by the United States after September 30, 1992, and before July 1, 1993.

(b) POST MORATORIUM TESTING BEFORE 1997.—On and after July 1, 1993, and before January 1, 1997, an underground test of a nuclear weapon may be conducted by the United States—

(1) only if—

(A) the President has submitted the annual report required under subsection (d);

(B) 90 days have elapsed after the submittal of that report in accordance with that subsection; and

(C) Congress has not agreed to a joint resolution described in subsection (d)(3) within that 90-day period; and

(2) Only if the test is conducted during the period covered by the report.

(d)(1) Not later than March 1 of each year beginning after 1992, the President shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, in classified and unclassified forms, a report containing the following matters:

(A) A schedule for resumption of the Nuclear Testing Talks with Russia.

(B) A plan for achieving a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996.

(C) An assessment of the number and type of nuclear warheads that will remain in the United States stockpile of active nuclear weapons on September 30, 1996.

(D) for each fiscal year after fiscal year 1992, an assessment of the number and type of nuclear warheads that will remain in the United States stockpile of nuclear weapons and that—

(i) will not be in the United States stockpile of active nuclear weapons;

(ii) will remain under the control of the Department of Defense; and

(iii) will not be transferred to the Department of Energy for dismantlement.

(E) A description of the safety features of each warhead that is covered by an assessment referred to in subparagraph (C) or (D).

(F) A plan for installing one or more modern safety features in each warhead identified in the assessment referred to in subparagraph (C), as determined after an analysis of the costs and benefits of installing such feature or features in the warhead, should have one or more of such features.

(G) An assessment of the number and type of nuclear weapons tests, not to exceed 5 tests in any period covered by an annual report under this paragraph and a total of 15 tests in the 4-fiscal year period beginning with fiscal year 1993, that are necessary in order to ensure the safety of each nuclear warhead in which one or more modern safety features are installed pursuant to the plan referred to in subparagraph (F).

(H) A schedule, in accordance with subparagraph (G), for conducting at the Nevada test site, each of the tests enumerated in the assessment pursuant to subparagraph (G).

(2) The first annual report shall cover the period beginning on the date on which a resumption of testing of nuclear weapons is permitted under subsection (c) and ending on September 30, 1994. Each annual report thereafter shall cover the fiscal year following the fiscal year in which the report is submitted.

(3) For the purposes of paragraph (1), "joint resolution" means only a joint resolution introduced after the date on which the Committees referred to in that paragraph receive the report required by that paragraph the matter after the resolving clause of which is as follows: "The Congress disapproves the report of the President on nuclear weapons testing, dated _____." (the blank space being appropriately filled in).

(4) No report is required under this subsection after 1996.

(e)(1) Except as provided in paragraphs (2) and (3), during a period covered by an annual report submitted pursuant to subsection (d), nuclear weapons may be tested only as follows:

(A) Only those nuclear explosive devices in which modern safety features have been installed pursuant to the plan referred to in subsection (d)(1)(F) may be tested.

(B) Only the number and types of tests specified in the report pursuant to subsection (d)(1)(G) may be conducted.

(2)(A) One test of the reliability of a nuclear weapon other than one referred to in paragraph (1)(A) may be conducted during any period covered by an annual report, but only if—

(i) within the first 60 days after the beginning of that period, the President certifies to Congress that it is vital to the national security interests of the United States to test the reliability of such a nuclear weapon; and

(ii) within the 60-day period beginning on the date that Congress receives the certification, Congress does not agree to a joint resolution described in subparagraph (B).

(B) For the purposes of subparagraph (A), "joint resolution" means only a joint resolution introduced after the date on which the Congress receives the certification referred to in that subparagraph the matter after the resolving clause of which is as follows: "The Congress disapproves the testing of a nuclear weapon covered by the certification of the President dated _____," (the blank space being appropriately filled in).

(3) The President may authorize the United Kingdom to conduct in the United States within a period covered by an annual report, one test of a nuclear weapon if the President determines that it is in the national interests of the United States to do so. Such a test shall be considered as one of the tests within the maximum number of tests that the United States is permitted to conduct during that period under paragraph (1)(B).

(f) No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.

(g) In the computation of the 90-day period referred to in subsection (c)(1) and the 60-day period referred to in subsection (e)(2)(A)(ii), the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded.

(h) In this section, the term "modern safety feature" means any of the following features:

(1) An insensitive high explosive (IHE).

(2) Five resistant pits (FRP).

(3) An enhanced detonation safety (ENDS) system.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993

HATCH (AND PRESSLER) AMENDMENT NO. 3044

Mr. HATCH (for himself and Mr. PRESSLER) proposed an amendment to the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1993, and for other purposes; as follows:

On page 19, line 4, strike "$2,591,761,000." and insert in lieu thereof "$2,606,761,000".

On page 87, line 10, strike "$100,360,000" and insert in lieu thereof "$115,360,000".

HATCH (AND OTHERS) AMENDMENT NO. 3045

Mr. HATCH (for himself, Mr. DOLE, Mr. NICKLES, Mr. D'AMATO, Mr. STE-

VENS, Mr. MCCAIN, Mr. SYMMS, and Mr. BOND) proposed an amendment to the bill H.R. 5677, supra, as follows:

On page 73, line 14, after "$310,000,000" insert:

"SEC. . Notwithstanding any other provision of law, no funds appropriated under this act shall be expended by the Secretary of Health and Human Services, or designee, for activities undertaken to implement the Nutrition Labeling and Education Act (P.L. 101-535) with respect to a dietary supplement of vitamins, minerals, herbs or other similar nutritional substances, other than to allow health claims designated in section 3(b)(1)(A)(vi) and (x), or to promulgate any regulation that requires the use of, or based upon, recommended daily intakes of vitamins or minerals.

NATIONAL DEFENSE AUTHORIZATION ACT

WARNER AMENDMENT NO. 3046

Mr. WARNER proposed an amendment to the bill S. 3114, supra, as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. 171. In addition to the funds authorized to be appropriated by section 106, the following funds are authorized to be appropriated:

(a) For the Army National Guard

(1) for 3 P-180 aircraft, $12,000,000.

(2) for night vision goggles, $20,000,000.

(3) for single channel ground airborne radio system, $10,000,000.

(4) for 6 C-26 aircraft, $23,000,000.

(5) for medium truck service life extension program, $15,000,000.

(6) for M113A3 conversion program, $15,000,000.

(b) For the Air National Guard

(1) for night vision goggles, $5,000,000.

(c) For the Army Reserve

(1) for medium truck service life extension program, $25,000,000.

(2) for 12 C-12J aircraft, $42,000,000.

(3) for night vision goggles, $20,000,000.

(4) for single channel ground airborne radio system, $10,000,000.

(d) For the Marine Corps Reserve

(1) for night vision goggles, $10,000,000.

(2) for single channel ground airborne radio system, $5,000,000.

(e) For the Air Force Reserve

(1) for night vision goggles, $5,000,000.

METZENBAUM (AND OTHERS) AMENDMENT NO. 3047

Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. WELLSTONE, Mr. AKAKA, Mr. CRANSTON, and Mr. HARKIN) proposed an amendment to the bill S. 3114, supra, as follows:

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

SEC. . PROHIBITION ON DISCRIMINATION IN THE MILITARY ON THE BASIS OF SEXUAL ORIENTATION.

(a)—IN GENERAL.—No member of the Armed Forces, or person seeking to become a member of the Armed Forces, may be discriminated against by the Armed Forces on the basis of sexual orientation.

(b) PRESERVATION OF RULES AND POLICIES REGARDING SEXUAL MISCONDUCT.—Nothing in subsection (a) may be construed as requiring the Armed Forces to modify any rule or policy regarding sexual misconduct or otherwise to sanction or condone sexual misconduct, but such rules and policies may not be applied in a manner that discriminates on the basis of sexual orientation.

NUNN AMENDMENT NO. 3048

Mr. NUNN proposed an amendment to amendment No. 3046 proposed by Mr. Warner to the bill S. 3114, supra, as follows:

In the pending amendment, strike out all after "SEC. 171." and insert the following in lieu thereof:

In addition to the funds authorized to be appropriated by section 106, the following funds are authorized to be appropriated:

(a) For the Army National Guard—

(1) for 3 P-180 aircraft, $12,000,000.

(2) for night vision goggles, $20,000,000.

(3) for single channel ground airborne radio system, $10,000,000.

(4) for 6 C-26 aircraft, $23,000,000.

(5) for medium truck service life extension program, $15,000,000.

(6) for M113A3 conversion program, $15,000,000.

(b) For the Air National Guard—

(1) for night vision goggles, $5,000,000.

(c) For the Army Reserve—

(1) for medium truck service life extension program, $25,000,000

(2) for 12 C-12J aircraft, $42,000,000.

(3) for night vision goggles, $20,000,000.

(4) for single channel ground airborne radio system, $10,000,000.

(d) For the Marine Corps Reserve—

(1) for night vision goggles, $10,000,000.

(2) for single channel ground airborne radio system, $5,000,000.

(e) For the Air Force Reserve—

(1) for night vision goggles, $5,000,000.

WARNER (AND OTHERS) AMENDMENT NO. 3049

Mr. NUNN (for himself, Mr. COHEN, Mr. LEVIN, Mr. WOFFORD, Mr. CONRAD, and Mr. WARNER) proposed an amendment to the bill S. 3114, supra, as follows:

On page 487, between lines 12 and 13, insert the following:

SEC. 1064. REDUCTION IN THE AUTHORIZED END STRENGTH FOR MILITARY PERSONNEL IN EUROPE.

(a) REDUCED END STRENGTH.—Subsection (c)(1) of section 1002 of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by striking out "235,700" in the first sentence and all that follows and inserting in lieu thereof "100,000.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1995.

DIXON AMENDMENT NO. 3050

Mr. NUNN (for Mr. DIXON) proposed an amendment to the bill S. 3114, supra, as follows:

On page 15, line 25, strike "$3,033,720,000" and insert in lieu thereof "$3,032,220,000'.

On page 66, line 3, strike "$14,191,715,000" and insert in lieu thereof "$14,193,215,000".

ADAMS (AND GORTON) AMENDMENT NO. 3051

Mr. NUNN (for Mr. ADAMS, for himself and Mr. GORTON) proposed an amendment to the bill S. 3114, supra; as follows:

Of the funds authorized to be appropriated by Title III for Operation & Maintenance, Army, $150,000 is authorized to be used for a program design and feasibility study to provide a residential program for military dependents with severe behavior disorders at Madigan Army Medical Center.

ROTH AMENDMENT NO. 3052

Mr. WARNER (for Mr. ROTH) proposed an amendment to the bill S. 3114, supra, as follows:

On page 370, between lines 18 and 19, insert the following:

SEC. 836. PURCHASE OF ANGOLAN PETROLEUM PRODUCTS.

The prohibition in section 316 of the National Defense Authorization Act for Fiscal Year 1987 (100 Stat. 3855; 10 U.S.C. 2304 note) shall cease to be effective on the date on which the President certifies to Congress that free, fair, and democratic elections have taken place in Angola after September 1, 1992.

DECONCINI AMENDMENT NO. 3053

Mr. NUNN (for Mr. DECONCINI) proposed an amendment to the bill S. 3114, supra, as follows:

SEC. . REPORT ON THE SELECTIVE SERVICE SYSTEM.

The Secretary of Defense, in consultation with the Director of the Selective Service System, shall submit, by April 30, 1993, a report to the President on the continued requirement for registration under the selective service system. The report shall contain, at a minimum, analyses on the effect of suspension of the requirement for registration on: 1) projected mobilization requirements, including the effect on the time it would take to increase the size of the armed forces in a national emergency; 2) recruiting in the armed forces; and 3) the organization and staffing of the selective service system. The report shall also contain the Secretary's recommendations based on the analyses. The President shall transmit the report to the Congress, by May 31, 1993, along with his advice on what actions, if any he plans to take on the report.

BIDEN AMENDMENT NO. 3054

Mr. NUNN. (for Mr. BIDEN) proposed an amendment to the bill S. 3114, supra, as follows:

On page 525, line 7, strike out "Section 2667(b)(4)" and insert in lieu thereof "(a) CLARIFICATION.—Subsection (b)(4) of section 2667".

On page 525, between line 9 and line 10, insert the following:

(b) REQUIREMENTS RELATING TO LEASE OF CERTAIN EQUIPMENT.—Such section is further amended by adding at the end the following new subsection:

"(g)(1) A weapons system or other equipment of the armed forces may not be exhibited at an international trade show or similar exhibition, and may not be transported to such show or exhibition for that purpose, unless the system or equipment is leased to the manufacturer of that system or equipment for that purpose. Each such lease shall provide for the payment by the lessee of consideration in an amount that is not less than the fair market value of the lease interest

(including the costs incurred by the United States for transportation), as determined by the Secretary of the military department concerned.

"(2) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may waive the application of paragraph (1) to the exhibition of a weapon system or other equipment at an international trade show or similar exhibition if the Secretary of that Military department determines that the exhibition of that system or equipment at that trade show or other exhibition is in the national security interests of the United States.".

ROTH (AND LIEBERMAN) AMENDMENT NO. 3055

Mr. WARNER (for Mr. ROTH, for himself and Mr. LIEBERMAN) proposed an amendment to the bill S. 3114, supra, as follows:

At an appropriate place in the bill, add the following new section:

SEC. . The North Atlantic Treaty Organization has, for more than forty years, successfully deterred aggression against Western Europe and North America by the armed forces of the Soviet Union and the Warsaw Pact.

The Warsaw Pact no longer exists;

The Soviet Union has developed into a commonwealth of sovereign, independent republics;

The members of the North Atlantic Treaty Organization share many common interests in deterring aggression, conflict and economic dislocation both within and beyond the geographic boundaries of Europe and North America: Now, therefore,

It is the Sense of the Senate that the threat of East-West military confrontation has radically receded and, if the North Atlantic Treaty Organization is to continue to be relevant to the security interests of Western Europe and North America through the 1990's and beyond, the alliance's mission must be recrafted in order to enable it to address common transatlantic security concerns, including those beyond NATO's geographic boundaries. Therefore, the President of the United States is requested to open discussions with the heads of state of NATO's various member states, with a view to adapting the alliance to current realities.

LIEBERMAN AMENDMENT NO. 3056

Mr. NUNN (for Mr. LIEBERMAN) proposed an amendment to the bill S. 3114, supra, as follows:

On page 65, between lines 17 and 18, insert the following:

SEC. 232. FUNDING FOR TECHNICAL SUPPORT WORKING GROUP ON COUNTER-TERRORISM.

(a) TOTAL AMOUNT.—Of the funds authorized to be appropriated for fiscal year 1993 under section 201, $10,000,000 shall be available for activities of the Technical Support Working Group on Counter-Terrorism.

(b) AMOUNT FOR ALLIED COOPERATION.—Of the amount available for the activities referred to in subsection (a), $3,000,000 shall be available for cooperation with other member nations of the North Atlantic Treaty Organization (NATO) and with major non-NATO allies (as defined in section 2350a(i)(3) of title 10, United States Code).

CHAFEE AMENDMENT NO. 3057

Mr. WARNER (for Mr. CHAFEE) proposed an amendment to the bill S. 3114, supra, as follows:

On page 75, line 11, strike "CHLOROFLUOROCARBONS AND HALONS" and insert in lieu thereof, "OZONE-DEPLETING SUBSTANCES".

On page 75, line 13, after "EVALUATION" insert "OF USE OF CLASS I SUBSTANCES".

On page 76, line 15, after "such" strike "substances" and insert in lieu thereof "substances, including the availability of used, reclaimed, or recycled class I substances".

On page 77, line 3, insert the following new subsection:

"(b) EVALUATION OF USE OF CLASS II SUBSTANCES.—The Director of the Defense Logistics Agency shall evaluate the use of class II substances by the military departments and Defense Agencies. In carrying out the evaluation, the Director shall—

(1) determine the quantity of each class II substances that—

(A) is held in the inventory of each military department and Defense Agency on December 31, 1992;

(B) will be used by each military department and Defense Agency during 1992; and

(C) will be used by each military department and Defense Agency in each of 1993, 1994, and 1995; and

(2) determine the quantity of each class II substance in the inventory of the military departments and Defense Agencies in each of 1993, 1994, and 1995 that can be reclaimed or recycled and reused by the military departments and Defense Agencies.

On page 77, line 3, strike "(b)" and insert in lieu thereof "(c) REPORTS.—(1)".

On page 77, line 5, after "evaluation" insert "required under subsection (a)".

On page 77, line 7, insert the following new paragarph:

"(2) the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the status of the evaluation required under subsection (b) not later than October 1, 1993."

On page 77, line 7, strike "(c)" and insert in lieu thereof "(d)".

On page 77, line 7, strike "section" and insert in lieu thereof "section: (1)".

On page 77, line 10, insert the following new paragraph:

"(2) the term "class II substance" means any substance listed under section 602(b) of the Clean Air Act (42 U.S.C. 7671a(b)).".

On page 77, line 11, before "OZONE-DEPLETING" insert "CLASS I".

On page 77, line 14, after "OF" insert "CLASS I".

On page 77, line 17, after "of" strike "an" and insert in lieu thereof "a class I".

On page 78, line 2 after "the" insert "class I".

On page 78, line 24 after "for" strike "an" and insert in lieu thereof "a class I".

On page 79, line 1 after "of" strike "an" and insert in lieu thereof "a class I".

On page 79, line 3 strike "and indirect".

On page 79, line 5 strike "research and development costs,".

On page 79, line 7 after "waiver" strike the comma.

On page 79, line 12 after "term" strike "'ozone-" and insert in lieu thereof "'class I ozone-".

On page 79, line 13 after "any" strike "class I".

SHELBY AMENDMENT NO. 3058

Mr. NUNN (for Mr. SHELBY) proposed an amendment to the bill S. 3114, supra as follows:

On page 337, between lines 20 and 21, insert the following:

(c) CONTINUED ACCESS TO BUSINESS OPPORTUNITIES.—(1) Notwithstanding the regulations implementing section 806 of the National Defense Authorization Act for Fiscal years 1988 and 1989 (10 U.S.C. 2301 note), a contract to furnish products or services to the Department of Defense shall be entered into in accordance with the requirements and the authority provided in section 1207(e) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) if—

(A) there is a reasonable expectation of receiving offers from 2 or more eligible small business concerns that have the capability to perform the contract; and

(B) on the date of the issuance of the solicitation for such contract, a graduate of the minority small business and capital ownership development program authorized under section 7(f)(10) of the Small Business Act (15 U.S.C. 636(j)(10)) is furnishing the same (or substantially similar) products or services to the Department of Defense under a contract awarded pursuant to section 8(a) of that Act (15 U.S.C. 637(a)).

(2) The amendment made by paragraph (1) shall apply with respect to solicitations for contracts that are issued on or after the date 90 days after the date of the enactment of this Act.

On page 337, line 21, strike out "(c)" and insert in lieu thereof "(d)".

On page 338, line 4, strike out "(d)" and insert in lieu thereof "(e)".

LUGAR (AND NUNN) AMENDMENT NO. 3059

Mr. WARNER (for Mr. LUGAR, for himself, and Mr. NUNN) proposed an amendment to the bill S. 3114, supra, as follows:

On page 491, line 23, strike out "$650,000,000", and insert in lieu thereof "$800,000,000".

NUNN (AND OTHERS) AMENDMENT NO. 3060

Mr. NUNN (for himself, Mr. WARNER, and Mr. LUGAR) proposed an amendment to the bill S. 3114, supra, as follows:

On page 491, line 16, insert after the period the following: "Of the amount available to carry out such subtitle, not more than $20,000,000 may be made available for programs referred to in section 1112(b)(6), relating to military-to-military contacts.".

DIXON AMENDMENT NO. 3061

Mr. NUNN (for Mr. DIXON) proposed an amendment to the bill S. 3114, supra, as follows:

On page 49, line 22, strike out $5,303,744,000 and insert in lieu thereof $5,307,744,000.

MCCONNELL AMENDMENT NO. 3062

Mr. WARNER (for Mr. MCCONNELL) proposed an amendment to the bill S. 3114, supra, as follows:

On page 395, line 10, strike out "and".

On page 395, line 17, strike out the period at the end and insert in lieu thereof a semicolon and the following:

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively;

(4) by inserting after subsection (b) that following new subsection (c):

"(c) The Secretary of Defense may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements."; and

(5) in subsection (g)(2), as redesignated by paragraph (3), by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

PELL AMENDMENT NOS. 3063 AND 3064

Mr. NUNN (for Mr. PELL) proposed two amendments to the bill S. 3114, supra, as follows:

AMENDMENT NO. 3063

On page 122, between lines 3 and 4, insert the following new section:

SEC. 349. REPORT RELATING TO CONTINUING HEALTH BENEFITS COVERAGE OF CERTAIN TERMINATED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) REPORT REQUIRED.—Not later than March 1, 1993, the Under Secretary of Defense for Acquisition shall submit to Congress a report on matters relating to the provision by contractors of the Department of Defense of continuing health benefits coverage to employees of such contractors who are involuntarily separated from such employment by reason of the termination or curtailment of defense contracts.

(b) CONTENT OF REPORT.—The report shall contain—

(1) an estimate of the number of employees referred to in subsection (a) who will be involuntarily separated from employment referred to in that subsection for the reason referred to in that subsection during each of fiscal years 1993 and 1994;

(2) an estimate of the number of such employees who will elect in each such fiscal year to receive continuation coverage under section 4980B of the Internal Revenue Code of 1986, and an estimate of the aggregate monthly costs that will be incurred during such fiscal years by such employees who make the elections;

(3) an estimate of the cost to the Department of Defense of providing continuing health benefits coverage to such employees in the same manner as continuing health benefits are provided to individuals under paragraph (4) of section 8905a(d) of title 5, United States Code, as added by section 346(a);

(4) an assessment of the capability of the employers of such employees to bear a portion or all of the costs estimated under paragraph (3) and a description of any current efforts by such employers to bear such costs; and

(5) recommendations relating to the optimal allocation of such costs between the Federal Government and such employers.

In section 2(b), amend the table of contents by inserting after the item relating to section 348 the following new item:

Sec. 369. Report relating to continuing health benefits coverage of certain terminated employees of defense contractors.

AMENDMENT NO. 3064

On page 333, between lines 13 and 14, insert the following new section:

SEC. 808. INDUSTRIAL DIVERSIFICATION PLANNING FOR DEFENSE CONTRACTORS.

(a) INCENTIVES.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to encourage defense contractors to engage in industrial diversification planning.

(2) Such regulations shall include—

(A) treatment of industrial diversification planning expenditures as allowable costs under Department of Defense contracts,

(B) treatment of industrial diversification research and development activities as permissible independent research and development expenditures, and

(C) such other incentives as the Secretary of Defense deems appropriate to encourage defense contractors to engage in industrial diversification planning.

(b) DEFINITION.—For purposes of this section, the term "industrial diversification" means conversion from government-oriented management, production, training, and marketing practices to practices that are compatible with the commercial marketplace.

LIEBERMAN (AND PRYOR) AMENDMENT NO. 3065

Mr. NUNN (for Mr. LIEBERMAN, for himself and Mr. PRYOR) proposed an amendment to the bill S. 3114, supra, as follows:

On page 370, between lines 18 and 19, insert the following new section:

SEC. 836. PROGRAM TO ENCOURAGE DIVERSIFICATION OF DEFENSE LABORATORIES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense, acting through the Director of Defense Research and Engineering, shall establish and implement a program to be known as the Federal Defense Laboratory Diversification Program (hereafter in this section referred to as the "Program"). The purpose of the Program shall be to encourage greater cooperation in research and production activities carried out by defense laboratories and by private industry of the United States in order to enhance and improve the products of such research and production activities.

(b) PROGRAM GOALS.—Under the Program, the defense laboratories shall carry out cooperative activities with private industry in order to promote the transfer (by the use or exchange of patents, licenses, cooperative research and development agreements and other cooperative agreements, and the use of symposia, meetings, and other similar mechanisms) of defense or dual-use technologies from the defense laboratories to private industry for the purpose of the commercial utilization of such technologies by private industry.

(c) DEVELOPMENT OF PLANS FOR PROGRAM.—The Director of Defense Research and Engineering shall develop and annually update a plan for each defense laboratory that participates in the Program under which plan the laboratory shall carry out cooperative activities with private industry to promote the transfers described in subsection (b).

(d) REPORTS ON SURVEY OF LABS AND IMPLEMENTATION OF PROGRAM.—(1) Not later than September 30, 1993, the Director of Research and Engineering shall submit to Congress a report containing the following:

(A) An assessment of the potential of each such laboratory to promote the transfers described in subsection (b).

(B) Recommendations on the manner in which each such laboratory might better promote such transfers.

(C) A description of the extent to which each such laboratory has implemented effectively the plan established for the laboratory under subsection (c) during the year preceding the date of the report.

(D) Recommendations of the Director for the improvement of the Program.

(e) DEFINITION.—In this section, the term "defense laboratory" means any laboratory owned or operated by the Department of Defense that carries out research in fiscal year 1993 in an amount in excess of $5,000,000.

In section 2(b), amend the table of contents by inserting after the item relating to section 835 the following new item:

Sec. 836. Program to encourage diversification of defense laboratories.

MCCAIN (AND DECONCINI) AMENDMENT NO. 3066

Mr. MACK (for Mr. MCCAIN, for himself and Mr. DECONCINI) proposed an amendment to the bill S. 3114, supra, as follows:

On page 487, between lines 12 and 13, insert the following:

SEC. 1064. STATE EQUALIZATION PROGRAMS.

Paragrah (2) of section 5(d) of Public Law 81-874 (20 U.S.C. 239(d)(2)) is amended—

(1) by striking subparagraph (C) (as added by section 330(a) of Public Law 94-482); and

(2) by adding at the end the following new subparagraph:

"(D) Any State whose program of State aid was certified by the Secretary under subparagraph (C) for fiscal year 1988, but whose program was determined by the Secretary under subparagraph (C)(i) not to meet the requirements of subparagraph (A) for one or more of the fiscal years 1989 through 1992—

"(i) shall be deemed to have met the requirements of subparagraph (A) for each of the fiscal years 1989 through 1992; and

"(ii) shall not, beginning with fiscal year 1993, and notwithstanding any other provision of this paragraph, take payments under this title into consideration as provided under subparagraph (A) for any fiscal year unless the Secretary has previously certified such State's program for such fiscal year.".

MCCONNELL AMENDMENT NO. 3067

Mr. MACK (for Mr. MCCONNELL) proposed an amendment to the bill S. 3114, supra, as follows:

On page 154, between lines 3 and 4, insert the following:

SEC. 505. STUDY OF EFFECTS OF OPERATIONS DESERT SHIELD AND DESERT STORM MOBILIZATIONS OF RESERVES AND MEMBERS OF THE NATIONAL GUARD WHO WERE SELF-EMPLOYED OR OWNERS OF SMALL BUSINESSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The service of the members of the Armed Forces of the United States in Operations Desert Shield and Desert Storm was commendable.

(2) The Reserves and the members of the National Guard contributed to the readiness, preparedness, and combat capability of the coalition forces that participated in the liberation of Kuwait.

(3) The Reserves and the members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses possibly suffered unique financial difficulties resulting from their absence from their businesses for such active duty service.

(b) STUDY AND REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) Conduct a study regarding the economic and other effects on the Reserves and members of the National Guard referred to in subsection (a)(3) of being absent from their businesses for active duty service in connection with Operations Desert Shield and Desert Storm; and

(2) submit a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

(c) CONTENT OF REPORT.—The report shall include the following matters:

(1) The number of Reserves and members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses.

(2) A description of the businesses owned by those Reserves and members of the National Guard when such personnel were ordered to active duty.

(3) A detailed analysis of the economic effects on the businesses of such personnel resulting from the absence of such personnel for active duty service.

(4) A discussion of the factors that contributed to any financial hardship or gain of such businesses during the period of the absence of such personnel.

(5) The extent to which such personnel voluntarily separated from the Armed Forces, assumed an inactive status, or retired after being released from active duty.

(6) An analysis of the rates of such separations, change of status, and retirements.

INOUYE AMENDMENT NO. 3068

Mr. NUNN (for Mr. INOUYE) proposed an amendment to the bill S. 3114, supra, as follows:

On page 49 beginning on line 12, after "(4)", delete all through "facilities" on line 14.

McCAIN AMENDMENT NO. 3069

Mr. MACK (for Mr. McCAIN) proposed an amendment to the bill S. 3114, supra, as follows:

On page 90, strike line 12 through line 15, and insert in lieu thereof the following:

"(2) No indemnification may be afforded under this provision unless the person or entity making a claim for indemnification—

(1) notifies the Department of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Department of Defense;

(2) immediately furnishes to the Department of Defense copies of all pertinent papers the entity receives;

(3) furnishes evidence or proof of any claim, loss, or damage covered by this section in the manner and form the Department of Defense requires;

(4) complies with the directions of the Department of Defense and executes any authorizations in connection with the settlement or defense of the claim or action; and

(5) cooperates fully and completely with the Department of Defense, and provides to the Department of Defense, upon request, all manner of assistance, including access to the records and personnel of the entity, in defense or settlement of the claim or action."

MITCHELL (AND OTHERS) AMENDMENT NO. 3070

Mr. NUNN (for Mr. MITCHELL, for himself, Mr. COHEN, Mr. BROWN, Mr. GRAMM, and Mr. LOTT) proposed an amendment to the bill S. 3114, supra, as follows:

On page 539, strike out line 9 and all that follows through page 539, line 20.

On page 539, line 21, strike out "2828." and insert in lieu thereof "2827.".

In section 2(b), amend the table of contents by striking out the items relating to sections 2827 and 2828 and inserting in lieu thereof the following:

Sec. 2827. Annual report relating to Overseas Military Facility Investment Recovery Account.

KENNEDY AMENDMENT NO. 3071

Mr. NUNN (for Mr. KENNEDY) proposed an amendment to the bill S. 3114, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . REPORT ON INTERNATIONAL MINE CLEARING EFFORTS IN REFUGEE SITUATIONS.

(a) FINDING.—The Congress finds that an estimated 10-20 million mines are scattered across Cambodia, Afghanistan, Somalia, Angola, and other countries which have experienced conflict and that refugee repatriation and other humanitarian programs are being seriously hampered by the widespread use of anti-personnel mines in regional conflicts and civil wars.

(b) REPORT.—(1) The Secretary of Defense, in consultation with the Secretary of State, shall provide a report on international mine clearing efforts in situations involving the repatriation and resettlement of refugees and displaced persons.

(2) Such report shall include, though not be limited to,

(A) An assessment of mine clearing needs in countries to which refugees and displaced persons are now returning, or are likely to return within the near future, including, though not limited to, Cambodia, Angola, Afghanistan, Somalia and Mozambique, and an assessment of current international efforts to meet the mine clearing needs in the countries covered by the report;

(B) An analysis of the specific types of mines in the individual countries assessed, and the availability of technology and assets within the international community for their removal;

(C) An assessment of what additional technologies and assets would be required to complete, expedite or reduce the costs of mine clearing efforts;

(D) An evaluation of the availability of technologies and assets within the United States government which, if called upon, could be employed to augment or complete mine clearing efforts in the countries covered by the report; and

(E) An evaluation of the desirability, feasibility and potential cost of U.S. assistance on either a unilateral or multilateral basis in such mine clearing operations.

(3) Such report shall be made available to the Committees on Armed Services of the Senate and the House of Representatives within 180 days of the enactment of this act.

SMITH AMENDMENT NO. 3072

Mr. MACK (for Mr. SMITH) proposed an amendment to the bill S. 3114, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF CONGRESS RELATING TO THE AWARD OF THE NAVY EXPEDITIONARY MEDAL.

It is the sense of Congress that the President should award the Navy Expeditionary Medal to members of the Navy who served in Navy Task Force 16, culminating in the airraid commonly known as the "Doolittle raid on Tokyo", during April 1942, regardless of the time limitations on the consideration of such awards.

NUNN (AND WARNER) AMENDMENT NO. 3073

Mr. NUNN (for himself and Mr. WARNER) proposed an amendment to the bill S. 3114, supra, as follows:

On page 487, between lines 12 and 12, insert the following:

SEC. 10 . SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1992 to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar $529,300,000 as follows:

(1) For Military Personnel:

(A) For the Navy, $10,700,000.

(B) For the Air Force, $58,200,000.

(C) For the Air Force Reserve, $8,800,000.

(D) For the Air National Guard, $1,900,000.

(2) For Operation and Maintenance:

(A) For the Army, $1,400,000.

(B) For the Navy, $142,900,000.

(C) For the Air Force, $228,000,000.

(D) For the Defense Agencies, $31,500,000.

(E) For the Army Reserve, $3,300,000.

(F) For the Air Force Reserve, $13,200,000.

(G) For the Army National Guard, $1,400,000.

(H) For the Air National Guard, $2,000,000.

(3) For Military Construction:

(A) For the Air Force inside the United States, $10,000,000.

(B) For the Air Force for family housing inside the United States, $16,000,000.

(b) AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1992 to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar $263,530,000 as follows:

(1) For military construction for the Navy outside the United States, $81,530,000.

(2) For military construction for the Air Force inside the United States, $66,000,000.

(3) For military construction for the Air Force outside the United States, $7,600,000.

(4) For family housing for the Navy outside the United States, $87,200,000.

(5) For family housing for the Air Force outside the United States, $21,200,000.

(c) EMERGENCY DESIGNATION.—The authorization of appropriations in subsection (b) are effective only to the extent that the appropriations are designated by the Congress as emergency appropriations for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 in an Appropriations Act.

COATS AMENDMENT NO. 3074

Mr. COATS proposed an amendment to the bill S. 3114, supra, as follows:

On page 265, strike out line 19 and all that follows through the matter above line 3 on page 267.

DOMENICI (AND OTHERS) AMENDMENT NO. 3075

Mr. DOMENICI (for himself, Mr. BUMPERS, Mr. COHEN, Mr. DECONCINI,

Mr. DURENBERGER, Mr. D'AMATO, Mr. GORTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LUGAR, Mr. MCCONNELL, Ms. MIKULSKI, Mr. ROBB, Mr. SEYMOUR, Mr. PACKWOOD, Mr. WELLSTONE, and Mr. JEFFORDS) proposed an amendment to the bill S. 3114, supra, as follows:

On page 487, between lines 12 and 13, insert the following:

SEC. 1064. BENEFITS FOR SPOUSES AND FORMER SPOUSES OF MEMBERS WHO BECOME DISQUALIFIED FOR RETIRED PAY BY REASON OF MISCONDUCT INVOLVING ABUSE OF A DEPENDENT.

(a) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 71 the following new chapter:

"CHAPTER 72—MISCELLANEOUS PROTECTIONS, RIGHTS, AND BENEFITS FOR DEPENDENTS

"Sec.
"1421. Annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a dependent.
"1422. Other benefits.

"§ 1421. Annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a dependent.

"(a) REQUIREMENT TO PAY ANNUITY.—The Secretary of a military department shall, upon application, pay an annuity under this section to an eligible spouse or former spouse of a member (described in subsection (b)) of the armed force under the jurisdiction of that Secretary.

"(b) ELIGIBLE PERSONS.—A spouse or former spouse of a member of the armed forces is eligible to receive an annuity under this section if—

"(1) after the member becomes eligible to be retired on the basis of years of service, the member's eligibility to receive retired pay or retainer pay is terminated as a result of misconduct of the member or former member involving abuse of a dependent; and

"(2) the spouse or former spouse—

"(A) was the victim of the abuse and was married to the member at the time of that abuse; or

"(B) is a natural or adopted parent of a dependent child of the member who was the victim of the abuse.

"(c) ADVERSE ACTIONS COVERED.—This section applies with respect to terminations of eligibility to receive retired pay or retainer pay as a result of a conviction by a court-martial or an administrative separation from the armed forces.

"(d) AMOUNT OF ANNUITY.—(1) The amount of the annuity payable under this section to a spouse or former spouse of a member referred to in subsection (b)(1) shall be equal to the lesser of—

"(A) the percentage determined under paragraph (2) of the amount of the retired pay or retainer pay which the member would have received on the date on which the spouse's or former spouse's entitlement to that annuity becomes effective if the member had been retired from the armed forces entitled to receive retired or retainer pay on that date; or

"(B) the amount that is equal to such portion of the member's retired or retainer pay as is provided for in an applicable court order (as defined in section 1408(a) of this title), if any.

"(2)(A) In the case of spouse or former spouse who has been married to the member for 20 or more years, at least 20 of which were during the period the member performed service creditable in determining the member's eligibility for retired or retainer pay, the percent applicable under paragraph (1)(A) is 50 percent.

"(B) In the case of a spouse or former spouse not described in subparagraph (A), the percent applicable under paragraph (1)(A) is the percent (rounded to the nearest one percent) that is determined by—

"(i) multiplying 50 percent times the number of years during the member's service creditable in determining the member's eligibility for retired or retainer pay that the spouse or former spouse has been married to the member; and

"(ii) dividing the product computed under clause (i) by 20.

"(3) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the annuity payable under this section to the spouse or former spouse of a member referred to in subsection (b)(1) shall be increased at the same time. The annuity shall be increased by the percent by which the retired pay or retainer pay of the member would have been increased if the member were receiving retired or retainer pay.

"(e) COMMENCEMENT AND TERMINATION.—(1) The eligibility of a person to receive an annuity under this section on the basis of a termination of eligibility for retired or retainer pay shall become effective as of the first day of the month in which the action that terminates the eligibility for retired or retainer pay is taken, as determined under regulations prescribed by the Secretary of the military department concerned.

"(2) Eligibility to receive an annuity under this section with respect to a member referred to in subsection (b) shall terminate—

"(A) in the case of an annuitant who marries again after the effective date of the annuity before attaining 55 years of age, on the date of such marriage; and

"(B) in the case of an annuitant who resumes cohabitation with the member, on the date on which the cohabitation resumes.

"(3) A person's eligibility to receive an annuity under this section that is terminated under paragraph (2)(A) by reason of remarriage shall be resumed in the event of the termination of that marriage by the death of that person's spouse or by annulment or divorce. The resumption of payment of the annuity shall begin as of the first day of the month in which that marriage is so terminated. The monthly amount of the resumed annuity shall be the amount that would have been paid if the entitlement to the annuity had not been terminated.

"(f) APPLICATION FOR ANNUITY.—(1) An application for an annuity under this section shall be made in the form and manner prescribed by the Secretary of the military department concerned. The application shall include the certification of the applicant, under oath or by affirmation, that no circumstances exist that would terminate the eligibility of the applicant for that annuity under subsection (e).

"(2) No annuity shall be paid under this section to a spouse or former spouse of a member of the armed forces referred to in subsection (b)(1) unless the spouse or former spouse applies for that annuity within one year after the date of the action referred to in subsection (e)(1).

"(3) the spouse or former spouse certifies to the Secretary of the military department concerned that none of the circumstances described in subsection (e)(2) exist in the case of the spouse or former spouse.

"(g) RECERTIFICATION OF ELIGIBILITY.—The Secretary of the military department concerned may require a recipient of an annuity under this section to recertify, at any time or on a periodic basis, that no circumstances exist that would terminate the eligibility of the applicant for that annuity under subsection (e). Each certification shall be made under oath or by affirmation.

"(h) MEMBER TO HAVE NO CLAIM AGAINST ANNUITY.—Notwithstanding any other provision of law, a member of the armed forces referred to in subsection (b)(1) shall have no ownership interest in, or claim against, an annuity payable under this section to a spouse or former spouse of the member.

"(i) OFFSET OF PAYMENTS TO INCARCERATED MEMBER.—If in any month a member of the armed forces referred to in subsection (b)(1) is incarcerated for any period during that month and is entitled to receive any payment from the United States—

"(1) the amount so payable shall be withheld to the extent of the amount of annuity payments made with respect to that member under this section and not recouped pursuant to this subsection before that month; and

"(2) the entitlement of that member to the amount so withheld shall terminate.

"(j) DEFINITIONS.—In this section:

"(1) The term 'dependent' means a spouse or dependent child.

"(2) The term 'dependent child', with respect to a member of the armed forces referred to in subsection (a), means an unmarried legitimate child, including an adopted child or a stepchild of the member, who—

"(A) is under 18 years of age;

"(B) is incapable of self-support because of a mental or physical incapacity that existed before becoming 18 years of age and is or, at the time of the action described in subsection (e)(1) with respect to that member, was dependent on the member for over one-half of the child's support; or

"(C) if enrolled in a full-time course of study in an institution of higher education recognized by the Secretary of Defense for the purposes of this clause, is under 23 years of age and is or, at the time of the action described in subsection (e)(1), was dependent on the member for over one-half of the child's support.

"§ 1422. Other benefits

"A spouse or former spouse of a member of the armed forces referred to in subsection (b)(1) of section 1421 of this title shall be entitled, while receiving an annuity under that section—

"(1) to receive medical and dental care under the provisions of chapter 55 of this title to the same extent as a dependent of a retired member of the armed forces;

"(2) to use the commissary and exchange stores on the same basis as a dependent of a retired member of the armed forces; and

"(3) to receive any other benefits that a dependent of a retired member is entitled to receive on the basis of being a dependent of a retired member.".

(2) The tables of chapters at the beginning of subtitle A of such title and part II of such subtitle are amended by inserting after the item relating to chapter 71 the following:

"72. Miscellaneous protections, rights, and benefits for dependents ..... 1421"

(b) FUNDING FOR ANNUITIES.—Section 1463 of such title is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(5) annuities payable under section 1421 of this title.".

(c) APPLICABILITY.—(1) Section 1421 of title 10, United States Code (as added by subsection (a)), shall apply with respect to terminations of eligibility to receive retired or retainer pay that take effect before, on, or after the date of the enactment of this Act.

(2) Notwithstanding subsection (f)(2) of such section 1421, in the case of a spouse or former spouse claiming eligibility to receive an annuity under that section on the basis of a termination of eligibility to receive retired or retainer pay that took effect before the date of the enactment of this Act, no annuity shall be paid that spouse or former spouse under such section unless the spouse or former spouse applies for that annuity within one year after that date.

(3) No annuity shall accrue under such section 1421 for periods before the date of the enactment of this Act.

(d) REPORT ON OTHER ACTIONS.—(1) Not later than February 28, 1993, the Secretary of Defense shall transmit to the Congress a report on the actions taken and planned to be taken by the Department of Defense to reduce or eliminate disincentives for a dependent of a member of the Armed Forces abused by the member to report the abuse to appropriate authorities.

(2) The actions considered by the Secretary should include the provision of treatment, child care services, health care services, job training, job placement services, and transitional financial assistance for dependents of members of the Armed Forces referred to in paragraph (1).

(e) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study in order to—

(A) determine the number of persons who became eligible to receive an annuity under section 1421 of title 10, United States Code (as added by subsection (a)), as of each of fiscal years 1980 through 1992;

(B) estimate the number of persons who will become eligible to receive an annuity under such section during each of fiscal years 1993 through 2000;

(C) determine, for each of fiscal years 1980 through 1992, the number of members of the Armed Forces who, after having completed at least one, and less than 20, years of service, were approved in that fiscal year for separation from the Armed Forces as a result of abuse of a spouse or dependent child; and

(D) estimate, for each of fiscal years 1993 through 2000, the number of members of the Armed Forces who, after having completed at least one, and less than 20, years of service in that fiscal year, will be approved in that fiscal year for separation from the Armed Forces as a result of abuse of a spouse or dependent child.

(2) The study shall include a thorough analysis of—

(A) the effects, if any, of appeals and requests for clemency in the case of courts-martial convictions on the entitlement to and the payment of annuities under section 1421 of title 10, United States Code (as added by subsection (a));

(B) the socio-economic effects on the dependents of members of the Armed Forces described in subsection (b) of such section that result from terminations of the eligibility of such members to receive retired or retainer pay; and

(C) the effects of separations of such members from the Armed Forces on the mission readiness of the units of assignment of such members when separated and on the Armed Forces in general.

(3) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

PRYOR (AND ROTH) AMENDMENT NO. 3076

Mr. PRYOR (for himself and Mr. ROTH) proposed an amendment to the bill S. 3114, supra, as follows:

On page 22, strike out lines 16 through 25, and insert in lieu thereof the following:

SEC. 123. AIRBORNE SELF PROTECTION JAMMER.

None of the funds available to the Department of Defense for fiscal year 1993 or any fiscal year before fiscal year 1993 may be used for the procurement of the Airborne Self Protection Jammer system except for the payment of the costs of terminating existing contracts for the procurement of the Airborne Self Protection Jammer system.

BYRD (AND OTHERS) AMENDMENT NO. 3077

Mr. BYRD (for himself, Mr. EXON, Mr. RIEGLE, Mr. SARBANES, Mr. BINGAMAN, and Mr. DIXON) proposed an amendment to the bill S. 3114, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . DEFENSE PRODUCTION ACT AMENDMENTS.

(a) INVESTIGATIONS OF CERTAIN MERGERS, ACQUISITIONS, AND TAKEOVERS.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) MANDATORY INVESTIGATIONS.—The President or the President's designee shall make an investigation, as described in subsection (a), in any instance in which an entity controlled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover of a person engaged in interstate commerce in the United States that could affect the national security of the United States. Such investigation shall—

"(1) commence not later than 30 days after receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated pursuant to this section; and

"(2) shall be completed not later than 45 days after its commencement.

(b) CONSIDERATIONS OF THE PRESIDENT.—Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) (as redesignated by subsection (a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting a comma; and

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

"(4) the potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

"(A) identified by the Secretary of State—

"(i) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

"(ii) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

"(iii) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons; or

"(B) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978 on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list; and

"(5) the potential effects of the proposed or pending transaction on United States international technology leadership in areas affecting United States national security.".

(c) REPORT.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) (as redesignated by subsection (a)) is amended to read as follows:

"(g) REPORT TO THE CONGRESS.—The President shall immediately transmit to the Secretary of the Senate and the Clerk of the House of Representatives a written report of the President's determination of whether or not to take action under subsection (d), including a detailed explanation of the findings made under subsection (e) and the factors considered under subsection (f).".

(d) SENSE OF THE CONGRESS REGARDING THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—It is the sense of the Congress that the President should include in the membership of the Committee on Foreign Investment in the United States (established by Executive Order No. 11858)—

(1) the Director of the Office of Science and Technology Policy; and

(2) the Assistant to the President for National Security.

(e) INTELLIGENCE STUDY.—

(1) IN GENERAL.—In order to assist the Congress in its oversight responsibilities with respect to section 721 of the Defense Production Act (as amended by this section), the Director of the Federal Bureau of Investigation and the Director of Central Intelligence shall jointly submit to the Congress a report that evaluates whether—

(A) there is credible evidence of a strategy by 1 or more foreign countries or companies to acquire United States companies involved in the research, development, or production of defense critical technologies of which the United States is a leading producer; and

(B) such strategy is intended as a means—

(i) of obtaining access to defense critical technologies that the foreign entity would not otherwise have; or

(ii) of gaining substantial control of the market for such technologies.

(2) SUBMISSION.—The report required under paragraph (1) shall be submitted—

(A) not later than 1 year after the date of enactment of this Act; and

(B) upon the expiration of every 4-year period thereafter.

LEAHY (AND OTHERS) AMENDMENT NO. 3078

Mr. LEAHY (for himself, Mr. KERRY, Mr. KERREY, Mr. KENNEDY, Ms. MIKULSKI, Mr. DECONCINI, Mr. HATFIELD, Mr. JEFFORDS, Mr. WOFFORD, Mr. ADAMS, Mr. HARKIN, Mr. MOYNIHAN, Mr. DODD, Mr. CRANSTON, Mr. KOHL, Mr. BRYAN, Mr. RIEGLE, Mr. SANFORD, Mr. FORD, Mr. ROCKEFELLER, Mr. AKAKA, Mr. INOUYE, Mr. SPECTER, Mr. D'AMATO, Mr. REID, Mr. MITCHELL, Mr. SIMON, Mr. DASCHLE, Mr. SARBANES, Mr. METZENBAUM, Mr. PELL, Mr. CONRAD, Mr. LAUTENBERG, Mr. ROBB, Mr. BUMPERS, and Mr. EXON) proposed an amend-

ment to the bill S. 3114, supra, as follows:

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

SEC. . LANDMINE MORATORIUM ACT.

(a) This section shall be titled the "Landmine Moratorium Act of 1992".

(b) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are specifically designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers, primarily in insurgencies in poor developing countries. Noncombatant civilians, including tens of thousands of children, have been the primary victims.

(2) Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing untold suffering to civilian populations. In countries like Afghanistan, Cambodia, Laos, Vietnam, and Angola, tens of millions of unexploded landmines have rendered whole areas uninhabitable. In Afghanistan, an estimated hundreds of thousands of people have been maimed and killed by landmines during the 14-year civil war. In Cambodia, more than 20,000 civilians have lost limbs and another 60 are being maimed each month from landmines.

(3) Over 35 countries are known to manufacture landmines, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Department of State has approved ten licenses for the commercial export of anti-personnel landmines valued at $980,000, and during the past five years the Department of Defense has approved the sale of 13,156 anti-personnel landmines valued at $841,145.

(4) The United States signed, but has not ratified, the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. The Convention prohibits the indiscriminate use of landmines.

(5) When it signed the Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(6) The Administration should submit the Convention to the Senate for ratification, and the President should actively negotiate under United Nations or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer or export of anti-personnel landmines. This would be an appropriate response to the end of the Cold War and the promotion of arms control agreements to reduce the indiscriminate killing and maiming of civilians.

(7) The United States should set an example for other countries in such negotiations, by implementing a one-year moratorium on the sale, transfer or export of anti-personnel landmines.

(c) STATEMENT OF POLICY.—

(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the use, production, possession and deployment of anti-personnel landmines.

(2) It is the sense of the Congress that the President should actively seek to negotiate under United Nations or other auspice an international agreement, or a modification of the Convention, to prohibit the sale, transfer or export of anti-personnel landmines.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of 1 year beginning on the date of enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

In section ——, amend the table of contents by inserting after the item relating to section —— the following new item:

Sec. . Landmine Moratorium Act of 1992.

GRAHAM AMENDMENT NO. 3079

Mr. GRAHAM proposed an amendment to the bill S. 3114, supra, as follows:

On page 494, between lines 4 and 5, insert the following:

TITLE XII—CUBAN DEMOCRACY ACT OF 1992

SEC. 1201. SHORT TITLE.

This title may be cited as the "Cuban Democracy Act of 1992".

SEC. 1202. FINDINGS.

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking hazardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba's external support and threaten Cuba's food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba's economy to survive current trends, provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

SEC. 1203. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from any of the independent states of the former Soviet Union;

(5) to continue vigorously to oppose the human rights violations of the Castro regime;

(6) to maintain sanctions of the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights;

(7) to be prepared to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba;

(8) to encourage free and fair elections to determine Cuba's political future;

(9) to prevent Cuba from evading the United States embargo of that country through a North American Free Trade Agreement;

(10) to request the speedy termination of any military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from the government of any other country; and

(11) to initiate immediately the development of a comprehensive United States policy toward Cuba in a post-Castro era.

SEC. 1204. INTERNATIONAL COOPERATION.

(a) CUBAN TRADING PARTNERS.—The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this title.

(b) SANCTIONS AGAINST COUNTRIES ASSISTING CUBA.—

(1) SANCTIONS.—The President may apply the following sanctions to any country that provides assistance to Cuba:

(A) The government of such country shall not be eligible for assistance under the Foreign Assistance Act of 1961 or assistance or sales under the Arms Export Control Act.

(B) Such country shall not be eligible, under any program, for forgiveness or reduction of debt owed to the United States Government.

(2) DEFINITION OF ASSISTANCE.—For purposes of paragraph (1), the term "assistance to Cuba"—

(A) means assistance to or for the benefit of the Government of Cuba that is provided by grant, concessional sale, guaranty, or insurance, or by any other means on terms more favorable than that generally available in the applicable market, whether in the form of a loan, lease, credit, or otherwise, and such term includes subsidies for exports to Cuba and favorable tariff treatment of articles that are the growth, product, or manufacture of Cuba; and

(B) does not include—

(i) donations of food to nongovernmental organization or individuals in Cuba, or

(ii) exports of medicines or medical supplies, instruments, or equipment that would be permitted under section 1205(c) of this Act.

(3) APPLICABILITY OF SECTION.—This section, and any sanctions imposed pursuant to this section, shall cease to apply at such time as the President makes and reports to the Congress a determination under section 1208(a).

SEC. 1205. SUPPORT FOR THE CUBAN PEOPLE.

(a) PROVISIONS OF LAW AFFECTED.—The provisions of this section apply notwithstanding any other provision of law, including section 620(a) of the Foreign Assistance Act of 1961, and notwithstanding the exercise of authorities, before the enactment of this Act, under section 5(b) of the Trading With the Enemy Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979.

(b) DONATIONS OF FOOD.—Nothing in this or any other title shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.

(c) EXPORTS OF MEDICINES AND MEDICAL SUPPLIES.—Exports of medicines or medical supplies, instruments, or equipment to Cuba shall not be restricted—

(1) except to the extent authorized by section 5(m) of the Export Administration Act of 1970 or section 203(b)(2) of the International Emergency Economic Powers Act;

(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

(d) REQUIREMENTS FOR CERTAIN EXPORTS.—

(1) ONSITE VERIFICATIONS.—(A) Subject to subparagraph (B), an export may be made under subsection (c) only if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.

(B) EXCEPTION.—Subparagraph (A) does not apply to donations to nongovernmental organizations in Cuba of medicines for humanitarian purposes.

(2) LICENSES.—Exports permitted under subsection (c) shall be made pursuant to specific licenses issued by the United States Government.

(e) TELECOMMUNICATIONS SERVICES AND FACILITIES.—

(1) TELECOMMUNICATIONS SERVICES.—Telecommunications services between the United States and Cuba shall be permitted.

(2) TELECOMMUNICATIONS FACILITIES.—Telecommunications facilities are authorized in such quantity and of such quality as may be necessary to provide efficient and adequate telecommunications services between the United States and Cuba.

(3) LICENSES OF PAYMENTS TO CUBA.—(A) The President may provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services authorized by this subsection, in a manner that is consistent with the public interest and the purposes of this title, except that this paragraph shall not require any withdrawal from any account blocked pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(B) If only partial payments are made to Cuba under subparagraph (A), the amounts withheld from Cuba shall be deposited in an account in a banking institution in the United States. Such account shall be blocked in the same manner as any other account containing funds in which Cuba has any interest, pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(4) AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION.—Nothing in this subsection shall be construed to supersede the authority of the Federal Communications Commission.

(f) DIRECT MAIL DELIVERY TO CUBA.—The United States Postal Service shall take such actions as are necessary to provide direct mail service to and from Cuba, including, in the absence of common carrier service between the 2 countries, the use of charter service providers.

SEC. 1206. SANCTIONS.

(a) PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.—

(1) PROHIBITION.—Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

(2) APPLICABILITY TO EXISTING CONTRACTS.—Paragraph (1) shall not affect any contract entered into before the date of the enactment of this Act.

(b) PROHIBITIONS ON VESSELS.—

(1) VESSELS ENGAGING IN TRADE.—Beginning on the 61st day after the date of the enactment of this Act, a vessel which enters a port or place in Cuba to engage in the trade of goods or services may not, within 180 days after departure from such port or place in Cuba, load or unload any freight at any place in the United States, except pursuant to a license issued by the Secretary of the Treasury.

(2) VESSELS CARRYING GOODS OR PASSENGERS TO OR FROM CUBA.—Except as specifically authorized by the Secretary of the Treasury, a vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national, as defined in section 515.302 of the Office of Foreign Assets Control Treasury Regulations, has any interest may not enter a United States port.

(3) INAPPLICABILITY OF SHIP STORES GENERAL LICENSE.—No commodities which may be exported under a general license described in section 771.9 of title 15, Code of Federal Regulations, as in effect on May 1, 1992, may be exported under a general license to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

(4) DEFINITIONS.—As used in this subsection—

(A) the term "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft; and

(B) the term "United States" includes the territories and possessions of the United States and the customs waters of the United States (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)).

(c) RESTRICTIONS ON REMITTANCES TO CUBA.—The President shall establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States, in order to ensure that such remittances reflect only the reasonable costs associated with such travel, and are not used by the Government of Cuba as a means of gaining access to United States currency.

(d) CLARIFICATION OF APPLICABILITY OF SANCTIONS.—The prohibitions contained in subsections (a), (b), and (c) shall not apply with respect to any activity otherwise permitted by section 1205 or section 1207 of this title or any activity which may not be regulated or prohibited under section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)).

SEC. 1207. POLICY TOWARD A TRANSITIONAL CUBAN GOVERNMENT.

Food, medicine, and medical supplies for humanitarian purposes should be made available for Cuba under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 if the President determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government in power in Cuba—

(1) has made a public commitment to hold free and fair elections for a new government within 6 months and is proceeding to implement that decision;

(2) has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms; and

(3) is not providing weapons or funds to any group, in any other country, that seeks the violent overthrow of the government of that country.

SEC. 1208. POLICY TOWARD A DEMOCRATIC CUBAN GOVERNMENT.

(a) WAIVER OF RESTRICTIONS.—The President may waive the requirements of section 1206 if the President determines and reports to the Congress that the Government of Cuba—

(1) has held free and fair elections conducted under internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elec-

tions, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) is moving toward establishing a free market economic system; and

(5) has committed itself to constitutional change that would ensure regular free and fair elections that meet the requirements of paragraph (2).

(b) POLICIES.—If the President makes a determination under subsection (a), the President shall take the following actions with respect to a Cuban Government elected pursuant to elections described in subsection (a):

(1) To encourage the admission or reentry of such government to international organizations and international financial institutions.

(2) To provide emergency relief during Cuba's transition to a viable economic system.

(3) To take steps to end the United States trade embargo of Cuba.

(4) To enter into negotiations for a framework agreement providing for trade with Cuba.

SEC. 1209. EXISTING CLAIMS NOT AFFECTED.

Except as provided in section 1205(a), nothing in this title affects the provisions of section 620(a)(2) of the Foreign Assistance Act of 1961.

SEC. 1210. ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—The authority to enforce this title shall be carried out by the Secretary of the Treasury. The Secretary of the Treasury shall exercise the authorities of the Trading With the Enemy Act in enforcing this Act. In carrying out this subsection, the Secretary of the Treasury shall take the necessary steps to ensure that activities permitted under section 1205 are carried out for the purposes set forth in this title and not for purposes of the accumulation by the Cuban Government of excessive amounts of United States currency or the accumulation of excessive profits by any person or entity.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this title.

(c) PENALTIES UNDER THE TRADING WITH THE ENEMY ACT.—Section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16) is amended—

(1) by inserting "(a)" before "That whoever"; and

(2) by adding at the end the following:

"(b)(1) The Secretary of the Treasury may impose a civil penalty of not more than $50,000 on any person who violates any license, order, rule, or regulation issued under this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may not be imposed for—

"(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

"(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

"(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.".

(d) APPLICABILITY OF PENALTIES.—The penalties set forth in section 16 of the Trading With the Enemy Act shall apply to violations of this title to the same extent as such penalties apply to violations under that Act.

(e) OFFICE OF FOREIGN ASSETS CONTROL.—The Department of the Treasury shall establish and maintain a branch of the Office of Foreign Assets Control in Miami, Florida, in order to strengthen the enforcement of this Act.

SEC. 1211. DEFINITION.

As used in this Act, the term "United States person" means any United States citizen or alien admitted for permanent residence in the United States, and any corporation, partnership, or other organization organized under the laws of the United States.

SEC. 1212. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act.

DODD AMENDMENT NO. 3080

Mr. DODD proposed an amendment to amendment No. 3079 proposed by Mr. GRAHAM to the bill S. 3114, supra, as follows:

At the end of the pending amendment add the following new sections—

SEC. . Notwithstanding any other provision of law, the President may waive any provision of this title if he determines that to do so would be in the national interest of the United States, and he reports in writing to the Speaker of the House and the Chairman of the Committee of Foreign Relations of the Senate the provision or provisions of this title that he intends to waive.

SEC. . DEFENSE CONVERSION AND REINVESTMENT; EXPORT LOAN GUARANTEES.

(a) AUTHORITY FOR PROVIDING LOAN GUARANTEES.—(1) the President may extend guarantees for the sale of defense articles and services to the member nations of the North Atlantic Treaty Organization and to Israel, Australia, New Zealand and Japan. The aggregate amount guaranteed under this section in any fiscal year may not exceed $1,000,000,000.

(2) In extending medium- and long-term guarantees for sales pursuant to paragraph (1), the President shall not offer terms and conditions more beneficial than would be provided by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(3) The authority of this subsection (1) may be exercised only to such extent and in such amounts as provided for in advance in Appropriations Acts.

(b) SUBSIDY COST AND FUNDING.—(1) There is authorized to be appropriated for fiscal year 1993, $65,000,000 for the subsidy cost for establishing a program at the Department of Defense to provide loan guarantees for defense exports.

(2) Funds authorized to be available for the Export-Import Bank may not be used for the execution of the program under this section.

(c) EXECUTIVE AGENCY.—For the purposes of this section, the Department of Defense shall be the executive agency for administration of the program under this section unless the President, in consultation with the Congress, designates another agency (other than the Export-Import Bank) to implement the program. Applications for guarantees issued under this section shall be submitted to the Secretary of Defense, who may make such arrangements as necessary with other agencies to process the applications and otherwise to implement the program under this section.

(d) FEES CHARGED AND COLLECTED.—A fee shall be changed for each guarantee issued under the program under this section. All fees collected in connection with guarantees issued shall be available to offset the cost of guarantee obligations under the program. All of the fees collected under this subsection, together with earnings on those fees and other income arising from guarantee operations under the program, shall be held in a financing account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes of the program.

(e) INTERAGENCY REVIEW PROCESS.—The issuance of loan guarantees for defense exports under this section shall be subject to all United States Government review procedures for arms sales to foreign governments and shall be consistent with United States policy on arms sales to those nations referred to in subsection (a).

METZENBAUM (AND KERRY) AMENDMENT NO. 3081

Mr. METZENBAUM (for himself and Mr. KERRY) proposed an amendment to the bill S. 3114, supra; as follows:

On page 79 strike line 19 and all that follows through line 24 and insert in lieu thereof:

"(a) AUTHORITY.—Except as provided in paragraph (b), the Secretary of Defense may agree to hold harmless and indemnify any response action contractor for any liability arising out of the contractor's performance in carrying out or related to response actions under 10 United States Code section 2701. Amounts expended pursuant to this section for indemnification of any response action contractor shall be considered governmental response costs."

On page 80 line 1 insert "(1)" Prior to "Under reg-"

On page 80 following line 10 insert the following:

"(2) PROHIBITION.—No Contracts referred to in paragraph (1) shall provide indemnification to contractors for liability caused by the conduct of the contractor which was grossly negligent or which constituted intentional misconduct."

"(3) LIMITATIONS.—A contract referred to in paragraph (1) which provides indemnification shall include deductibles and shall place limits on the amount of indemnification to be made available."

WARNER AMENDMENT NO. 3082

Mr. WARNER proposed an amendment to the bill S. 3114, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . REPORT ON POSSIBLE REVISIONS TO THE NORTH ATLANTIC TREATY.

(1) FINDINGS.—The Congress finds that—

(a) When the North Atlantic Treaty was signed in 1949, the clear military threat to

the security of Western Europe was the Soviet Union and its allies in Eastern Europe;

(b) Since 1949 it has been clearly understood by the people of the Western World that the primary mission of NATO was to deter an attack from the Soviet bloc;

(c) The dramatic changes in Europe since the fall of the Berlin Wall in 1989, and the subsequent dissolution of the Warsaw Pact and the Soviet Union have fundamentally changed the security situation in Europe;

(d) One of the consequences of the breakdown of 40 years of Communist rule in Eastern Europe and the former Soviet Union has been ethnic conflict throughout the region, particularly in the Balkans and the republics of the former Soviet Union;

(e) Those fundamental changes in the security threats facing NATO member nations have caused confusion concerning the mission of NATO in the post-cold war world and the role of NATO military forces outside of the NATO theater, particularly in the former Soviet Union; and, therefore

(f) A fundamental review of the North Atlantic Treaty is necessary, in light of the new situation in Europe.

(2) REPORT.—The Secretary of Defense, in consultation with the Secretary of State, shall provide a report to the Congress, by April 1, 1993, which includes—

(a) a detailed analysis of the foreseeable threats to the security of NATO member nations;

(b) a determination whether or not there is a requirement for the member nations of NATO to revise the North Atlantic Treaty of 1949 to meet the future challenges to their peace and security; and

(c) the extent to which the charter permits the use of NATO forces for peacekeeping purposes, given the steadily increased use of military forces for such purposes, and the range of missions that should be considered for such peacekeeping to protect the interests of member nations.

BINGAMAN (AND COCHRAN) AMENDMENT NO. 3083

Mr. WARNER (for Mr. BINGAMAN, for himself and Mr. COCHRAN) proposed an amendment to the bill S. 3114, supra, as follows:

On page 494, between lines 4 and 5, insert the following:

TITLE XII—NATIONAL EDUCATION GOALS PANEL

SEC. 1201. PANEL ESTABLISHED.

(a) ESTABLISHMENT.—There is established within the Department of Education a National Education Goals Panel (hereafter in this title referred to as the "Panel").

(b) COMPOSITION.—

(1) IN GENERAL.—The Panel shall be composed of 14 members (hereafter in this title referred to as "members"), including—

(A) two members appointed by the President;

(B) eight Governors, three of whom shall be from the same political party as the President and five of whom shall be of the opposite political party of the President, appointed by the Chairman or Vice Chairman of the National Governors' Association, with each appointing those of his respective political party, in consultation with each other and in accordance with paragraph (2); and

(C) four Members of Congress appointed as follows:

(i) The Majority Leader of the Senate shall appoint 1 individual from among the Members of the Senate.

(ii) The Minority Leader of the Senate shall appoint 1 individual from among the Members of the Senate.

(iii) The Majority Leader of the House of Representatives shall appoint 1 individual from among the Members of the House of Representatives.

(iv) The Minority Leader of the House of Representatives shall appoint 1 individual from among the Members of the House of Representatives.

(2) SPECIAL APPOINTMENT RULES.—(A) The members appointed pursuant to paragraph (1)(B) shall be appointed as follows:

(i) If the Chairperson of the National Governors' Association is from the same political party as the President, then the Chairperson shall appoint 3 persons pursuant to such paragraph and the Vice Chairperson shall appoint 5 persons pursuant to such paragraph.

(ii) If the Chairperson of the National Governors' Association is from the opposite political party as the President, then the Chairperson shall appoint 5 persons pursuant to such paragraph and the Vice Chairperson shall appoint 3 persons pursuant to such paragraph.

(B) If the National Governors' Association has appointed a panel that meets the requirements of this subsection prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to be in compliance with the provisions of this subsection and shall not be required to be reappointed pursuant to this subsection.

(c) TERMS.—The terms of service of members shall be as follows:

(1) EXECUTIVE BRANCH.—Members appointed under paragraph (1)(A) shall serve at the pleasure of the President.

(2) GOVERNORS.—Members appointed under paragraph (1)(B) shall serve a two-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of the such member's terms concluding every two years.

(3) MEMBERS OF CONGRESS.—Members appointed under paragraph (1)(C) shall serve a term of four years.

(d) INITIATION.—The Panel may begin to carry out the duties of the Panel under this title when seven members of the Panel have been appointed.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) RETENTION.—In order to retain an appointment to the Panel, a member must attend at least two-thirds of the scheduled meetings of the Panel in any given year.

(g) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(i) CHAIRPERSON SELECTION.—

(1) INITIAL SELECTION.—The members appointed under subsection (b)(2) shall select a Chairperson from among such members, except that after the expiration of the term of the member selected under this paragraph to serve as Chairperson as of October 1, 1991, or upon the termination of the tenure of such Chairperson, whichever is earlier, a majority of the members of the Council shall select the Chairperson from among the members.

(2) CONTINGENT SELECTION.—If no individual described in paragraph (1) assumes the position of Chairperson of the Council within 60 days of the date of the enactment of this Act, a majority of the members shall thereafter select a Chairperson from among the members.

SEC. 1202. FUNCTIONS.

(a) FUNCTIONS.—

(1) IN GENERAL.—The Panel shall—

(A) propose the indicators to be used to measure the National Education Goals and reporting progress toward their achievement, the baselines and benchmarks against which progress may be evaluated, and the format for an annual report to the Nation;

(B) select interim and final measures and appropriate measurement tools to be developed as necessary in each goal area;

(C) report on the Federal actions to fulfill its responsibilities to education, including funding the Federal financial role, providing more flexibility and controlling mandates that limit the States' ability to fund education;

(D) issue a report to the President, the Congress, the Governors, and the Nation annually on progress toward the National Education Goals;

(E) assure, through requirements for State reports, that student performance is reported in the context of other relevant information about student, school and system performance;

(F) identify gaps in existing educational data, make recommendations for improvements in the methods and procedures for assessments that would be appropriate to assessing progress toward the National Education Goals, propose changes in national and international measurement systems as appropriate and make recommendations to the President, the Congress, and the Governors for needed improvements;

(G) appoint members to the National Education Standards and Assessments Council; and

(H) in accordance with paragraph (2), issue certification of content and student performance standards and the criteria for assessments as world-class following submission of such certification by the National Education Standards and Assessments Council.

(2) SPECIAL RULE.—In the event the Panel denies certification to all or part of a certification of the National Education Standards and Assessments Council, all or part of a certification shall be returned to such Council with detailed written explanations for the denial.

(b) PERFORMANCE OF FUNCTIONS.—In carrying out its responsibilities, the Panel shall operate on the principle of consensus.

(c) DATA COLLECTION.—The Panel shall make arrangements with any appropriate entity to generate or collect such data as may be necessary to appropriately assess progress toward the National Education Goals.

SEC. 1203. ANNUAL REPORT CARD.

(a) IN GENERAL.—The Panel shall prepare and submit to the President, the appropriate committees of Congress, and the Governor of each State a National Report Card, that—

(1) sets forth an analysis of the progress of the United States toward achieving the National Education Goals; and

(2) may, as determined necessary by the Panel based on the findings of the Panel and an analysis of the views and comments of all interested parties—

(A) identify continuing gaps in existing educational data; and

(B) make recommendations for improvement in the methods and procedures of assessing educational attainment and strengthening the national educational as-

sessment and information system of the Department of Education or any other appropriate Federal Government entity.

(b) CONTINUATION.—Based on the timetable established in section ____02, the Panel shall continue to issue a National Report Card on an annual basis for the duration of the existence of the Panel.

(c) FORMAT.—National Report Cards shall be presented in a form that is understandable to parents and the general public.

SEC. 1204. POWERS OF THE PANEL.

(a) HEARINGS.—

(1) IN GENERAL.—The Panel shall, for the purpose of carrying out this title, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Panel considers appropriate.

(2) CONDUCT.—In carrying out this title, the Panel shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the Panel's functions described in section 1202(a).

(b) INFORMATION.—The Panel may secure directly from any department or agency of the United States information necessary to enable the Panel to carry out this title. Upon request of the Chairperson of the Panel, the head of a department or agency shall furnish such information to the Panel to the extent permitted by law.

(c) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

(d) POSTAL SERVICES.—The Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—The Secretary of Education shall provide to the Panel, on a reimbursable basis, administrative support services as the Panel may request.

SEC. 1205. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Panel or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING.—No individual may vote or exercise any of the powers of a member by proxy.

SEC. 1206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Panel shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF STAFF.—The Chairperson of the Panel may appoint personnel as the Chairperson considers appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service. The staff of the Panel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates. The rate of pay of the staff of the Panel shall not exceed the rate of basic pay payable for GS-15 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—The Panel may procure temporary and intermittent services under section 3019(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Panel, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Panel to assist the Panel in its duties under this title.

SEC. 1207. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 2001 to carry out this title.

ENTERPRISE ZONES TAX INCENTIVES ACT

ROTH AMENDMENT NO. 3084

Mr. ROTH submitted an amendment intended to be proposed by him to the bill (H.R. 11) to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FOREIGN TAX CREDIT FOR TAXES PAID TO ANGOLA.

(a) IN GENERAL.—Paragraph (2) of section 901(j) of the Internal Revenue Code of 1986 (relating to denial of foreign tax credit, etc., with respect to certain foreign countries) is amended by adding at the end thereof the following new subparagraph:

"(D) SPECIAL RULE FOR ANGOLA.—Angola shall be treated as not described in clause (i) or (iii) of subparagraph (A) if the Secretary of State certifies to the Secretary of the Treasury that the Angolan national elections scheduled for 29/30 September 1992 were held and were conducted freely and fairly."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning in or after the calendar year during which free and fair national elections are held in Angola, as certified by the Secretary of State to the Secretary of the Treasury within 60 days after the close of such calendar year.

NATIONAL DEFENSE AUTHORIZATION ACT

BREAUX (AND LOTT) AMENDMENT NO. 3085

Mr. BREAUX (for himself and Mr. LOTT) proposed an amendment to the bill S. 3114, supra, as follows:

At the appropriate place, insert the following:

SEC. . AUTHORIZATION FOR CONTINGENCY RETAINER FLEET FUNDING.

To enable the Secretary of Transportation to establish a contingency retainer fleet program to provide militarily useful vessels for meeting the sealift needs of the United States during national emergencies, the Secretary of Defense is authorized to transfer to the Secretary of Transportation, for operating agreements for contingency retainer fleet vessels, not to exceed $300,000,000 for fiscal year 1993. Amounts appropriated under this section shall remain available until expended.

TRANSFER OF JURISDICTION OVER ROCKY MOUNTAIN ARSENAL, CO

WIRTH (AND OTHERS) AMENDMENT NO. 3086

Mr. FORD (for Mr. WIRTH, for himself, Mr. BROWN, Mr. CHAFEE, and Mr. BAUCUS) proposed an amendment to the bill (H.R. 1435) to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, CO, to the Secretary of the Interior, as follows:

On page 9, line 1, strike all through line 3 and insert in lieu thereof the following:

"(1) to the extent practicable, consistent with the purposes set forth in section 4(c) for which the refuge will be established after the certification required under section 2(b)(2); and".

On page 9, line 6, strike all through page 10, line 5 and insert in lieu thereof the following:

"(f) EXISTING LAW.—The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), and the Bald Eagle Protection Act (16 U.S.C. 668 et seq.) shall apply to all actions at the Arsenal.

"(g) RESPONSE ACTIONS.—(1) The future establishment of the refuge shall not restrict or lessen in any way any response action or degree of cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or other applicable provisions of law, or any response action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out by or under the authority of the Secretary of the Army at the Arsenal and surrounding areas, including (but not limited to)—

"(A) the substance or performance of the remedial investigation and feasibility study or endangerment assessments;

"(B) the contents and conclusions of the remedial investigation and feasibility study or the endangerment assessment reports; or

"(C) the selection and implementation of response action and any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) for the Arsenal and surrounding areas.

"(2) All response action and action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) carried out at the Arsenal shall attain a degree of cleanup of hazardous substances, pollutants, and contaminants that, at a minimum, is sufficient to fully meet the purposes set forth in section 4(c) for which the refuge will be established and to permit access to all real property comprising the refuge by refuge personnel, wildlife researchers, and visitors.".

On page 11, line 15, after "passerines," insert "and".

On page 11, line 16, after "birds" strike "and species presently or in the future listed as threatened or endangered".

On page 11, line 18, insert the following new paragraph and redesignate all subsequent paragraphs accordingly:

"(2) To conserve species listed as threatened or endangered under the Endangered Species Act and species that are candidates for such listing.".

On page 12, line 20, strike all through page 13, line 23.

COMMUNITY ENVIRONMENTAL RESPONSE FACILITATION ACT

MITCHELL AMENDMENT NO. 3087

Mr. FORD (for Mr. MITCHELL) proposed an amendment to the bill (H.R. 4016) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require the Federal Government, before termination of Federal activities on any real property owned by the Government, to identify real property owned by the Government, to identify real property where no hazardous substance was stored, released, or disposed of, as follows:

On page 4, strike lines 9-12 and insert in lieu thereof the following:

"(4) IDENTIFICATION OF UNCONTAMINATED PROPERTY.—(A) In the case of real property owned by the United States that: (i) is or has been used as a military installation and on which the United States plans to or has terminated military operations, pursuant to a base closure law, including the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), section 2687 of title 10, United States Code, or any provision of law authorizing the closure or realignment of a military installation enacted on or after the date of enactment of this Act; or (ii) is not used as a military installation and on which the United States plans to terminate Federal government operations, other than military operations,"

On page 6, following line 6 add "or" and the following new clause:

"(viii) a complete preliminary assessment and site investigation if such document provides information equivalent to that which would be included in clauses (i-vii).".

On page 6, strike line 20, and insert in lieu thereof:

"(C) In the case of property on which the United States is terminating military operations as described in paragraph (A) identification and concurrence required under subparagraphs (A) and (B) shall be made 18 months after the military installation is selected for closure pursuant to a base closure law or 60 days after the Environmental Protection Agency approves a remedial investigation/feasibility study, whichever is later. In all other cases the identification and concurrence required".

On page 7, add the following new sentence at the end of line 4:

"The head of the department, agency, or instrumentality of the United States, may sell or otherwise transfer any parcel of real property identified under subparagraph (A) 180 days after submitting a request for concurrence under subparagraph (B)."

On page 7, following line 20, insert the following:

"(E) The head of the department, agency, or instrumentality of the United States with jurisdiction over the real property subject to this subsection may sell, lease, or otherwise transfer any right, title, or interest to the real property identified under subparagraph (A) without regard to whether the real property is or has been listed as a site on the National Priorities List."

On page 7, line 21, strike "(E)" and insert in lieu thereof: "(F)".

PATENT PROCESSES

DECONCINI AMENDMENT NO. 3088

Mr. FORD (for Mr. DECONCINI) proposed an amendment to the bill (S. 654) to amend title 35, United States Code, with respect to patents on certain processes, as follows:

On page 2, line 22, strike out all though the end and insert in lieu thereof the following:

TITLE I—BIOTECHNOLOGICAL PROCESS PATENTS

SEC. 101. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.

Section 103 of title 35, United States Code, is amended—

(1) in the first unnumbered paragraph by inserting "(a)" before "A patent";

(2) in the second unnumbered paragraph by inserting "(b)" before "Subject matter"; and

(3) by adding at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of this section, a claimed process of making or using a machine, manufacture, or composition of matter is not obvious under this section if—

"(1) the machine, manufacture, or composition of matter is novel under section 102 of this title and nonobvious under this section;

"(2) the claimed process is a biotechnological process as defined in subsection (d); and

"(3)(A) the machine, manufacture, or composition of matter, and the claim process invention at the time it was made, were owned by the same person or subject to an obligation of assignment to the same person; and

"(B) claims to the process and to the machine, manufacture, or composition of matter, are entitled to the same effective filing date, and appear in the same patent application, different patent applications, or patent application and patent which are owned by the same person and which expire or are set to expire on the same date.

"(d) For purposes of this section, the term 'biotechnological process' means any method of making or using living organisms, or parts thereof, for the purpose of making or modifying products. Such term includes recombinant DNA, recombinant RNA, cell fusion including hybridoma techniques, and other processes involving site specific manipulation of genetic material.".

SEC. 102. NO PRESUMPTION OF INVALIDITY.

The first unnumbered paragraph of section 282 of title 35, United States Code, is amended by inserting after the second sentence "A claim issued under the provisions of section 103(c) of this title on a process of making or using a machine, manufacture, or composition of matter shall not be held invalid under section 103 of this title solely because the machine, manufacture, or composition of matter is determined to lack novelty under section 102 of this title or to be obvious under section 103 of this title.".

SEC. 103. EFFECTIVE DATE.

The amendments made by this title shall apply to all United States patents granted on or after the date of the enactment of this Act and to all applications for United States patents pending on or filed after such date of enactment, including any application for the reissuance of a patent.

TITLE II—BIOTECHNOLOGICAL MATERIAL PATENTS

SEC. 201. INFRINGEMENT BY IMPORTATION, SALE OR USE.

(a) INFRINGEMENT.—Section 271 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(h) Whoever without authority imports into the United States or sells or uses within the United States a product which is made by using a biotechnological material (as defined under section 154(b)) which is patented in the United States shall be liable as an infringer if the importation, sale, or use of the product occurs during the term of such patent.".

(b) CONTENTS AND TERM PATENT.—Section 154 of title 35, United States Code, is amended—

(1) by inserting "(a)" before "Every";

(2) by striking out "in this title," and inserting in lieu thereof "in this title (1)";

(3) by striking out "and, if the invention" and inserting "(2) if the invention";

(4) by inserting after "products made by that process," the following: "and (3) if the invention is a biotechnological material used in making a product, of the right to exclude others from using or selling throughout the United States, or importing into the United States the product made or using such biotechnological material,"; and

(5) by adding at the end thereof the following:

"(b) For purposes of this section, the term 'biotechnological material' is defined as any material (including a host cell, DNA sequence, or vector) that is used in a biotechnological process as defined under section 103(d).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect six months after the date of enactment of this Act and, subject to paragraph (2), shall apply only with respect to products made or imported after the effective date of the amendments made by this section.

(2) EXCEPTIONS.—The amendments made by this section shall not abridge or affect the right of any person, or any successor to the business of such person (A) to continue to use, sell, or import any specific product in substantial and continuous sale or use by such person in the United States on date of enactment, or (B) for which substantial preparation by such person for such sale or use was made before such date, to the extent equitable for the protection of commercial investment made or business commenced in the United States before such date.

INDIAN HEALTH PROGRAMS AUTHORIZATION ACT

INOUYE AMENDMENT NO. 3089

Mr. FORD (for Mr. INOUYE) proposed an amendment to the bill (S. 2481) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes, as follows:

On page 127, immediately after the period on line 9, insert the following: "The Secretary may increase this amount to be consistent with the National Health Service Corps Loan Repayment Program.".

On page 132, between lines 6 and 7, insert the following new section:

SEC. 110A. QUENTIN N. BURDICK INDIAN HEALTH PROGRAM.

(a) ESTABLISHMENT.—Title I of the Act is amended by adding after section 114 the following new section:

"QUENTIN N. BURDICK INDIAN HEALTH PROGRAM

"SEC. 114A. (a) The Secretary, acting through the Service, is authorized to establish, in consultation with appropriate officials at the University of North Dakota, the Quentin N. Burdick Indian Health Program at the University of North Dakota. The purpose of such program shall be to coordinate the Indian health training programs available at the University of North Dakota to better promote the health of Indian people.

"(b) The Secretary may give preference, in accordance with sections 112(d)(5), 114(b)(4), and 209(h)(3), to applications for grants or contracts submitted by the University of North Dakota through the Quentin N. Burdick Indian Health Program.".

(b) CONFORMING AMENDMENTS.—

(1) NURSING PROGRAMS.—Section 112(d) of the Act (25 U.S.C. 1616e(d)) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by inserting after paragraph (4) the following:

"(5) programs that are conducted through the Quentin N. Burdick Indian Health Program at the University of North Dakota.".

(2) INMED PROGRAMS.—Section 114(b) of the Act (25 U.S.C. 1616g(b)), as amended by section 110 of this Act, is further amended by adding at the end the following:

"(4) The Secretary shall give preference in providing grants under paragraphs (2) and (3) to applications submitted by the University of North Dakota through the Quentin N. Burdick Indian Health Program.".

(3) MENTAL HEALTH PROGRAMS.—Section 209(h) of the Act (as redesignated by section 902(3)(B) of this Act), is amended by adding at the end the following:

"(2) The Secretary shall give preference in entering into contracts or making grants under this subsection to appropriate programs conducted through the Quentin N. Burdick Indian Health Program at the University of North Dakota.".

On page 179, between lines 19 and 20, insert the following:

SEC. 216. CONTRACT HEALTH SERVICES PAYMENT STUDY.

Title II of the Act is amended by adding at the end thereof the following new section:

"CONTRACT HEALTH SERVICES PAYMENT STUDY

"SEC. 219. (a) The Secretary, acting through the Service and in consultation with representatives of the Indian tribes, Indian organizations operating Contract Health Care programs under the Indian Self-Determination and Education Assistance Act or under self-governance compacts, Indian Health Service personnel, private Contract Health Service providers, and the Indian Health Service Fiscal Intermediary, shall conduct a study—

"(1) to assess and identify the administrative barriers which hinder the timely payments for services delivered by private Contract Health Services providers for individual Indians by the Indian Health Service and the Indian Health Service Fiscal Intermediary;

"(2) to assess and identify the impact of delayed Contract Health Services payments by the Indian Health Service and the Indian Health Service Fiscal Intermediary to private Contract Health Services providers upon the personal credit records of individual Indians who have been treated by same providers; and

"(3) to determine the most efficient and effective means of improving the Indian Health Service Contract Health Services payment system and ensuring the development of appropriate consumer protection policies designed to protect individual Indians who receive authorized services from private Contract Health Services providers.

"(b) Such study shall—

"(1) assess the impact of the existing Indian Contract Health Services regulations and policies upon the ability of the Indian Health Service and the Indian Health Service Fiscal Intermediary to process, on a timely and efficient basis, the payment of billings submitted by private Contract Health Services providers;

"(2) assess the impact which delayed payments have on the private Contract Health Services providers' fiscal operations;

"(3) assess the nature and extent of the problems experienced by individual Indians with collection agencies seeking payments on behalf of Contract Health Services providers; and

"(4) identify the appropriate changes in Federal policies, administrative procedures and regulations required to eliminate the problems experienced by the private Contract Health Services' providers and individual Indians as a result of delayed Contract Health Services payments.

"(c) Not later than the date which is 12 months after the date of enactment of this section, the Secretary shall transmit to the Congress a report containing—

"(1) a detailed description of the study conducted pursuant to this section;

"(2) a discussion of the findings and conclusions of such study; and

"(3) recommendations for appropriate administrative and legislative solutions.

"(d) There are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 1993 or any fiscal year thereafter in which the report is due.".

SEC. 217. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.

(a) ELIGIBILITY.—Subject to the availability of funds appropriated under the authority of subsection (c) of this section, the Secretary shall provide funds through a direct grant or a cooperative agreement to Kamehameha School/Bishop Estate for the purpose of providing scholarship assistance to students who—

(1) meet the requirements of section 329 of the Public Health Service Act (42 U.S.C. 254b), and

(2) are Native Hawaiians.

(b) TERMS AND CONDITIONS.—(1) The scholarship assistance provided under subsection (a) of this section shall be provided under the same terms and subject to the same conditions, regulations, and rules that apply to scholarship assistance provided under section 338A of the Public Health Service Act (42 U.S.C. 2541), provided that—

(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve the Native Hawaiian health care systems, as identified by Papa Ola Lokahi;

(B) to the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by the Kamehameha Schools/Bishop Estate;

(C) the obligated service requirement for each scholarship recipient shall be fulfilled through service, in order of priority, in (i) any one of the five Native Hawaiian health care systems, or (ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii; and

(D) the provision of counseling, retention and other support services shall not be limited to scholarship recipients, but shall also include recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

(2) The Native Hawaiian Health Scholarship program shall not be administered by or through the Indian Health Service.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1993 through 2001 for the purpose of funding the scholarship assistance provided under subsection (a) of this section.

SEC. 218. PAYMENT OF CLAIMS.

Title II of the Act is amended by adding at the end the following new section:

"PROMPT ACTION

"SEC. 220. (a) The Indian Health Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

"(b) If the Indian Health Service fails to respond to a notification of a claim in accordance with subsection (a), the Indian Health Service shall accept as valid the claim submitted by the provider of a contract care service.

"(c) The Indian Health Service shall pay a completed contract care service claim within 30 days of completion of the claim, and shall be subject to the Prompt Payment Act (31 U.S.C. 3901 et seq.).".

On page 183, beginning with line 25, strike out all through line 3 on page 184 and insert in lieu thereof "government offices are located on an island.".

On page 202, after line 22, add the following new section:

SEC. 504. TREATMENT OF DEMONSTRATION PROGRAMS.

Notwithstanding any other provision of law, the two demonstration programs, Oklahoma City Clinic and Tulsa Clinic, which are in the Hospitals and Clinics program of the Indian Health Service shall be treated as service units in the allocation of resources, and coordination of care. The Secretary shall provide assistance to these programs in the development of resources, equipment and facility needs. For the period that the Oklahoma City and Tulsa clinics are in demonstration-project status, they shall not be subject to the provisions of Public Law 93-638. The Secretary shall evaluate the results of these demonstration projects and report back to Congress his findings and recommendations by March 1999.

On page 210, between lines 5 and 6, insert the following:

"(e) URBAN NIAAA TRANSFERRED PROGRAMS.—(1) The Secretary shall provide within the Urban Programs Branch of the Indian Health Service a grant program for the administration of urban Indian alcohol programs which were originally established under the National Institute on Alcoholism and Alcohol Abuse (NIAAA) and transferred to the Indian Health Service. The program shall include the following:

"(2) The purpose of these grants are to provide support for the continuation of the alcohol prevention and treatment services for the urban Indian populations served, and

other objectives agreed upon between the Service and the individual urban program.

"(3) Urban Indian service providers which meet the definition of an urban Indian organization under title V of this Act, and which operate Indian alcohol programs originally funded under the NIAAA subsequently transferred to the Indian Health Service, are eligible to participate in this program.

"(4) For the purposes of simplification, the Secretary may make either grants or contracts to eligible urban organizations, and may combine the NIAAA alcohol funds with other substance abuse funds currently administered through the Urban Programs Branch.

"(5) The Secretary shall evaluate and report to Congress on the activities of programs funded under this subsection at least every two years.

On page 219, between lines 17 and 18, insert the following:

"INDIAN HEALTH SERVICE RESPONSIBILITIES

"SEC. 714. The Memorandum of Agreement entered into pursuant to section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) shall include specific provisions pursuant to which the Service shall assume responsibility for—

"(1) the determination of the scope of the problem of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

"(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

"(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

"INDIAN HEALTH SERVICE PROGRAM

"SEC. 715. (a) The Secretary, acting through the Service, shall provide a program of comprehensive alcohol and substance abuse prevention and treatment which shall include—

"(1) prevention, through educational intervention, in Indian communities,

"(2) acute detoxification and treatment,

"(3) community-based rehabilitation,

"(4) community education and involvement, including extensive training of health care, educational, and community-based personnel,

"(5) residential treatment programs for pregnant and post partum women and their children, and

"(6) relapse prevention services, including group homes.

The target population of such a program shall be the members of Indian tribes. Additionally, efforts to train and educate key members of the Indian community shall target employees of health, education, judicial, law enforcement, legal, and social service programs.

"(b)(1) The Secretary, acting through the Service, may enter into contracts with public or private providers of alcohol and substance abuse treatment services for the purpose of assisting the Service in carrying out the program required under subsection (a).

"(2) In carrying out this subsection, the Secretary shall provide assistance to Indian tribes to—

"(A) develop criteria for the certification of alcohol and substance abuse service providers;

"(B) facilitate access to off-campus substance abuse degree programs; and

"(C) facilitate accreditation of service facilities that meet minimum standards for such services and facilities as may be determined pursuant to section 4205(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411(a)(3)).

"INDIAN HEALTH SERVICE YOUTH PROGRAM

"SEC. 716. (a) The Secretary shall develop and implement a program for acute detoxification and treatment for Indian youth who are alcohol and substance abusers. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis. These regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

"(b)(1) The Secretary shall construct or renovate, and appropriately staff and operate, a youth regional treatment center in each area under the jurisdiction of an area office. For the purposes of this subsection, the area offices of the Service in Tucson and Phoenix, Arizona, shall be considered one area office and the area office in California shall be considered to be two area offices, one office whose jurisdiction shall be considered to encompass the northern area of the State of California, and one office whose jurisdiction shall be considered to encompass the remainder of the State of California.

"(2) For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

"(3) Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating and maintaining a residential youth treatment facility in Fairbanks, Alaska.

"(4) A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the tribes to be served by such center.

"(c)(1) The Secretary, acting through the Service, shall, in consultation with Indian tribes—

"(A) identify and use, where appropriate, federally owned structures suitable as local residential or regional alcohol and substance abuse treatment centers for Indian youth; and

"(B) establish guidelines for determining the suitability of any such federally owned structure to be used as a local residential or regional alcohol and substance abuse treatment center for Indian youth.

"(2) Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure.

"(d)(1) The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each Service service unit community-based rehabilitation and followup services for Indian youth who are alcohol or substance abusers which are designed to integrate long-term treatment and to monitor and support the Indian youth after their return to their home community.

"(2) Services under paragraph (1) shall be administered within each service unit by trained staff within the community who can assist the Indian youth in continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff shall include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

"(e) In providing the treatment and other services to Indian youth authorized by this section, the Secretary shall provide for the inclusion of family members of such youth in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (d) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

"(f)(1) The Secretary shall conduct a study to determine the incidence and prevalence of the abuse of multiple forms of drugs, including alcohol, among Indian youth residing on Indian reservations and in urban areas and the interrelationship of such abuse with the incidence of mental illness among such youth.

"(2) The Secretary shall submit a report detailing the findings of such study, together with recommendations based on such findings, to the Congress no later than two years after the date of the enactment of this section.

"TRAINING AND COMMUNITY EDUCATION

"SEC. 717. (a) The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each service unit a program of community education, including off-campus degree studies, and community involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education in alcohol and substance abuse to political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, and other critical members of each tribal community.

"(b) The Secretary shall, either directly or by contract, provide instruction in the area of alcohol and substance abuse, including instruction in prevention, relapse prevention services, crisis intervention, and family relations in the context of alcohol and substance abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol syndrome to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

"(c) In carrying out the education and training programs required by this section, the Secretary, acting through the Service and in consultation with tribes and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

"(1) the elevated risk of alcohol and substance abuse faced by children of alcoholics;

"(2) the cultural and multigenerational aspects of alcohol and substance abuse prevention and recovery; and

"(3) community-based and multidisciplinary strategies for preventing and treating alcohol and substance abuse.

"REPORTS

"SEC. 718. (a) The Secretary, with respect to the administration of any health program

by a Service service unit, directly or through contract, including a contract under the Indian Self-Determination and Education Assistance Act, shall require the compilation of data relating to the number of cases or incidents which any of the Service personnel or services were involved and which were related, either directly or indirectly, to alcohol or substance abuse. Such report shall include the type of assistance provided and the disposition of these cases.

"(b) The data compiled under subsection (a) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan under section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2471 et seq.).

"(c) Each service unit director shall be responsible for assembling the data compiled under this section and section 4214 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2434) into an annual tribal comprehensive report. Such report shall be provided to the affected tribe and to the Director of the Service who shall develop and publish a biennial national report based on such tribal comprehensive reports.".

On page 219, line 19, strike out "SEC. 714." and insert in lieu thereof "SEC. 719.".

On page 230, line 22, immediately after the first period, insert the following: Upon completion of the authorized planning activity or a comparable planning activity by a tribe, the Secretary is authorized to negotiate and implement a Compact of Self-Governance and Annual Funding Agreement with such tribe."

On page 232, line 22, strike "a project" and insert "2 projects".

On page 233, between lines 2 and 3, insert the following:

"(b) The Secretary shall conduct one of the projects authorized in subsection (a) in the Service area served by the Indian Health Service Area office located in Phoenix, Arizona.".

On page 233, line 3, strike "(b)" and insert "(c)".

On page 233, line 3, strike "project" and insert "projects".

On page 233, between lines 5 and 6, insert the following:

SEC. 816. LAND TRANSFER.

The Bureau of Indian Affairs is authorized to transfer, at no cost, up to 5 acres of land at the Chemawa Indian School, Salem, Oregon, to the Indian Health Service for the provision of health care services. The land authorized to be transferred by this section is that land adjacent to land under the jurisdiction of the Indian Health Service and occupied by the Chemawa Indian Health Center.

SEC. 817. LEASES WITH INDIAN TRIBES.

Section 804 of the Indian Health Care Improvement Act (25 U.S.C. 1674), as redesignated by section 701(b) of this Act, is amended to read as follows:

"SEC. 804. (a) Notwithstanding any other provision of law, the Secretary shall, in carrying out the purposes of this Act, enter into leases with Indian tribes and tribal organizations for periods not in excess of twenty years. Property leased by the Secretary from an Indian tribe or tribal organization may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe.

"(b) The Secretary, upon request of an Indian tribe or tribal organization, shall enter into leases, contracts, and other legal agreements with Indian tribes or tribal organizations which hold—

"(1) title to;

"(2) a leasehold interest in; or

"(3) a beneficial interest in (where title is held by the United States in trust for the benefit of the tribe);

facilities reasonably necessary for the administration and delivery of health services by the Service or by programs operated by Indian tribes or tribal organizations to compensate such Indian tribes or tribal organizations for costs associated with the use of such facilities for such purposes. Such costs include rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable, based on the reasonable rental costs of comparable premises in the community where such facilities are located. Leases, contracts, and other legal agreements with Indian tribes or tribal organizations operating contracts under the Indian Self-Determination and Education Assistance Act, Public Law 93-683, shall be in lieu of charges for space used in the performance of such contract which are otherwise funded through direct or indirect costs under such contracts.".

SEC. 818. OFFICE OF INDIAN WOMEN'S HEALTH CARE.

(a) ESTABLISHMENT.—There is established in the Indian Health Service (hereafter referred to in this section as the "Service") an Office of Indian Women's Health Care (hereafter referred to in this section as the "Office").

(b) PURPOSE.—

(1) IN GENERAL.—The Office shall oversee efforts of the Service to monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

(2) IN PARTICULAR.—In particular, the Office shall have the following purposes:

(A) To update all basic service information systems to include the collection and analysis of data pertinent to documenting the level and quality of health care being received by Indian women through the Service and related contractors.

(B) To review any proposed studies by the Service to ensure that Indian women are appropriately included in the scope of such studies.

(C) To establish and maintain an Indian women's health agenda, which shall—

(i) include the identification of priority areas of service;

(ii) incorporate existing efforts to identify such priority areas, for example, the Indian Women's Task Force and Round Table Conference held in Tucson, Arizona, in 1991;

(iii) ensure that the priority areas identified become an integral part of the planning and evaluation processes for all Service delivery systems;

(iv) form the basis for plans and annual budget requests to implement services, equipment, personnel, and other changes necessary to improve the delivery of health services to Indian women; and

(v) reflect the participation and views of Service beneficiaries.

(D) To allow for differences in priorities by Area offices, making maximum utilization of Area office capabilities and facilities.

(E) To recommend ways to obtain and coordinate additional government, tribal, and private resources to accomplish the plans developed pursuant to subparagraph (C)(iv).

(F) To include the findings, recommendations, agenda, plans, and other relevant information compiled by the Office in the annual reports submitted by the Service to the Congress.

(G) To conduct such other activities as may be necessary to carry out the overall purpose of the Office.

(c) DEFINITION.—For the purpose of this section, the term "Area office" has the meaning given the term in section 4(i) of the Indian Health Care Improvement Act (25 U.S.C. 1603(i)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 819. HEALTH PROFESSIONAL PRIORITIES IN RELATED PROGRAM.

Section 333A(a) of the Public Health Service Act (42 U.S.C. 254f-1(a)) is amended—

(1) in paragraph (2), by striking "and" after the semicolon at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(4) subject to paragraphs (1) through (3), give priority to meeting the needs of the Indian Health Service and the needs of health programs or facilities operated by tribes or tribal organizations under the Indian Self-Determination and Education Assistance Act, except to the extent not practicable.".

SEC. 820. PRIORITY FOR INDIAN RESERVATIONS.

(a) PRIORITY.—On and after the date of the enactment of this Act, the Bureau of Indian Affairs, Department of the Interior, and the Indian Health Service, Department of Health and Human Services, shall, in all matters involving the reorganization or development of service facilities, or in the establishment of related employment projects to address the unemployment conditions in economically depressed areas, give a priority to locating such facilities and projects on Indian lands.

(b) DEFINITION.—As used in this section, the term "Indian lands" means—

(1) all lands within the limits of any Indian reservation; and

(2) any lands title which is held in trust by the United States for the benefit of any Indian tribe or individual Indian, or held by any Indian tribe or individual Indian subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.

NATIONAL DEFENSE AUTHORIZATION ACT

ROTH (AND GRASSLEY) AMENDMENT NO. 3090

Mr. WARNER (for Mr. ROTH, for himself, and Mr. GRASSLEY) proposed an amendment to the bill S. 3114, supra, as follows:

(1) On page 402, lines 24 and 25, change the phrase to read "Subject to subparagraphs (B), (C), and (D)"; and

(2) On page 404, between lines 4 and 5, insert the following:

(D) CERTIFICATIONS.—No obligation or adjustment of an obligation may be charged pursuant to the provisions of this paragraph until the Secretary of Defense certifies to Congress:

(i) That the limitations on expending and obligating amounts established pursuant to section 1341 of title 31, United States Code

are being observed within the Department of Defense; and

(ii) That reports on any violations of section 1341, whether intentional or inadvertent, are being submitted to the President and Congress immediately and with all relevant facts and a statement of actions taken as required by section 1351 of title 31, United States Code."

SMITH AMENDMENT NO. 3091

Mr. WARNER (for Mr. SMITH) proposed an amendment to the bill S. 3114, supra, as follows:

At the appropriate place, add the following:

SEC. . POW/MIA STAMP

(a) Congress finds that:

(1) the President has declared the POW/MIA issue to be of highest national priority;

(2) there are over 88,000 missing U.S. service personnel from World War II, the Korean War, and the Vietnam War;

(3) public awareness of the sacrifices which have been and may continue to be made by American prisoners of war and Americans missing in action is critical to advancing efforts to obtain the return of missing American service personnel.

(b) The Postmaster General shall issue a commemorative postage stamp in honor of American prisoners of war and Americans missing in action. Such a stamp shall be issued and sold for such a period as the Postmaster General shall determine.

REID AMENDMENT NO. 3092

Mr. NUNN (for Mr. REID) proposed an amendment to the bill S. 3114, supra, as follows:

On page 634, following line 19 add:

"(C) Any Department of Energy defense nuclear facility, including the Nevada Test Site, that will experience a reduction of 10% or more in the number of Department of Energy employees employed at the facility in any 12-month period.

BRYAN (AND REID) AMENDMENT NO. 3093

Mr. NUNN (for Mr. BRYAN, for himself and Mr. REID) proposed an amendment to the bill S. 3114, supra, as follows:

On page 633, below line 21, add the following:

SEC. 3141. STUDY OF CONVERSION OF NEVADA TEST SITE FOR USE FOR SOLAR ENERGY PRODUCTION PURPOSES.

(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Director of the Office of Technology Assessment, shall carry out and submit to Congress a study on the conversion, development, and utilization of the Nevada Test Site, Nevada, or one or more portions thereof, as a commercial facility for the development of solar energy research and production technologies.

(b) STUDY ELEMENTS.—In carrying out the study under subsection (a), the Secretary of Energy shall consider the following:

(1) The potential of the Nevada Test Site for solar energy production from a variety of solar energy production technologies, including technologies for the production of thermal energy and photo-voltaic energy.

(2) The costs and benefits of the development of such energy production technologies, including the cost per kilowatt hour of energy production from each such technology and the potential market for the sale or use of energy produced by such technologies.

(3) The effect of the development of the Nevada Test Site for solar energy production on the economy and employment rates in the region in which the Nevada Test Site is located.

(4) The effectiveness of plans for retraining current employees at the Nevada Test Site for employment in the development, utilization, and marketing of solar energy production technologies.

(5) The effect of the development of various solar energy production technologies at the Nevada Test Site on the manufacturing and export economy of the United States.

(6) The extent to which the development of solar energy production technologies at the Nevada Test Site is compatible with current and proposed alternative uses of the Site, including the compatibility of such development with environmental restoration and other clear-up activities at the Site and with continuing use of the Site for limited nuclear testing.

NUNN (AND WARNER) AMENDMENT NO. 3094

Mr. NUNN (for himself and Mr. WARNER) proposed an amendment to the bill S. 3114, supra, as follows:

On page 50, line 2, strike "$10,645,659,000" and insert in lieu thereof $10,665,659,000".

KENNEDY (AND OTHERS) AMENDMENT NO. 3095

Mr. NUNN (for Mr. KENNEDY, for himself, Mr. METZENBAUM, Mr. PRYOR, Mr. DODD, Mr. SIMON, and Mr. WELLSTONE) proposed an amendment to the bill S. 3114, supra, as follows:

On page 65, between lines 17 and 18, insert the following:

SEC. 232. MANUFACTURING TECHNOLOGY DEVELOPMENT PROGRAMS.

Manufacturing technology development programs conducted by or for the Department of Defense, including those programs for which funds are made available pursuant to section 203, shall include a focus on production technologies designed to build on and expand existing worker skills and experience in manufacturing production.

On page 102, below line 24, insert the following:

SEC. 334. IMPACT AID.

Section 3(e)(1) of Public Law 81-874 (20 U.S.C. 238(e)(1)) is amended in the matter following subparagraph (C) by inserting "shall not be less than 100 percent of the payment such agency received under subsections (a) and (b) for the preceding fiscal year," after "for such fiscal year".

SEC. 335. EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

(a) USE OF FUNDS.—Section 325(c) of such Act (29 U.S.C. 1662d(c)) is amended to read as follows:

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used for any purpose for which funds may be used under section 314 or this part.

"(2) RESERVATION.—

"(A) IN GENERAL.—The Secretary shall reserve at least 10 percent of the funds appropriated to carry out this section for the purpose of making grants to States under subsection (a) to provide the reimbursement described in subparagraph (B).

"(B) REIMBURSEMENT.—A grant described in subparagraph (A) may be used to reimburse a State for the funds reserved by the State, pursuant to section 302(c), that—

"(i) are expended for rapid response assistance and basic readjustment services (not including support services) described in paragraphs (1) and (2) of section 314(a), respectively; and

"(ii) are delivered to eligible dislocated workers adversely affected by reductions in expenditures by the United States for defense or by closures of United States military installations, as determined in accordance with regulations of the Secretary of Defense.".

(b) NOTICE REQUIREMENTS.—Section 325 of such Act (42 U.S.C. 1662d) is amended by adding at the end the following new subsections:

"(e) NOTICE REQUIREMENTS.—

"(1) SECRETARY OF DEFENSE NOTICE REQUIREMENT.—To the extent practicable, the Secretary of Defense shall provide 6 months advance notice to a defense contractor of any cancellation of, or substantial reduction in, a defense contract, that will adversely affect the defense contractor.

"(2) DEFENSE CONTRACTOR NOTICE REQUIREMENT.—Not later than 2 weeks after a defense contractor receives notice under paragraph (1) of the cancellation of, or substantial reduction in, a defense contract, the contractor shall provide notice of such cancellation or substantial reduction to—

"(A)(i) each representative of employees whose work is directly related to the contract that is being canceled or substantially reduced and who are employed by the defense contractor; or

"(ii) if there is no such representative at that time, each such employee;

"(B) the State dislocated worker unit or office described in section 311(b)(2) and the chief elected official of the unit of general local government within which such adverse effect may occur;

"(3) CONSTRUCTIVE NOTICE OF TERMINATION FOR EMPLOYEES.—The notice provided under paragraph (2)(A) to the employees of a defense contractor shall be considered to be notice of termination to the employees for the purposes of determining whether such employees are eligible dislocated workers under this title, except where the employer has specified that the loss of such contract is not likely to result in plant closure or mass layoff. Any employee considered to be such a worker solely on the basis of such notice shall be eligible to receive services under section 314(b) and under paragraphs (1) through (14) of section 314(c).

"(4) DEFENSE CONTRACTOR.—For purposes of this subsection, the term 'defense contractor' means a private person producing goods or services pursuant to—

"(A) one or more defense contracts for not less than $500,000 entered into with the Department of Defense; or

"(B) one or more subcontracts—

"(i) entered into in connection with a defense contract; and

"(ii) for a total amount of not less than $500,000.".

SEC. 336. POLICY TO EXPEDITE ASSISTANCE.

(a) TRANSFERS.—In each case in which the Secretary of Defense is required under this Act or an amendment made by this Act to transfer funds to another department or agency of the Federal Government for the purpose of funding programs that provide as-

sistance to recipients adversely affected by reduced spending by the Department of Defense, including communities and local educational agencies adversely affected by closures and realignments of military installations, and in each case in which the Secretary is authorized to make such a transfer and exercises the authority to do so, the Secretary shall make the transfer as expeditiously as is practicable.

(b) SPENDING.—In each case in which the Secretary of Defense is required under this Act or an amendment made by this Act to provide assistance to recipients adversely affected by reduced spending by the Department of Defense, including communities and local educational agencies adversely affected by closures and realignments of military installations, and in each case in which the Secretary is authorized to provide that assistance and exercises the authority to do so, the Secretary shall make the funds available for providing that assistance as expeditiously as is practicable. The Secretary shall expedite the processing of applications and other requests for such assistance, including applications for grants.

On page 273, line 11, insert before the period the following: ", including improvements that build on the skill and experience of their work force".

On page 283, between lines 2 and 3, and insert in lieu thereof the following:

"(7) Programs for encouraging research in colleges and universities and in other technology development and extension programs in the United States for the development of work systems that build on worker's skill and experience.

"(8) Programs for assisting in the transition to high performance work systems, including ongoing worker involvement in the evaluation, selection, and installation and operation of production technologies and associated organization or work.

On page 285, line 24, insert ", including high performance, high quality, and high flexibility production," after "work force".

On page 291, line 16, strike out "and processes" and insert in lieu thereof ", processes, and organization of work systems that build on workers' skill and experience, and work force skill development".

On page 304, line 16, insert "and workers" after "businesses".

On page 305, strike out lines 2 and 3, and insert in lieu thereof the following:
bilities of the manufacturing work force;

"(7) promote high-performance work systems, with development and dissemination of production technologies that build upon the skills and capabilities of the work force, high levels of worker education and training, and work force participation in the evaluation, selection, and implementation of new production technologies; and

"(8) ensure appropriate coordination between

On page 307, strike out line 20 and all that follows through page 308, line 3, and insert in lieu thereof the following:

(d) DEFENSE MANUFACTURING ENGINEERING EDUCATION PROGRAM.—Of the amounts authorized to be appropriated under section 201, $25,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of title 10, United States Code.

(e) DEFENSE MANUFACTURING EXPERTS IN THE CLASSROOM PROGRAM.—(1)(A) Section 2197 of title 10, United States Code, is amended—

(i) by striking out the section heading and inserting in lieu thereof the following:

"§2197. Manufacturing experts in the classroom";

(ii) in subsection (a), by striking out "managers and" in the matter above paragraph (1); and

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

"(e) MANUFACTURING EXPERT DEFINED.—In this section, the term 'manufacturing expert' means manufacturing managers and workers having experience in the organization of production and education and training needs and other experts in manufacturing.".

(B) The table of sections at the beginning of chapter 111 of such title is amended by striking out the item relating to section 2197 and inserting in lieu thereof the following:

"2197. Manufacturing experts in the classroom.".

(2) Of the amounts authorized to be appropriated under section 201, $5,000,000 shall be available for the manufacturing experts in the classroom program under section 2197 of title 10, United States Code.

On page 309, line 3, strike out "businesses" and insert in lieu thereof "firms whose businesses and workers".

On page 309, line 4, strike out "business" and insert in lieu thereof "expenditures".

On page 309, line 8, insert "business planning," after "training,".

On page 309, line 10, insert "in making improvements necessary for conversion to commercial markets and practices and" after "Assistance".

On page 309, line 15, insert "and development" after "identification".

On page 310, strike out line 2, and insert in lieu thereof the following: "capabilities, including development and introduction of high performance workplace systems, employee and participative management systems, workforce literacy programs, programs to encourage employee ownership, worker education and training, work force participation in the evaluation, selection, and implementation of new production technologies; and".

On page 311, line 16, strike out "partnership's" and insert in lieu thereof "program's".

On page 311, line 23, insert ", including their work forces" after "businesses".

On page 312, line 4, insert ", including their work forces," before "adversely".

WARNER AMENDMENT NO. 3096

Mr. WARNER proposed an amendment to the bill S. 3114, supra, as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . NATIONAL DEFENSE SEALIFT FUND.

Chapter 131 of title 10, United States Code, is amended by adding at the end thereof the following new section 2218:

"2218. National Defense Sealift Fund.

"(a) there is established on the books of the treasury a fund to be known as the National Defense Sealift Fund," which shall be administered by the Secretary of Defense.

"(b) funds may be deposited in the National Defense Sealift Fund only as specifically authorized in law.

"(c) funds deposited in the National Defense Sealift Fund may be obligated and expended by the Secretary of Defense for—

"(1) research and development relating to National Defense Sealift;

"(2) construction, purchase, or conversion of Sealift vessels for national defense purposes;

"(3) lease and operational and maintenance of Sealift vessels for national defense purposes; and

"(4) other purposes relating to National Defense Sealift; but only to the extent such obligation or expenditure is specifically authorized in law.".

SPECTER AMENDMENT NO. 3097

Mr. WARNER (for Mr. SPECTER) proposed an amendment to the bill S. 3114, supra, as follows:

On page 333, insert the following new section between lines 13 and 14:

SEC. 810. CLARIFICATION OF PARTICIPANTS IN DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.

Section 2271(b) of title 10, United States Code (as redesignated by section 802(a)(2)), is amended by inserting "government-owned and operated industrial facilities", after "Federal laboratory or laboratories".

MCCAIN (AND OTHERS) AMENDMENT NO. 3098

Mr. WARNER (for Mr. MCCAIN, for himself, Mr. GORE, Mr. BINGAMAN, Mr. THURMOND, Mr. HELMS, Mr. LIEBERMAN, and Mr. KASTEN) proposed an amendment to the bill S. 3114, supra, as follows:

At the appropriate place in the bill, add the following new title:

TITLE .—IRAN-IRAQ ARMS NONPROLIFERATON ACT OF 1992

SEC. 01. SHORT TITLE.

This title may be cited as the "Iran-Iraq Arms Non-Proliferation Act of 1992".

SEC. 02. UNITED STATES POLICY.

"(a) IN GENERAL.—It shall be the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran or Iraq of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to either country's acquiring chemical, biological, nuclear, or destabilizing numbers and types of advanced conventional weapons.

(b) SANCTIONS.—(1) In the furtherance of this policy the President shall apply to Iran, Iraq, and those nations and persons who assist them in acquiring weapons of mass destruction all of the applicable sanctions and controls available to the United States under the Foreign Assistance Act of 1961, the Nuclear Non-Proliferation Act of 1978, the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, and title XVII of the National Defense Authorization Act for Fiscal Year 1991, and other relevant statutes, regarding the non-proliferation of weapons of mass destruction and the means of their delivery.

(2) The President should also urgently seek the agreement of other nations to adopt and institute, at the earliest practicable date, sanctions and controls comparable to those the United States is obligated to apply under this subsection.

(c) PUBLIC IDENTIFICATION.—The Congress calls on the President to identify publicly (in the report required by section 07) any country or person that transfers goods or technology to Iran or Iraq contrary to the policy set forth in subsection (a).

SEC. 03. APPLICATION TO IRAN OF CERTAIN IRAQ SANCTIONS.

The sanctions against Iraq specified in paragraphs (1) through (4) of section 586G(a)

of the Iraq Sanctions Act of 1990 (as contained in Public Law 101-513), including denial of export licenses for United States persons and prohibitions on United States Government sales, shall be applied to the same extent and in the same manner with respect to Iran.

SEC. 04. SANCTIONS AGAINST CERTAIN PERSONS.

(a) PROHIBITION.—If any person transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran and Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then—

(1) the sanctions described in subsection (b) shall be imposed; and

(2) in addition, the President is authorized to apply, in the discretion of the President, the sanction described in subsection (c).

(b) MANDATORY SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are as follows:

(1) PROCUREMENT SANCTION.—For a period of 2 years, the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

(2) EXPORT SANCTION.—For a period of 2 years, the United States Government shall not issue any license for any export by or to the sanctioned person.

(c) DISCRETIONARY SANCTION.—The sanction referred to in subsection (a)(2) is that the President may prohibit, for such period as the President may determine, the importation into the United States of any articles which are the product, manufacture, or growth of the sanctioned person.

SEC. 05. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

(A) PROHIBITION.—If the government of any foreign country transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then—

(1) the sanctions described in subsection (b) shall be imposed on such country; and

(2) in addition, the President may apply, in the discretion of the President, the sanctions described in subsection (c).

(b) MANDATORY SANCTIONS.—Except as provided in paragraph (2), the sanctions to be imposed pursuant to subsection (a)(1) are as follows:

(1) SUSPENSION OF UNITED STATES ASSISTANCE.—The United States Government shall suspend, for a period of 1 year, United States assistance to the sanctioned country.

(2) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of 1 year, the extension by such institution of any loan or financial or technical assistance to the sanctioned country.

(3) SUSPENSION OR CODEVELOPMENT OR COPRODUCTION AGREEMENTS.—The United States shall suspend, for a period of 1 year, compliance with its obligations under any memorandum of understanding with the sanctioned country for the codevelopment or coproduction of any item on the United States Munitions List (established under section 38 of the Arms Export Control Act), including any obligation for implementation of the memorandum of understanding through the sale to the sanctioned country of technical data or assistance or the licensing for export to the sanctioned country of any component part.

(4) SUSPENSION OF MILITARY AND DUAL-USE TECHNICAL EXCHANGE AGREEMENTS.—The United States shall suspend, for a period of 1 year, compliance with its obligations under any technical exchange agreement involving military and dual-use technology between the United States and the sanctioned country that does not directly contribute to the security of the United States, and no military or dual-use technology may be exported from the United States to the sanctioned country pursuant to that agreement during that period.

(5) UNITED STATES MUNITIONS LIST.—No item on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) may be exported to the sanctioned country for a period of 1 year.

(c) DISCRETIONARY SANCTIONS.—The sanctions referred to in subsection (a)(2) are as follows:

(1) DENIAL OF MOST-FAVORED-NATION STATUS.—The President is authorized to suspend the application of nondiscriminatory trade treatment (most-favored-nation status) to the products of the sanctioned country.

(2) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—The President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act with respect to the sanctioned country, except for urgent humanitarian assistance.

SEC. 06. WAIVER.

The President may waive the requirement to impose a sanction described in section 3, in the case of Iran, or a sanction described in section 04(b) or 05(b), in the case of Iraq and Iran, 15 days after the President determines and so reports to the Committees on Armed Services and Foreign Relations of the Senate and the Speaker of the House of Representatives that to impose that sanction would jeopardize the national security interests of the United States. Any such report shall provide a specific and detailed rationale for such determination.

SEC. 07. REPORTING REQUIREMENT.

(a) ANNUAL REPORT.—Beginning one year after the date of enactment of this title, and every 12 months thereafter, the President shall submit a report to the Committee on Armed Services and Foreign Relations of the Senate and the Speaker of the House of Representatives detailing—

(1) all transfers or retransfers made by any person or foreign government during the preceding 12-month period which are subject to any sanction under this title; and

(2) the actions the President intends to undertake or has undertaken pursuant to this title with respect to each such transfer.

(b) REPORT ON INDIVIDUAL TRANSFERS.—Whenever the President determines that a person or foreign government has made a transfer which is subject to any sanction under this title, the President shall, within 30 days after such transfer, submit to the Committees on Armed Services and Foreign Relations of the Senate and the Speaker of the House of Representatives a report—

(1) identifying the person or government and providing the details of the transfer; and

(2) describing the actions the President intends to undertake or has undertaken under the provisions of this title with respect to each such transfer.

(c) FORM OF TRANSMITTAL.—Reports required by this section may be submitted in classified as well as in unclassified form.

SEC. 08. DEFINITIONS.

For purposes of this title—

(1) the term "advanced conventional weapons" includes—

(A) such long-range precision-guided munitions, fuel air explosives, cruise missiles, low observability aircraft, other radar evading aircraft, advanced military aircraft, military satellites, electromagnetic weapons, and laser weapons as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways;

(B) such advanced command, control, and communications systems, electronic warfare systems, or intelligence collection systems as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways; and

(C) such other items or systems as the President may, by regulation, determine necessary for purposes of this title;

(2) the term "cruise missile" means guided missiles that use aerodynamic lift to offset gravity and propulsion to counteract drag;

(3) the term "goods or technology" means—

(A) any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment; and

(B) any information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data;

(4) the term "person" means any United States or foreign individual, partnership, corporation, or other form of association, or any of their successor entities, parents, or subsidiaries;

(5) the term "sanctioned country" means a country against which sanctions are required to be imposed pursuant to section 05;

(6) the term "sanctioned person" means a person that makes a transfer described in section 04(a); and

(7) the term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (other than the provision of urgent humanitarian assistance or medicine);

(B) sales and assistance under the Arms Export Control Act;

(C) financing by the Commodity Credit Corporation for export sales of agricultural commodities; and

(D) financing under the Export-Import Bank Act.

BINGAMAN (AND OTHERS) AMENDMENT NO. 3099

Mr. NUNN (for Mr. BINGAMAN, for himself, Mr. GLENN, Mr. THURMOND, Mr. LIEBERMAN, Mr. MCCAIN, and Mr. NUNN) proposed an amendment to the bill S. 3114, supra, as follows:

On page 487, between lines 12 and 13, insert the following:

SEC. 1064. SUPPORT FOR INTERNATIONAL NONPROLIFERATION ACTIVITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The proliferation of nuclear, chemical and biological weapons and related technology and know how and of missile delivery systems remains a serious threat to international peace and security in the post-Cold War era.

(2) The United States should seek to limit the supply of nuclear, chemical and biological weapons, related technology and know how of missile delivery systems, and the demand for such weapons and should undertake to reduce the threat from such proliferation.

(3) International nonproliferation activities serve the national security interests of the United States.

(4) The Department of Defense and the Department of Energy have expertise and equipment that has enhanced the effectiveness of international nuclear nonproliferation activities.

(5) The use of funds made available under the regular budget process one year in advance or the use of reprogrammed funds may be insufficient to satisfy the need for funds and other support for international nonproliferation activities.

(6) Greater flexibility may be needed to ensure the timely availability of funding to support international nonproliferation activities.

(b) ASSISTANCE FOR NONPROLIFERATION ACTIVITIES.—(1) Subject to the limitations and requirements provided in this section, during fiscal year 1993 the Secretary of Defense may furnish funds, supplies, and equipment to support international nonproliferation activities, including activities carried out by the International Atomic Energy Agency, that are designed to ensure more aggressive full-scope safeguards and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

(2) Assistance may be provided in the form of funds under paragraph (1) only if the amount in the "Contributions to International Organizations" account of the Department of State in insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.

(3) No assistance may be furnished pursuant to paragraph (1) unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

(A) is in the national security interest of the United States; and

(B) will not adversely affect the military preparedness of the United States.

(4) No amount may be obligated for an expenditure pursuant to paragraph (1) unless the Director of the Office of Management and Budget determines that the expenditure will be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) In paragraph (1), the term "full-scope safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(c) ASSISTANCE FOR INSPECTIONS REGARDING IRAQ.—During fiscal year 1993 the Secretary of Defense may provide funds for the activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(d) AUTHORITY SUBJECT TO APPROPRIATIONS ACTS.—The authority to provide assistance in the form of funds under subsection (b) or (c) may be exercised only to the extent and in the amounts provided in appropriations Acts.

(e) FUNDING LIMITATIONS.—(1) The total amount of the assistance provided in the form of funds under subsection (b) may not exceed $20,000,000.

(2) The total amount of the assistance provided in the form of funds under subsection (c) may not exceed $20,000,000.

(f) SOURCES OF ASSISTANCE.—(1) Funds provided as assistance under subsection (b) or (c) shall be derived from amounts made available to the Department of Defense for fiscal year 1993 or from balances in working capital accounts of the Department of Defense.

(2) Supplies and equipment provided as assistance under subsection (b) may be provided, by loan or donation, from existing stocks of the Department of Defense.

(g) REPORT REQUIRED.—Not less than 30 days before obligating any funds to provide assistance pursuant to subsection (b) or (c), the Secretary of Defense shall transmit to Congress a report on the proposed obligation. The report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amounts of the proposed obligation; and

(2) the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

(h) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Robust funding of nonproliferation activities and related technology development is essential to controlling the proliferation of nuclear, chemical, and biological weapons and their delivery vehicles, which remains one of the highest national security priorities of the United States;

(2) The President's initiative to increase funding for nonproliferation activities and related technology development in the Department of Energy is praiseworthy and represents a significant step toward an appropriate level of support for nonproliferation activities;

(3) The President should undertake to identify a full range of appropriate, high priority nonproliferation activities and related technology development programs, including particularly space-based detection systems, and should include full funding for these activities, and should include full funding for these activities and technologies in the budget requests of the Department of Energy and the Department of Defense for Fiscal Year 1994; and

(4) The Congress is committed to cooperating with the President in carrying out an effective policy designed to control the proliferation of weapons of mass destruction.

On page 595, line 17, strike "$141,510,000" and insert in lieu thereof "184,028,000".

On page 595, strike line 18 and all that follows through line 10 on page 596.

On page 596, line 11, strike "(d)" and insert in lieu thereof '(b)".

On page 596, line 14, strike the dash and all that follows through line 17 and insert in lieu thereof "$150,000,000".

On page 605, line 11, strike $250,215,000" and insert in lieu thereof "$130,215,000".

On page 609, line 24, strike "$11,500,000" and insert in lieu thereof $16,500,000".

On page 612, after line 23, add the following new subsection:

(d) NEW PRODUCTION REACTORS.—None of the funds authorized to be appropriated by section 3102 shall be used to close out the new production reactor program until 30 days after the Secretary of Energy has submitted a plan to the congressional defense committees to continue work beyond the termination phase of the two existing new production reactor design teams to address key technical risks and initiation of detailed design of two electric power producing reactor concepts, including an advanced light water reactor and the modular high temperature gas reactor to undertake the added mission of plutonium disposal. In addition, the plan shall address key technical risks of and fundamental technology for a linear accelerator for plutonium disposal and nuclear waste transmutation.

NUNN (AND WARNER) AMENDMENT NO. 3100

Mr. NUNN (for himself and Mr. WARNER) proposed an amendment to the bill S. 3114, supra, as follows:

On page 46, line 20, after "(CAMDS) facility" insert the following: "; Tooele, Utah,".

On page 49, line 12, strike out ", including" and all that follows through "facilities" on line 14.

On page 68, line 24, strike out "Acts," and insert in lieu thereof "Acts and appropriations Acts,".

On page 69, line 4, insert "and appropriations Acts" after "Acts".

On page 82, line 3, strike out "operations," and insert in lieu thereof "operations pursuant to a base closure law,".

On page 82, line 18, strike out "or" and insert in lieu thereof "and".

On page 86, strike out lines 13 through 15, and insert in lieu thereof the following:

"(G) In this paragraph:

"(i) The term 'military installation' has the meaning given that term in section 2687(e)(1) of title 10, United States Code.

"(ii) The term 'base closure law' means the following:

"(I) The Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(II) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(III) Any provision of law authorizing the closure or realignment of a military installation that is enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993.".

On page 88, line 4, insert "(A)" after "LEASES.—".

On page 88, line 11, strike out "operations," and insert in lieu thereof "operations pursuant to a base closure law,".

On page 88, line 23, strike out the end quotation marks and the period following the end quotation marks.

On page 88, below line 23, add the following:

"(B) In subparagraph (A), the term 'base closure law' means the following:

"(i) The Defense Base Closure and Realignment Act of 1990 (title XXIX of Public 101-510; 10 U.S.C. 2687 note).

"(ii) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(iii) Any provision of law authorizing the closure or realignment of a military installation that is enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993.".

On page 117, line 12, insert "(other than under subsection (d))" after "8336".

On page 240, line 21, strike out "appropriated" and all that follows through "appropriations" on line 22, and insert in "authorized to be appropriated".

On page 252, strike out line 4 and all that follows through page 254, line 19.

On page 258, strike out the item above line 1, and insert in lieu thereof the following:

"2265. National Defense Program for Analysis of the Technology and Industrial Base.".

On page 287, strike out line 20 and all that follows through page 289, line 24, and insert in lieu thereof the following:

"§ 2265. National Defense Program for Analysis of the Technology and Industrial Base

"(a) ESTABLISHMENT.—(1) The National Defense Technology and Industrial Base Council shall establish at an entity described in paragraph (3) a program to be known as the 'National Defense Program for Analysis of the Technology and Industrial Base'.

"(2) The Program shall be an element of the defense acquisition university structure established under section 1746 of this title.

"(3) As determined by the Chairman of the Council, the Program shall be administered by—

"(A) an existing federally funded research and development center;

"(B) a consortium of existing federally funded research and development centers and other non-profit entities; or

"(C) another appropriate private sector research entity.

"(4) The Chairman shall ensure that there is appropriate consultation and coordination between the Program and the Critical Technologies Institute.

"(b) OVERSIGHT COMMITTEE.—The program shall have an oversight committee composed of 3 members as follows:

"(1) The Under Secretary of Defense for Acquisition, or his designee, who shall serve as Chairman of the operating committee.

"(2) An official designated by the Secretary of Energy.

"(3) An official designated by the Secretary of Commerce.

"(c) MISSIONS.—The missions for the Program shall include, with respect to the national defense technology and industrial base, the following:

"(1) The assembly of timely and authoritative information.

"(2) Initiation of studies and analyses.

"(3) Provision of technical support and assistance to—

"(A) the Council in the preparation of the annual assessment required by section 2263 of this title and the annual plan required by section 2264 of this title;

"(B) the defense acquisition university structure and its elements; and

"(C) other departments and agencies of the Federal Government in accordance with guidance established by the Council.

"(4) Dissemination, through the National Technical Information Service of the Department of Commerce, of unclassified information and assessments for further dissemination within the Federal Government and to the private sector.".

On page 316, line 14, insert "(A)" after "(2)".

On page 320, between lines 9 and 10, insert the following:

(B) Until the first annual national defense technology and industrial base assessment is submitted to Congress by the Secretary of Defense pursuant to section 2264(1) of title 10, United States Code (as added by section 801(a)), the reference to the most recent such assessment in section 2300(8) of such title (as added by subparagraph (A)) shall be deemed to refer to the most recent annual critical defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2522 of such title as in effect on the date of the enactment of this Act.

On page 341, between lines 13 and 14, insert the following:

(g) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsections (d), (e), and (f) shall take effect as of November 5, 1990, and shall apply as if executed immediately after section 831 of the National Defense Authorization Act for Fiscal Year 1991 took effect.

On page 451, line 4, insert "authorized to be" after "funds".

On page 491, line 17, strike out "Section 221(a)", and insert in lieu thereof "Section 221(a)(1)".

LEVIN (AND OTHERS) AMENDMENT NO. 3101

Mr. NUNN (for Mr. LEVIN, for himself, Mr. SIMON, and Mr. WARNER) proposed an amendment to the bill S. 3114, supra, as follows:

On page 487, between lines 12 and 13, insert the following:

SEC. 1064. SUPPORT FOR PEACEKEEPING ACTIVITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) International peacekeeping activities contribute to the national interests of the United States in maintaining global stability and order.

(2) International peacekeeping activities take many forms and include observer missions, ceasefire monitoring, human rights monitoring, refugee and humanitarian assistance, monitoring and conducting elections, monitoring of police in the demobilization of former combatants, and reforming judicial and other civil and administrative systems of government.

(3) International peacekeeping activities traditionally involve the presence of military troops, police forces, and, in recent years, civilian experts in transportation, logistics, medicine, electoral systems, human rights, land tenure, other economic and social issues, and other areas of expertise.

(4) International peacekeeping interests serve both the foreign policy interests and defense policy interests of the United States.

(5) The normal budget process of authorizing and appropriating funds a year in advance and reprogramming such funds is insufficient to satisfy the need for funds for peacekeeping efforts arising from an unanticipated crisis.

(6) Greater flexibility is needed to ensure the timely availability of funding to provide for peacekeeping activities.

(b) AUTHORIZED SUPPORT FOR FISCAL YEAR 1993.—(1) Subject to paragraph (2), the Secretary may provide assistance for international peacekeeping activities during fiscal year 1993 in an amount not to exceed $300,000,000 in accordance with section 403 of title 10, United States Code, as added by subsection (c). Notwithstanding subsection (b) of that section, the assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1993 for operation and maintenance or from balances in working capital accounts.

(2) No amount may be obligated pursuant to paragraph (1) unless the expenditure of such amount has been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) AUTHORIZATION.—(1) Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 403. International peacekeeping activities

"(a) AUTHORITY.—To the extent provided in defense authorization Acts and appropriations Acts, the Secretary of Defense may furnish assistance, by loan or contribution, in support of international peacekeeping activities of the United Nations or any regional organization of which the United States is a member.

"(b) FORMS OF ASSISTANCE.—Assistance provided under subsection (a) may include funds, supplies, and equipment. Any funds so provided shall be derived from amounts available to the Department of Defense for the fiscal year for which the assistance is provided.

"(c) LIMITATIONS RELATED TO AVAILABILITY OF STATE DEPARTMENT FUNDS.—Funds may be provided as assistance pursuant to subsection (a) for a fiscal year—

"(1) only if funds available to the Department of State for that fiscal year for contributions for international peacekeeping activities are insufficient or otherwise unavailable to meet the United States' fair share of assessment for international peacekeeping activities, as determined by the President; and

"(2) only to the extent that the United States' fair share of such assessments exceeds the amount that the President requests Congress to appropriate for the Department of State for such fiscal year for international peacekeeping activities.

"(d) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State before furnishing any assistance pursuant to subsection (a).

"(e) DETERMINATIONS REQUIRED.—No assistance may be furnished pursuant to subsection (a) unless the Secretary of Defense certifies to Congress that the provision of such assistance—

"(1) is in the national security interest of the United States; and

"(2) will not adversely affect the military preparedness of the United States.

"(f) ADVANCE NOTICE TO CONGRESS.—Not less than 30 days before obligating any funds for purposes of subsection (a), the Secretary of Defense shall transmit to Congress a report on the proposed obligation. The report shall—

"(1) specify the account, budget activity, and particular program or programs for which the funds proposed to be obligated are to be derived and the amount of the proposed obligation;

"(2) specify the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds; and

"(3) include the certification required by subsection (e).

"(g) DEFINITION.—In this section, the term 'defense authorization Act' means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including the activities described in paragraph (7) of section 114(a) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"403. International peacekeeping activities.".

ROBB AMENDMENT NO. 3102

Mr. NUNN (for Mr. ROBB and Mr. WARNER) proposed an amendment to the bill S. 3114, supra, as follows:

On page 102, after line 24, insert the following:

SEC. 334. ECONOMIC ADJUSTMENT PLANNING ASSISTANCE.

Notwithstanding any other provision of law, of the amount authorized to be appropriated to the Department of Defense for fiscal year 1993 for the Office of Economic Adjustment, 10 percent of such amount shall be available for providing financial assistance for economic adjustment planning in geographic areas in which a substantial portion of the economic activity of the population is dependent on Department of Defense expenditures, as determined by the Secretary of Defense.

DOLE AMENDMENT NO. 3103

Mr. WARNER (for Mr. DOLE) proposed an amendment to the bill S. 3114, supra, as follows:

At the end of title VIII, insert the following new section:

SEC. . LANDSAT REMOTE-SENSING SATELLITE.

Notwithstanding the provisions of the Land-Remote Sensing Commercialization Act of 1984 (Public Law 98-365), the Department of Defense is authorized to contract for the development, procurement, and support to operations of Landsat 7 and subsequent Landsat vehicles.

GLENN (AND NUNN) AMENDMENT NO. 3104

Mr. NUNN (for Mr. GLENN, for himself) proposed an amendment to the bill S. 3114, supra, as follows:

On page 487, between lines 12 and 13, insert the following:

Subtitle F—Nuclear Proliferation Control

SEC. 1071. IMPOSITION OF SANCTIONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—Except as provided in subsection (b)(2), the President shall impose the applicable sanctions described in subsection (c) if the President determines that a foreign person or a United States person, on or after the date of the enactment of this section, has materially and with requisite knowledge contributed—

(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States, or

(B) through the export from any other country of any goods or technology that would be, if they were exported from the United States, subject to the jurisdiction of the United States,

to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device, whether or not the goods or technology is specifically designed or modified for that purpose.

(2) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

(3) OTHER SANCTIONS AVAILABLE.—The sanctions which may be imposed for activities described in this subsection are in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) DEFINITION.—For purposes of this subsection, the term "requisite knowledge" includes situations in which a person "knows", as "knowing" is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) or has "reason to know" the effect of such person's actions.

(b) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.

(3) REPORT TO CONGRESS.—Not later than 90 days after making a determination under subsection (a)(1), the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (3) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(2) DESCRIPTION OF SANCTIONS ON UNITED STATES PERSONS.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the United States person or any parent, subsidiary, affiliate, or successor entity thereof, as described in subsection (a)(2).

(3) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

(C) to—

(i) spare parts which are essential to United States products or production,

(ii) component parts, but not finished products, essential to United States products or production, or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that—

(1) reliable information indicates that the foreign person or United States person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in that subsection; and

(2) the President has received reliable assurances from the foreign person or United States person, as the case may be, that such person will not, in the future, aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in subsection (a)(1).

(e) WAIVER.—

(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that the continued imposition of the sanction would have a serious adverse effect on vital United States interests.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term "foreign person" means—

(A) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its

principal place of business outside the United States; and

(2) the term "United States person" means—

(A) an individual who is a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is not a foreign person.

SEC. 1072. ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director to each of the international financial institutions described in section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) to use the voice and vote of the United States to oppose any direct or indirect use of the institution's funds to promote the acquisition of unsafeguarded special nuclear material or the development, stockpiling, or use of any nuclear explosive device by any non-nuclear-weapon state.

(b) DUTIES OF UNITED STATES EXECUTIVE DIRECTORS.—Section 701(b)(3) of the International Financial Institutions Act (22 U.S.C. 262d(b)(3)) is amended to read as follows:

"(3) whether the recipient country—

"(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1992) or a nuclear explosive device (as defined in section 11(3) of that Act);

"(B) is not a State Party to the Treaty on Non-Proliferation of Nuclear Weapons; or

"(C) has detonated a nuclear explosive device; and".

SEC. 1073. AMENDMENTS TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT AND THE FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) BASIS FOR DECLARATION OF NATIONAL EMERGENCY.—Section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) is amended by adding at the end thereof the following new subsection:

"(c) For the purpose of this section, the term 'any unusual and extraordinary threat' includes any international event that the President determines may involve the detonation by a non-nuclear-weapon state of a nuclear explosive device (as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992) or an action or activity that substantially contributes to the likelihood of the proliferation or detonation of such devices, including the acquisition by a non-nuclear-weapon state of unsafeguarded special nuclear material (as defined in section 11(6) of that Act).".

(b) SANCTIONS ON FINANCIAL INSTITUTIONS.—The Federal Deposit Insurance Corporation Improvement Act of 1991 is amended by adding at the end thereof the following new title:

"TITLE VI—SANCTIONS ON FINANCIAL INSTITUTIONS

"SEC. 601. PRESIDENTIAL DETERMINATION.

"(a) IN GENERAL.—The prohibitions in section 603 shall be imposed on a financial institution if the President determines that such financial institution, on or after the date of the enactment of this section, has materially and with requisite knowledge contributed, through provision of financing or other services, to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device as these standards and terms are defined and would be applied under section 2 of the Omnibus Nuclear Proliferation Control Act of 1992.

"(b) PRESIDENTIAL ORDER.—Whenever the President makes a determination under subsection (a) with respect to a financial institution, the President shall issue an order specifying a date within 180 days of such determination on which the prohibitions in section 603 shall begin to apply to such institution.

"SEC. 602. ADDITIONAL ENTITIES AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.

"The prohibitions described in section 603 shall also be imposed, pursuant to section 601, on—

"(1) any successor entity to the financial institution with respect to which the President makes such determination;

"(2) any foreign person or United States person that is a parent or subsidiary of such financial institution if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of such determination; and

"(3) any foreign person or United States person that is an affiliate of such financial institution if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of such determination and if that affiliate is controlled in fact by such financial institution.

"SEC. 603. PROHIBITIONS.

"The following prohibitions shall apply to a financial institution subject to a determination described in section 601 and to related entities described in section 602:

"(1) BAN ON DEALINGS IN GOVERNMENT FINANCE.—

"(A) DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

"(B) GOVERNMENT FUNDS.—Such financial institution shall not serve as agent of the United States Government or serve as repository for United States Government funds.

"(2) RESTRICTIONS ON OPERATIONS.—Such financial institution shall not, directly or indirectly—

"(A) commence any line of business in the United States in which it was not engaged as of the date of the determination; or

"(B) conduct business from any location in the United States at which it did not conduct business as of the date of the determination.

"SEC. 604. CONDITIONS AND TERMINATION OF SANCTIONS.

"The same requirements for consultation with the foreign government of jurisdiction, where appropriate, and for termination of sanctions shall apply under this title as are provided in subsections (b) and (d), respectively, of section 2 of the Omnibus Nuclear Proliferation Control Act of 1992.

"SEC. 605. WAIVER.

"The President may waive the imposition of any prohibition imposed on any financial institution or other person pursuant to section 601 or 602 if the President determines and certifies to the Congress that the imposition of such prohibition would have a serious adverse effect on the safety and soundness of the domestic or international financial system or on domestic or international payments systems.

"SEC. 606. DEFINITIONS.

"As used in this title—

"(1) the term 'financial institution' includes—

"(A) a depository institution, including a branch or agency of a foreign bank;

"(B) a securities firm, including a broker or dealer;

"(C) an insurance company, including an agency or underwriter;

"(D) any other company that provides financial services; or

"(E) any subsidiary thereof; and

"(2) the term 'requisite knowledge' includes situations in which a person 'knows', as 'knowing' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) or has 'reason to know' the effect of such person's actions.".

SEC. 1074. EXPORT-IMPORT BANK.

Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended by inserting after "device" the following: "(as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992), or that any country has willfully aided or abetted any such non-nuclear-weapon state (as defined in section 11(4) of that Act) to acquire a nuclear explosive device or to acquire unsafeguarded special nuclear material (as defined in section 11(6) of that Act).".

SEC. 1075. ELIGIBILITY FOR ASSISTANCE.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—(1) The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(A) in section 3 of such Act, by adding at the end thereof the following new subsection:

"(f) No sales or leases shall be made to any country that the President has determined is in material breach of its commitments to the United States under international treaties or agreements concerning the non-proliferation of nuclear explosive devices (as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992) and unsafeguarded special nuclear material."; and

(B) in section 40(d) of such Act, by adding at the end thereof the following new sentence: "For the purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material (as defined in section 11(6) of that Act).".

(2) Section 47 of such Act is amended—

(A) by striking out "and" at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(9) 'nuclear explosive device' has the same meaning given to that term by section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992.".

(b) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) Section 670(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(a)(2)) is amended in the first sentence—

(A) by inserting "in any fiscal year" after "President"; and

(B) by inserting "during that fiscal year" after "certifies in writing".

(2) Section 670 of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a) is further amended by adding at the end thereof the following new subsection:

"(d) As used in this section, the term 'nuclear explosive device' has the same meaning given to that term by section 11(3) of the

Omnibus Nuclear Proliferation Control Act of 1992.".

(3) Notwithstanding any other provision of law, Presidential Determination No. 82-7 of February 10, 1982, made pursuant to section 670(a)(2) of the Foreign Assistance Act of 1961, shall have no force or effect with respect to any grounds for the prohibition of assistance under section 670(a)(1) of such Act arising on or after the date of enactment of this Act.

(4) Section 620E(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(d)) is amended to read as follows:

"(d) The President may waive the prohibitions of section 669 of this Act with respect to any grounds for the prohibition of assistance under that section arising before the date of enactment of the Omnibus Nuclear Proliferation Control Act of 1992 to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States.".

SEC. 1076. ADDITIONAL AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) TECHNICAL AMENDMENTS.—Section 670(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(b)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) in paragraph (3)(A) (as so redesignated), by striking "paragraph (3)" and inserting "paragraph (4)"; and

(3) in paragraph (4) (as so redesignated), by striking "paragraph (2)" and inserting "paragraph (3)".

(b) ADDITIONAL SANCTIONS.—Section 670(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a) is amended to read as follows:

"(b)(1) Except as provided in paragraphs (3), (4), and (5), in the event that any country, after the date of enactment of the Omnibus Nuclear Proliferation Control Act of 1992—

"(A) transfers to a non-nuclear-weapon state—

"(i) a nuclear explosive device, or

"(ii) design information or components known by the transferor to be necessary for the recipient's completion of a nuclear explosive device,

"(B) is a non-nuclear-weapon state and—

"(i) receives a nuclear explosive device,

"(ii) receives design information or components necessary for the completion of a nuclear explosive device, or

"(iii) detonates a nuclear explosive device,

"(C) transfers to a non-nuclear-weapon state any design information or component (other than described in subparagraph (A)(ii)) which is determined by the President to be important to, and known by the transferring country to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

"(D) is a non-nuclear-weapon state and has sought and received any design information or component (other than described in subparagraph (B)(ii)) which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device,

the President shall forthwith impose sanctions against that country, including, as a minimum, those sanctions specified in paragraph (2).

"(2) The sanctions referred to in paragraph (1) are as follows:

"(A) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under this Act, except for urgent humanitarian assistance or food or other agricultural commodities.

"(B) ARMS SALES.—The United States Government shall terminate—

"(i) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

"(ii) licenses for the export to that country of any item on the United States Munitions List.

"(C) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

"(D) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States, except that the sanction of this subparagraph shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).

"(E) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

"(F) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(G) EXPORT PROHIBITION.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of any goods and technology (excluding food and other agricultural commodities), except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).".

(c) CONFORMING AMENDMENTS.—Section 670(b) of such Act (22 U.S.C. 2429a(b)) is further amended—

(1) in paragraph (3)(A) (as redesignated)—

(A) by striking "furnish assistance which would otherwise be prohibited" and inserting in lieu thereof "delay the imposition of sanctions which would otherwise be required"; and

(B) by striking "termination of assistance" and inserting in lieu thereof "imposition of sanctions";

(2) in paragraph (4) (as redesignated), by striking "termination of such assistance" and inserting in lieu thereof "imposition of such sanctions";

(3) by redesignating paragraph (5) (as redesignated by subsection (a)) as paragraph (6); and

(4) by inserting after paragraph (4) (as redesignated) the following:

"(5) Notwithstanding any other provision of law, the sanctions which are required to be imposed against a country under paragraph (1)(C) or (1)(D) shall not apply if the President determines and certifies in writing to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives that the application of such sanctions against such country would have a serious adverse effect on vital United States interests. The President shall transmit with such certification a statement setting forth the specific reasons therefor.".

SEC. 1077. REWARD.

Section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C);

(2) by inserting "(1)" immediately after "(a)"; and

(3) by adding at the end thereof the following:

"(2) For purposes of this subsection, the term 'act of international terrorism' includes any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1991) or any nuclear explosive device (as defined in section 11(3) of that Act) by an individual, group, or non-nuclear-weapon state, as defined in section 11(4) of that Act.".

SEC. 1078. REPORTS.

(a) CONTENT OF ACDA ANNUAL REPORT.—Section 52 of the Arms Control and Disarmament Act (22 U.S.C. 2592) is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 52.";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(4) by adding at the end of paragraph (5) the following new paragraph:

"(6) a section of the report shall deal with any material noncompliance by foreign governments with their commitments to the United States with respect to the prevention of the spread of nuclear explosive devices by non-nuclear-weapon states or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1992), including—

"(A) a net assessment of the aggregate military significance of all such violations;

"(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

"(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with its commitments."; and

(5) by adding at the end thereof the following new subsection:

"(b) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to Congress under this section reports that any designated nation is not in full compliance with its nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.".

(b) REPORTING ON DEMARCHES.—(1) It is the sense of Congress that the Department of State should, in the course of implementing its reporting responsibilities under section 602(c) of the Nuclear Non-Proliferation Act of 1978, include a summary of demarches that the United States has issued or received from foreign governments with respect to activities which are of significance from the proliferation standpoint.

(2) For purposes of this section, the term "demarche" means any official communica-

tion by one government to another, by written or oral means, intended by the originating government to express—

(A) a concern over a past, present, or possible future action or activity of the recipient government, or of a person within the jurisdiction of that government, contributing to the global spread of unsafeguarded special nuclear material or of nuclear explosive devices;

(B) a request for the recipient government to counter such action or activity; or

(C) both the concern and request described in subparagraphs (A) and (B).

SEC. 1079. TECHNICAL CORRECTION.

Section 133(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2160c) is amended by striking out "20 kilograms" and inserting in lieu thereof "5 kilograms".

SEC. 1080. DEFINITIONS.

For purposes of this subtitle—

(1) the term "goods and technology" includes nuclear materials and equipment and sensitive nuclear technology (as defined in section 4 of the Nuclear Non-Proliferation Act of 1978), all export items designated by the President pursuant to section 309(c) of such Act, and all technical assistance requiring authorization under section 57b. of the Atomic Energy Act of 1954;

(2) the term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency;

(3) the term "nuclear explosive device" means any device that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT);

(4) the term "non-nuclear-weapon state" means any country which is not a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(5) the term "special nuclear material" has the meaning given to that term by section 11aa of the Atomic Energy Act of 1954 (42 U.S.C. 2014aa); and

(6) the term "unsafeguarded special nuclear material" means special nuclear material which is held in violation of IAEA safeguards or not subject to IAEA safeguards (excluding any quantity of material that could, if it were exported from the United States, be exported under a general license issued by the Nuclear Regulatory Commission).

INOUYE (AND OTHERS) AMENDMENT NO. 3105

Mr. NUNN (for Mr. INOUYE and Mr. DOLE) proposed an amendment to the bill S. 3114, supra, as follows:

On page 487, between lines 12 and 13, insert the following:

Subtitle F—Arms Retooling and Manufacturing Support Initiative

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the "Arms Retooling and Manufacturing Support Act of 1992".

SEC. 1072. POLICY.

It is the policy of the United States—

(1) to encourage, to the maximum extent practicable, nondefense commercial firms to use Government-owned, contractor-operated ammunition facilities of the Department of the Army;

(2) to use such facilities for supporting programs, projects, policies, and initiatives that promote competition in the private sector of the United States economy and that advance United States interests in the global marketplace;

(3) to increase the manufacture of products inside the United States that, to a significant extent, are manufactured outside the United States;

(4) to support policies and programs that provide manufacturers with incentives to assist the United States in making more efficient and economical use of Government-owned industrial plants and equipment for commercial purposes;

(5) to provide, as appropriate, small businesses, including socially and economically disadvantaged small business concerns and new small businesses, with incentives that encourage those businesses to undertake manufacturing and other industrial processing activities that contribute to the prosperity of the United States;

(6) to encourage the creation of jobs through increased investment in the private sector of the United States economy;

(7) to foster a more efficient, cost-effective, and adaptable armaments industry in the United States;

(8) to achieve, with respect to armaments manufacturing capacity, an optimum level of readiness of the defense industrial base of the United States that is consistent with the projected threats to the national security of the United States and the projected emergency requirements of the Armed Forces of the United States; and

(9) to encourage facility contracting where feasible.

SEC. 1073. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

(a) REQUIREMENT FOR INITIATIVE.—The Secretary of the Army shall carry out a program to be known as the "Armament Retooling and Manufacturing Support Initiative" (hereafter in this Act referred to as the "ARMS Initiative").

(b) PURPOSES.—The purposes of the ARMS Initiative are as follows:

(1) To encourage commercial firms, to the maximum extent practicable, to use Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army for commercial purposes.

(2) To increase the opportunities for small businesses, including socially and economically disadvantaged small business concerns and new small businesses, to use such facilities for those purposes.

(3) To reduce the adverse effects of reduced Department of the Army spending that are experienced by States and communities by providing for such facilities to be used for commercial purposes that create jobs and promote prosperity.

(4) To provide for the reemployment and retraining of skilled workers who, as a result of the closing of such facilities, are idled or underemployed.

(5) To contribute to the attainment of economic stability in economically depressed regions of the United States where there are Government-owned, contractor-operated ammunition manufacturing facilities of the Department of Army.

(6) To maintain in the United States a work force having the skills in manufacturing processes that are necessary to meet industrial emergency planned requirements for national security purposes.

(7) To be a model for future defense conversion initiatives.

(8) To the maximum extent practicable, to allow the operation of Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army to be rapidly responsive to the forces of free market competition.

(9) Through the use of Government-owned, contractor-operated ammunition manufacturing facilities for commercial purposes, to encourage relocation of industrial production to the United States from outside the United States.

(c) MAXIMUM AVAILABILITY OF FACILITIES.—To the maximum extent practicable, the Secretary of the Army shall make the Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army available for the purposes of the ARMS Initiative.

SEC. 1074. FACILITY CONTRACTOR DEFINED.

In this subtitle, the term "facility contractor", with respect to a Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army, means a contractor that, under a contract with the Secretary of the Army—

(1) is authorized to manufacture ammunition or any component of ammunition at the facility; and

(2) is responsible for the overall operation and maintenance of the facility for meeting planned requirements in the event of an industrial emergency.

SEC. 1075. FACILITIES CONTRACTS.

(a) REQUIREMENT FOR ARMS CONTRACTS.—(1) In the case of each Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army that is made available for the ARMS Initiative, the Secretary of the Army shall, by contract, authorize the facility contractor—

(A) to use the facility for one or more years consistent with the purposes of the ARMS Initiative; and

(B) to enter into multiyear subcontracts for the commercial use of the facility consistent with such purposes.

(2) The authority in paragraph (1) may be exercised only to such extent and in such amounts as are provided in appropriations Acts.

GORTON AMENDMENT NO. 3106

Mr. NUNN (for Mr. GORTON and Mr. ADAMS) proposed an amendment to the bill S. 3114, supra, as follows:

On page 505, between lines 18 and 19, insert the following new section:

SEC. 2208. MILITARY FAMILY HOUSING, NAVAL AIR STATION WHIDBEY ISLAND, WASHINGTON.

The Secretary of the Navy shall include in the budget request for the Navy for fiscal year 1994 a request for funds for the design of 300 family housing units at Naval Air Station Whidbey Island, Washington.

GARN AMENDMENT NO. 3107

Mr. NUNN (for Mr. GARN) proposed an amendment to the bill S. 3114, supra, as follows:

On page 521, line 17, strike out "$136,778,000" and insert in lieu thereof "$138,068,000".

On page 521, line 23, strike out "$224,110,000" and insert in lieu thereof "$225,960,000".

HATFIELD AMENDMENT NO. 3108

Mr. NUNN (for Mr. HATFIELD) proposed an amendment to the bill S. 3114, supra, as follows:

On page 521, line 17, strike out "$136,778,000" and insert in lieu thereof "$141,337,000".

On page 521, line 23, strike out "$224,110,000" and insert in lieu thereof "$227,829,000".

LAUTENBERG AMENDMENT NO. 3109

Mr. NUNN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 3114, supra, as follows:

In the table on page 495 insert below the item relating to Fort Monmouth, New Jersey, the following:

	Picatinny Arsenal	$6,050,000

On page 497, line 12, strike out "$2,200,317,000" and insert in lieu thereof "$2,206,367,000".

On page 497, line 15, strike out "$306,900,000" and insert in lieu thereof "$312,950,000".

FORD AMENDMENT NO. 3110

Mr. NUNN (for Mr. FORD) proposed an amendment to the bill S. 3114, supra, as follows:

On page 494, in the table below line 20, insert the following below the item relating to the State of Kansas:

Kentucky	Fort Knox	$15,600,000

On page 497, line 12, strike out "$2,200,317,000" and insert in lieu thereof "$2,215,917,000".

On page 497, line 15, strike out "$306,900,000" and insert in lieu thereof "$322,500,000".

NUNN AMENDMENT NO. 3111

Mr. NUNN proposed an amendment to the bill S. 3114, supra, as follows:

On page 572, below line 24, insert the following:

SEC. 2844. TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Navy may—

(1) negotiate the termination of the remaining lease of the Navy of 2.27 acres of land located at the Georgia Institute of Technology, Atlanta, Georgia (in this section referred to as the "Institute"); and

(2) sell to the Institute the Naval Reserve Center facilities located on such land.

(b) CONSIDERATION.—As consideration for the termination of the lease interest referred to in subsection (a)(1) and the sale of the facilities referred to in subsection (a)(2), the Institute shall pay the Secretary an amount equal to the aggregate of the fair market value of the remaining lease referred to in such subsection (a)(1) and the facilities referred to in such subsection (a)(2).

(c) USE OF FUNDS.—(1)(A) To the extent provided in appropriations Acts and subject to subparagraph (B), the Secretary shall use the amount paid by the Institute under subsection (b) to expand the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in a manner which permits the use of a portion of that Center as replacement facilities for the naval reserve facilities referred to in subsection 9a)(1).

(B) The expanded portion of the Marine Corps Reserve Center described under subparagraph (A) shall be under the jurisdiction of the Marine Corps Reserve.

(2) If any portion of the amount referred to in paragraph (1) remains unexpended after the construction of the naval reserve facilities referred to in that paragraph, the Secretary shall deposit that portion in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection section that the Secretary considers appropriate to protect the interests of the United States.

LOTT AMENDMENT NO. 3112

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 3114, supra, as follows:

Section 2304(a)(1) of the bill is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", of which $6,400,000 is authorized for the construction of a visual information training facility and $290,000 is authorized for construction of a television systems training facility, both located at Keesler AFB, Mississippi.".

WARNER AMENDMENT NO. 3113

Mr. WARNER proposed an amendment to the bill S. 3114, supra, as follows:

On page 572, below line 24, insert the following:

SEC. 2844. LAND CONVEYANCE, FORT CHAFFEE, ARKANSAS.

(a) CONVEYANCE.—The Secretary of the Army shall convey to the City of Fort Smith, Arkansas (in this section referred to as the "City"), all right, title, and interest (other than any oil, gas, or mineral interest) of the United States in and to a parcel of real property consisting of approximately 400 acres, together with improvements thereon, located at Fort Chaffee, Arkansas.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City—

(1) shall provide the Army with such services at Fort Chaffee as the Secretary and the City shall jointly determine, the fair market value of which services shall be equal to the fair market value of the property conveyed pursuant to subsection (a); or

(2) shall—

(A) provide the Army with such services at Fort Chaffee as the Secretary and the City shall jointly determine; and

(B) in the event that the fair market value of the property conveyed pursuant to subsection (a) exceeds the fair market value of the services provided under subparagraph (A), pay to the Secretary the amount equal to such excess.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a) and the value of the services, if any, to be provided under paragraph (1) or (2) of subsection (b). Such determinations shall be final.

(d) USE OF PROCEEDS.—The Secretary shall deposit the amount of the consideration, if any, paid under subsection (b)(2)(B) in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of land conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

WARNER AMENDMENT NO. 3114

Mr. WARNER proposed an amendment to the bill S. 3114, supra, as follows:

Section 603 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25, 105 Stat. 107) is amended—

(1) in subsection (b)(1), by adding at the end thereof the following new sentence: "Subsequent to the identification of the parcel of land pursuant to this subsection, the Secretary may, with the concurrence of appropriate representatives of Caroline County, Virginia, and the Commonwealth, make minor adjustments to the boundaries of the parcel of land identified so that the parcel of land conveyed pursuant to this section better serves the purposes intended by this section.";

(2) in subsection (c)(2)(A), by striking out "construct and operate on such parcel of land a regional correctional facility" and inserting in lieu thereof "provide for the construction and operation on such parcel of land a regional correctional facility";

(3) in subsection (c)(2)(B), by striking out "constructs and operates such facility" and inserting in lieu thereof "provides for the construction and operation of such facility"; and

(4) in subsection (d)(1)(A)(i), by striking out "24 months after the date of enactment of this Act" and inserting in lieu thereof "April 1, 1995".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Friday, September 18, at 9:30 a.m. for a nominations hearing on Shirley Chilton Odell and Stephen L. Norris, nominees to the Federal Retirement Thrift Investment Board.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Friday, September 18, beginning at 11 a.m., to conduct a hearing on S. 2132, the Environmental Risk Reduction Act of 1991.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 18, at 10 a.m. to

hold a hearing on the United Nations framework convention on climate change—Treaty Doc. 102–38.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on September 18, 1992, beginning at 10 a.m., in 485 Russell Senate Building, to consider for report to the Senate S. 2975, the Yavapai-Prescott Water Rights Settlement Act; H.R. 5686, an Act to make technical amendments to certain Federal Indian statutes; and S. 3157, the Native American veterans' memorial bill.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Friday, September 18, beginning at 10 a.m., to conduct a hearing on S. 2132, the Environmental Risk Reduction Act of 1991.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, September 18, 1992, at 10 a.m. to hold a hearing on S. 2969, to protect the free exercise of religion.

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

ADDITIONAL STATEMENTS

TRIBUTE TO THE KATYN MASSACRE MEMORIAL COMMITTEE ON THE KATYN-1940 MONUMENT IN JERSEY CITY, NJ

• Mr. BRADLEY. Mr. President, I rise today to congratulate artist Andrew Pitynski and the Katyn Forest Massacre Memorial Committee on the unveiling of a most important addition to the Katyn-1940 monument at Exchange Place, Jersey City, NJ. This sculpture-relief, known as "Siberia-1939," pays tribute to the memory of the more than 2,000,000 Polish citizens deported to Siberia and ruthlessly murdered by the Soviet Red Army during and after World War II.

The relief depicts a mother carrying her deceased infant in her arms, flanked by three other small children at her feet. Inside the statue are the ashes of Polish citizens who died after being forceably deported. This monument pays tribute to the courage and faith of the Polish people, the same courage that has inspired them to finally overthrow Soviet oppression after more than 50 years. By reminding us of how the human spirit can overcome great atrocities of the past, it gives hope of how Poland will lead the way to rebuild society after tyrannical Communist Soviet rule.•

NATIVE AMERICAN APPRECIATION DAYS

• Mr. COHEN. Mr. President, I would like to take this opportunity to recognize the first Native American Appreciation Days in Maine, which were held earlier this month in Cumberland. September 12 and 13, proclaimed "Native American Appreciation Days" by Gov. John R. McKernan, were an opportunity for the people of Maine to recognize the important contribution that native Americans have made to the culture, society, and way of life that we all share as Americans.

Native American peoples have shaped much of the culture that defines this Nation. In particular, I would point out the respect for all living things and the preservation of the land that is central to much of native American culture. The concern for the environment that Maine's native American population has long demonstrated is a concern shared by the majority of American people. The knowledge about the land that has traditionally been central to native American culture has also enriched all our lives through the herbs, foods, and medicines preserved and handed down from generation to generation.

The Appreciation Days featured a number of events celebrating the native American way of life. Outdoor drama, drumming, signing, ceremony, and worship were the centers of activity at the celebration. There were also displays, books, and slide and video presentations illustrating many aspects of traditional native American life. Native American cuisine was also featured to develop greater understanding of this valuable culture.

It is my hope that this recognition of the contribution of native Americans in Maine will encourage others across the Nation to express their appreciation in a similar manner.•

CABLE TV

• Mr. LIEBERMAN. Mr. President, I rise today to warn my colleagues about an unscrupulous campaign being waged by the cable TV industry to undermine support for the Cable Television Consumer Protection and Competition Act, which we expect to vote on next week.

Earlier this week, my colleague, Senator GORTON, and I pointed out the misleading nature of the cable industry's television advertisements and direct mail flyers. But it is becoming clearer that the cable industry has not limited itself to deceptive ads.

Two articles in newspapers today detail how the cable industry is using telemarketing to push consumers to call their Senators, and how industry representatives are apparently staying on the line with the consumers—sometimes unknown to either the consumer or the Senator's office—listening in, offering suggested language to use, or in one case, even cutting off the consumer when the Senator's staff member attempts to explain the truth behind the cable industry's deceptions. Mr. President, I would like each of these articles to be included in the RECORD at the conclusion of my remarks, "Cable Lobby: At the Tone, Get Irate at Your Senator," by Guy Gugliotta, the Washington Post, September 18, 1992; and "Cable TV lobbying sparks caller anger," by Peter Hardin, The Richmond Times-Dispatch, September 18, 1992.

My staff has spoken directly with a number of constituents who have called or written my office after hearing or seeing a cable industry ad about the cable bill, and in most cases, the consumers understand that the cable bill is in their interest after we explain it to them. One consumer told us that, after she wrote her letter against the bill, she read the truth about it in the newspaper, and then proceeded to write her cable company to protest being taken advantage of over this issue.

Mr. President, never before have I heard of a lobby going to such extreme lengths to try to get people to help them kill a bill under consideration in this Chamber. We must ask ourselves why an industry would take such an irresponsible step to defeat this bill.

The answer is clear. The cable industry is not out to protect consumers against higher rates. The cable industry itself is responsible for the high rates now being paid by consumers. The industry has raised cable prices more than three times the rate of inflation over the past 5 years. It cannot now truthfully claim it is against higher rates.

The cable industry opposes this legislation because it will burst their monopoly bubble. These have been the best of times for the cable companies in America: they have had no competition, and they have had no regulation. Now, with the cable bill, they face the prospect of one, or the other. If they have no competition, the cable companies face regulation to protect consumers against unfair rate hikes. And the bill encourages competitors to rise up and challenge the cable companies for the business of their subscribers.

This cable bill offers the best course toward fair rates, good service, and quality programming. Without the cable bill, the cable monopoly—and higher cable prices— remain.

The articles follow:

[From the Washington Post, Sept. 18, 1992]

CABLE LOBBY: AT THE TONE, GET IRATE AT YOUR SENATOR

(By Guy Gugliotta)

Is nothing sacred? Remember the good old days when the milkman jacked up your prices and told you that "if you don't like it, call your senator." And you did, and sometimes something good happened.

These days senators and congressmen sometimes get a bit jaded with telephone complaints, and who can blame them? Modern technology has given us answering machines, making it possible for voters to complain without having to talk to a human being.

Lobbyists have learned this. Now, with a little coaching, they can induce honest but not particularly knowledgeable voters to gin up an "irate" call-in campaign whenever Congress starts working on something they don't like. The voters may not know what they are talking about, but nobody's on the line asking questions.

This week's "light touch" prize for spontaneous outrage goes to the cable television industry, worried that Congress is going to enact a bill that would regulate basic rates for a service that many Americans find essential to their well-being.

Those who favor the cable bill—including most Democrats in Congress—charge that the non-regulated industry can now raise rates at will, particularly because one company almost always holds a monopoly.

Those who oppose the bill—the Bush administration, the cable companies and the entertainment industry—say that regulation will mean astronomical subscribers' rates forcing cable operators to pay for programs now carried free of charge.

Sound confusing?

Not to worry. The cable companies will explain—in fact, they will listen in to make sure you get it right.

One night this week a cable company in a state that shall remain unnamed called up its subscribers to get them to urge their senator to vote "no" on the cable bill. Then the company patched the calls to the senator's answering machine. A barrage of "constituent complaints" followed, the kind of thing that would ordinarily cause a senator—this one plans to vote "yes"—to quake in his shoes.

Unfortunately for the cable company, its representative forgot to get off the line. Soon the senator's staffers were quaking with mirth as was a reporter who heard a playback. The "spontaneous outrage" had all the subtlety of a guillotine:

First voice (male): "Ma'am, you just speak."

Second voice (female): "I don't know what I'm speaking about."

First voice: "Uh, the cable bill. You don't want your cable prices to go up, right?"

Second voice: "No, I do not."

First voice: "Well, okay, just tell 'em that."

Second voice: "Tell 'em what? I mean . . ."

First voice: "That you don't want your cable bill to go up."

Second voice: "That's all I have to say?"

First voice: "Yes, that's all."

Second voice: "Okay—Senator, I do not want my pable—cable bill to go up."

First voice: "Thank you."

Second voice: "Thank you."

The next caller, better briefed, spoke with authority: "My name is . . . and I hope you vote 'no' on the cable bill." But then he blew it by asking an unnamed third person: "How's that?"

"Thank you," said a second voice.

"Okay," replied the irate caller. "Thank you."

The third caller, obviously unrehearsed, stumbled badly out of the box: "Senator . . . , vote 'no' on that bill . . . please."

"Cable TV bill," snapped the second voice.

"Uh, yeah, cable TV bill," said the irate caller, then asked his coach if he'd done it right.

"Fine," said the second voice.

The senator was not convinced.

[From the Richmond Times-Dispatch, Sept. 17, 1992]

CABLE TV LOBBYING SPARKS CALLER ANGER

(By Peter Hardin)

For Sherri Wertz, disabled by multiple sclerosis and living on a fixed income, television isn't only a companion—it's "my best friend."

When a caller warned the Virginian that her cable bill might jump from $50 to $80 per month if Congress passes legislation for the government to regulate cable television, she was alarmed.

So she accepted the man's offer—on behalf of the National Cable Television Association—to have her call transferred to her senator's office free.

It was 10 or 15 minutes later, as Mrs. Wertz was listening to an aide to Sen. Charles S. Robb say cable operators might lose money under the bill, that the telephone line went dead.

Mrs. Wertz, who lives on the Peninsula, is furious.

First she was given misleading claims, she believes, then someone sympathetic to the cable operators who was eavesdropping cut her off at a strategic time.

"How dare you listen to a private conversation! It makes me angry," she fumed.

A spokesman for the industry group vehemently denied that any of the calls it helps transfer to Capitol Hill are listened to or cut off.

"We do not monitor those calls," said Carol Vernon of the National Cable Television Association.

Tempers are flaring as lobbying over a possible return to cable television regulation reaches a feverish pitch.

Backers say the regulation bill, scheduled for a vote in the House of Representatives today, is the most important piece of consumer legislation before the Congress.

The cable television industry has contended just as fiercely in a major advertising campaign that the legislation would create costs that would be passed on to the consumer and raise their bills.

With full-page advertisements in newspapers, direct mail pleas, inserts in cable bills and spots on cable television channels, opponents have managed to catch a lot of attention.

They've worked so feverishly that key sponsors of the legislation found it necessary to hold a last-minute news conference yesterday to denounce "the big fat lie" and appeal for support among their colleagues.

"Cable has been attempting to hoodwink consumers," declared Rep. Edward Markey, D-Mass., a leader of the bill's backers. He contends the bill is necessary to rein in rapidly rising cable rates.

Both the House and Senate are expected to pass the measure, a compromise of bills passed earlier by each chamber. It would regulate cable television rates for basic service.

But because the White House has threatened a veto, backers of the legislation are working to produce veto-proof margins of victory, especially in the Senate—where 34 votes will sustain a presidential veto.

In January, the Senate adopted its cable bill 73-18. Under pressure from the White House and other forces, however, it's uncertain how many senators will support the new version.

The bill approved by House and Senate conferees would require the Federal Communications Commission to set "reasonable" rates for basic cable service. That service would include local broadcast stations and government-access channels, such as C-SPAN, and public-access and community-affairs channels.

Customers of basic cable service would be able to choose to pay extra for such offerings, as CNN, ESPN, HBO, Showtime, the Disney Channel, Nickelodeon and Discovery.

In addition, the bill would require that cable programming be made available to competitors, such as satellite-delivery systems.

And it would require cable companies to negotiate with local broadcast affiliates of the major networks—CBS, NBC, ABC, and Fox before carrying their signals.

The National Cable Television Association believes this provision could lead cable companies to pay large amounts to broadcasters, and expenses from the bill would have to be paid by cable subscribers.

Supporters of the bill, however, maintain that consumers are protected by the rate-regulation section and provisions for consumer action through the FCC if charges for expanded services go too high.

Two Virginians who have had an active role in the cable debate reflect some of the differences in viewpoints.

Rep. Thomas J. Bliley Jr., a Richmond area Republican, voted against the House bill in July. He said it could add as much as $5 billion onto cable bills and "stifle an industry which has brought to the American television consumers exactly what they want: more quality television."

Rate deregulation after congressional action in 1984 led to greater investment by cable programmers and such networks as Discovery Channel, Nickelodeon, ESPN, CNN and Black Entertainment Television, Bliley said.

The Virginian considers the new compromise "anti-consumer," his spokesman said, and will vote against it. Cable companies in his district haven't gouged constituents and he doesn't see a problem, the spokesman added.

Hollywood also has joined the battle against the bill, saying it doesn't treat fairly the studios that create many of the programs aired by broadcasters.

In the standoff between Mrs. Wertz of Virginia and the cable association, meanwhile, Mrs. Wertz may take heart in the experiences of others.

A spokesman for Sen. Richard H. Bryan, D-Nev., said several callers who were transferred to Bryan's offices to talk about the cable bill were cut off after giving basic information—such as their names and viewpoint.

The spokesman said the cable company that transferred the callers may have wanted to get as many calls through to Bryan's staff as possible in a short time.●

TRIBUTE TO OWENTON

● Mr. McCONNELL. Mr. President, I rise today to recognize the town of Owenton in Owen County.

Owenton seems to have been bypassed by the wave of technology which has swept over Kentucky in recent years. However, there is a new effort underway to make sure that Owenton is able to retain its smalltown charm without suffering setbacks because of lack of growth.

Many improvements to the community have been made, including the installation of new sidewalks and street lights. An arts commission was recently established to provide the community with more cultural opportunities. John Harrod, a Rhodes scholar, set up a program for gifted students in the Owen County school system. The surrounding area offers opportunities for fishing and camping, as well as other recreational activities. A $2 million water treatment plant is under construction to improve water quality. Also, a 100-acre industrial park has been built in an effort to attract industry. These are examples of what makes Owenton a wonderful community.

Owenton and the rest of Owen County rely heavily on tobacco for their economy. Tobacco represents as much as 60 percent of Owen County's total farm income, and the county is one of the top 15 tobacco-producing counties in Kentucky.

I applaud Owenton's efforts to maintain its historical charm, but at the same time its move forward, making it one of the finest towns in Kentucky.

Mr. President, please enter the following article from Louisville's Courier-Journal in today's CONGRESSIONAL RECORD.

The article follows:

OWENTON—OUT-OF-THE-WAY TOWN IS TRYING TO ATTRACT JOBS AND KEEP PEOPLE

(By Gregory A. Hall)

Change comes slowly to this community nestled near the center of Kentucky's Golden Triangle, Owenton Mayor J.O. Powers says that's exactly the way a lot of folks like it.

The fact that this is a county seat that the railroads and the interstates bypassed doesn't seem to bother them.

"Some people say, 'I like it the way it is. . . . I moved here to get away from change,'" Powers said. "That's something that's hard to overcome."

Powers, 48, moved to Owenton from Carrollton, Ky., with his family at age 16. "I thought I'd come to no man's land," he said.

But the town grew on him. "You hate to leave," he says now. But that's exactly what his parents did after his father retired as a manager for Kentucky Utilities. They moved back to Carrollton.

Unfortunately, Powers' decision to settle in Owenton is not typical. Owenton loses about three-fourths of its natives to other areas, he said. The city's leaders are trying to attract industry so they can draw—and keep—more residents.

New sidewalks and street lights have been installed. Land for a new industrial park has been purchased, and community leaders hope the widening of U.S. 127 to Frankfort will give the town a boost.

But Powers said Owenton needs more money to keep moving. The city council plans to approve a 1 percent occupational tax to finance more improvements, to allow it to expand its police force. Another avenue to new revenue is annexation, which Powers called "a must for us." He has appointed a committee to look at areas that could be annexed. Both adjacent residential areas and farmland are being considered to increase the city's tax base.

Owenton's rural character is something of a paradox, given its location. The Golden Triangle, the area defined by the prosperous constellation of Louisville, Lexington and Northern Kentucky, is filled with booming communities. Only a few are still as unchanged as Owenton.

In Owenton's case, there's nothing that a few good highways wouldn't cure. In the meantime, the town is looking for ways to provide more jobs.

The industrial park, about 100 acres along U.S. 127, was purchased recently with help from the local banks. "I believe we'll have a plant within a year," Powers said. If the park is successful, he added, the workers it draws could spark more residential growth.

What goes into that industrial site "has the potential of changing the character and nature of the town as much as anything in a long time," said Circuit Judge Charles Satterwhite, a fifth-generation Owen countian.

That character breeds hometown pride. It was a big day for Owenton when Democratic presidential nominee Bill Clinton visited nearby General Butler State Resort Park during his post-convention bus tour. Clinton, along with his running mate, Tennessee Sen. Al Gore, got an enthusiastic welcome.

But in the eyes of Owenton residents, another star of the show was Steve Miller, an Owenton native, a top adviser to Gov. Brereton Jones and now a Clinton media strategist. Satterwhite said seeing Miller introduce a presidential nominee was "certainly a moment of great pride in my lifetime."

Owenton was a good place for Miller to grow up, but he left too. After working in former Louisville Mayor Harvey Sloane's campaigns for governor, he managed Jones' race for lieutenant governor in 1987 and his gubernatorial campaign last year.

Miller, who lives and practices law in Lexington, said he makes the trip home "all the time" to visit his parents. He even wrote a column for Owenton's weekly newspaper, The News-Herald, from the Democratic National Convention in New York. Powers calls it regretful that somebody like Miller has left, probably for good. But he said he hopes Miller will encourage others to consider Owenton as a place to live.

Satterwhite did return. "He's one of the few people I've known to move away and come back," Powers said.

Satterwhite worked for the state for three years after graduating from the University of Kentucky law school and returned in 1977 to open a practice. He was elected district judge and became circuit judge in 1984. Satterwhite said he never seriously considered living elsewhere. He grew up at a house on Adair Street, nicknamed the "Dog Hill" because there were "dogs and kids mostly on the street." He now lives less than a mile way.

Because of its remote location, residents have to go to Carrollton, Cincinnati, Lexington or Louisville—part of the way on two-lane, winding roads—for many necessities, including some medical services, such as delivering a baby. Miller said those same roads, which hinder economic development, also protect the town from big-city ills, such as crime and congestion. But they also have kept out any night life. "You won't find that in Owen County," Miller said.

Many people stereotype rural and small-town Kentuckians because they have to venture to a bigger city for entertainment, Satterwhite said. "I think, in some ways, there is a greater appreciation" for the arts as a result, he said. An arts commission was established recently to create more cultural opportunities.

The small-town environment brought John Harrod, a Rhodes scholar, to Owenton in 1974. Harrod, 46, is director of the Owen County school system's program for gifted students. He also is a folk musician wbo was attracted to Owenton because of an old fiddler named Bill Livers (who died in 1988) and because the town resembled the area where he grew up in Shelby County.

Harrod said he likes the intimacy of the town and the camaraderie he has with coworkers. "You don't have to work through a bureaucracy to do something new or exciting in the school system," he said.

While missing some of the amenities of bigger cities, Harrod said he finds "plenty to do around here," including fishing, camping and working on his farm. But Harrod doesn't know whether he'll stay in Owenton. "When I retire I'm not going to Florida or next door to a golf course. . . ," Harrod said. "If I'm not in Owen County, I'm going to be in some other place like Owen County."

Others aren't so sure whether small-town life is for them. Two Northern Kentucky University students, who grew up in Owenton and are working this summer at the city's library, aren't nearly as enthused at the prospect of staying.

Nadine Hopkins calls her hometown boring. "There's nothing to do," said the 20-year-old elementary-education junior. It wouldn't be so bad if she had a car, she said. But she acknowledged that she might return for a teaching job in the school system.

Angela Chambers, 20, a sophomore studying social work, summed up the town this way: "Everybody knows everybody and everybody knows everybody's business."

Even though she has to go out of town to see a movie, Chambers said she wouldn't mind living in Owenton. "I don't like Cincinnati at all . . . because there's a lot of violence up there."

Like other rural areas in Central Kentucky, Owen County's economy relies heavily on tobacco.

"Tobacco's a weed. It'll grow on a hillside, and not many crops will do that," Powers said.

Kim Strohmeier, the UK agricultural extension agent, said tobacco represents between 50 percent and 60 percent of the county's total farm income. Owen is one of the top 15 tobacco-producing counties in the state.

But tobacco's limited future presents potential problems. "There is no crop out there where farmers will get the yield per acre that they get from tobacco," Miller said.

As in many other rural areas, an increasing number of farmers are finding second jobs to earn the money that tobacco no longer provides.

A proposed dam on Eagle Creek could have provided more water and a recreational area to diversify the economy. However, the Army Corps of Engineers recently concluded that the project, which would have flooded parts of southern Owen County and northern Scott County, would not provide sufficient flood protection to merit its $86 million cost.

Powers said that Schlumberger Industries Gas Division, where he is a production super-

visor, is Owenton's largest employer. But many Owen Countians travel down U.S. 127 to work for state government.

"Frankfort is probably our major employer," Satterwhite said.

Despite the benefits rural life presents, residents say other aspects of life could be improved. The town has only four doctors, including Dr. Vicky Verburg, who recently decided to open a practice. Her decision merited a large, Page One headline in The News-Record.

A few years back, a banner was hung across a street in the middle of town to advertise for a new doctor—testimony to the community's desperate need for a doctor.

Satterwhite said Owenton's doctor troubles are a microcosm of the larger national health-care problem. Like all small towns, it's tough to recruit family practitioners.

The county-owned hospital, once ranked as one of the 10 least-occupied rural, general-care hospitals in the state, has been sold to private interests.

"We have a big challenge before us to keep doctors in the community so we can maintain our hospital," Satterwhite said. "It would be a terrible blow if we were to lose that."

Water quality also has been a problem. The good news is that a $2 million-plus water-treatment plant is under construction. The downside: "Our water rates will go up 34 percent," Powers said.

While Owenton suffers many of the same problems as many other small Kentucky cities, Powers and others say there's a commitment to bring change, no matter how slow it may occur.

"There's more we want to do," he said.

Population (1990); Owenton, 1,308; Owen County, 9,035.

Per capita income (1988); $8,003, or $4,827 below the state average.

Jobs: Employment, 1,426; manufacturing, 342; wholesale and retail trade, 262; services, 197; state and local government, 376.

Big employers: Schlumberger Industries (gas meters and gas pressure fittings), 325.

Media: Newspaper—The News-Herald (weekly); television—WKON 52 (KET); radio—none.

Transportation: Roads—U.S. 127, Ky. 22. Air—none; nearest commercial airline service—Greater Cincinnati-Northern Kentucky International Airport, 50 miles north. Rail—none. Trucking—11 companies serve the city.

Education: Owen County public schools, 1,789 students.

Topography: Rolling hills and wide, fertile ridges.

FAMOUS FACTS AND FIGURES

The area got its nickname, "Sweet Owen," from a politician. Fearing a loss in a close Senate race, John C. Breckinridge hoped Owen County would turn the tide in his favor. After a lone horseman rode in with the returns, Breckinridge was said to have proclaimed: "Owen, Sweet Owen." Breckinridge named his next son Owen County Breckinridge.

The first mention of Owenton in legislative acts was in 1822, but it was spelled "Owington." Interestingly, many people pronounce the town's name as if there were an -ing in the middle. Circuit Judge Charles Satterwhite said he didn't know if that should be attributed to the local accent, or to something else.

The county is dry, probably attributable to the area's Baptist domination. There are 26 Baptist churches in the county.

Legend has it that the four columns on the courthouse contain kegs of whiskey, aging since the courthouse was completed in the late 1850s.

Owen County was formed in 1819 from Scott, Franklin and Gallatin counties. It is named after Col. Abraham Owen, of Shelby County, who was killed in the Battle of Tippicanoe, Hesterville—not Owenton—was the original county seat. In 1821 it was moved to Owenton.•

PROJECT REACH OUT

• Mr. SARBANES. Mr. President, I rise today to pay tribute to Project Reach Out sponsored by Maryland Public Television, a highly successful telethon to promote volunteerism throughout the State.

Mr. President, on September 10, Project Reach Out, a 3-hour live telethon and gala celebration of volunteer spirit, inspired Marylanders to donate hundreds of thousands of volunteer hours for schools and other educational programs throughout the region. Both individuals and businesses met the challenge—and are making a difference.

Although I was unable to attend this year's telethon due to the Senate's business, I know firsthand of the extraordinary effort to use television to its fullest potential by reporting a need to viewers and offering to them the challenge to meet that need.

For example, Mrs. Rose Zimmerman, a retired member of my Senate staff, spends countless hours preparing immigrants for American citizenship and tutoring them in the English language.

The goal of the telethon is to recruit volunteers to meet the educational needs of our communities; Project Reach Out asks viewers to donate their time, not money, for schools and other education-related programs. This successful program represents a unique approach to mobilizing the many volunteers who give their time to enhance educational opportunities for the region's students.

This year's telethon surpassed all previous records by hitting the 1 million mark in the number of hours pledged to Maryland students. Maryland Public Television received over 600 calls in 3 hours, resulting in a grand total of 1,238,955 hours pledged.

Now, more than ever, as schools struggle with limited resources, the need for volunteers takes on even greater significance. Dedicated volunteers working as tutors, mentors, library or classroom assistants, and in other capacities, immeasurably enrich the lives of our young people.

Project Reach Out highlights Maryland Public Television's strong commitment to community service and educational excellence throughout the region. This type of unique initiative characterizes the importance of public television to the State and Nation. The program is an excellent one and is illustrative of the fine programs of the Corporation for Public Broadcasting which deserves our continued support.•

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued consideration of the bill.

AMENDMENT NO. 3090

(Purpose: To ensure additional transition authority does not violate the Antideficiency Act)

Mr. WARNER. Mr. President, I send to the desk an amendment and ask for its immediate consideration. It is cleared on both sides. The amendment is proposed by the Senator from Delaware [Mr. ROTH] and the Senator from Iowa [Mr. GRASSLEY].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. ROTH (for himself and Mr. GRASSLEY), proposes an amendment numbered 3090.

Mr. WARNER. 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 402, lines 24 & 25: change the phrase to read "Subject to subparagraphs (B), (C), and (D) . . ."; and

On page 404, between lines 4 and 5, insert the following:

(D) CERTIFICATIONS.—No obligation or adjustment of an obligation may be charged pursuant to the provisions of this paragraph until the Secretary of Defense certifies to congress:

(i) That the limitations on expending and obligating amounts established pursuant to section 1341 of title 31, United States Code are being observed within the Department of Defense; and

(ii) That reports on any violations of section 1341, whether intentional or inadvertant, are being submitted to the President and Congress immediately and with all relevant facts and a statement of actions taken as required by section 1351 of title 31, United States Code."

Mr. GRASSLEY. Mr. President, it distresses me that this amendment should be necessary, but it is without hesitation that I join with the Senator from Delaware [Mr. ROTH] in offering it.

Two years ago, again with my distinguished colleague from Delaware, Senator ROTH, the ranking member of the Senate Committee on Government Affairs, we introduced legislation to curb the Department of Defense's practice of using multibillion dollar slush funds to extend contracts and, in the process, increase the Federal deficit.

Our effort confronted abuses in the use of "M" accounts and the merged surplus account, and it brought an important measure of accountability to the way the Department of Defense manages its contracts and its dollars.

To review a brief history, a Government accounting rule defined in 1956 gave birth to a pool of funds—an accumulation of upspent appropriations—upon which Government agencies could draw for unforeseen expenses resulting from matters such as the final phase of

contracts or suits against the Government.

These rules provided guidelines for the accounting of unliquidated obligations and unused appropriations.

But with the inception of multiyear contracting, crafty bureaucrafts with green eyeshades saw the potential for a very large, very flexible checking and savings account for writing lots of contracts and underwriting lots of cost overruns.

So, while the Department of Defense was socking away unobligated balances into a rainy day fund during the years of the defense buildup, DOD bureaucrats licked their chops in anticipation of the games they could play with these funds.

These accounts contained tens of billions of dollars of laundered, no-year money, and they discouraged efficiency and accountability by providing a means through which additional contracts could be written and cost overruns could be absorbed with a little bookkeeping slight of hand.

These accounts were comparable to the old pyramid scheme, because they provided for current wants and needs, while always putting off the day of reckoning until tomorrow.

And, of course, when tomorrow became today, there was always a new tomorrow to be relied upon, meaning accountability was never to be achieved.

Recognizing this abuse and realizing that it was costing taxpayers tens of billions of dollars, Congress acted, as part of the fiscal year 1991 Defense authorization bill, to put an end to these abuses.

Unfortunately, a short 2 years later, the Department of Defense has found that it cannot live within the restraints of the Antideficiency Act—restraints which require efficiency and accountability.

The Department of Defense has developed such an addiction to and dependency on its contracting tricks, that we are being asked to lift the restrictions on the way the DOD covers charges against expired accounts with current appropriations.

We're being asked to validate the circumvention of the Antideficiency Act—a practice which the Comptroller General of the United States identified as a felony in a recent letter to Congressman ANDY IRELAND.

A GAO review confirms that, absent congressional authorization there is no authority for agencies to charge overobligations of expired or closed accounts to current appropriations.

Consequently, even though over-obligations may reflect a liability of the Government, payment may not be made until the agency receives the requisite authorization from Congress.

If we adopt section 103 of the DOD authorization bill, we'll be adopting language which says that obligations against expired accounts may be charged to any current appropriation of the Department of Defense that is available for the same purpose.

Now, that's a loophole so big you can fly a B-2 through it.

Section 1003 seemingly limits such shifting of funds to a relatively small figure—1 percent of the total amount of the appropriations for that account.

While that may not sound like much, let's remember the volume of dollars we're dealing with. Over the 5-year life of a contract we're talking about a series of five 1 percents—or a total of 5 percent.

With Defense budgets in the $280 billion range, 5 percent represents $14 billion over which Congress exercises virtually no control.

That's $14 billion for expired accounts because the DOD doesn't seem capable of properly managing its contracts and its costs.

Mr. President, we put a tight lid on DOD slush funds in 1990 for a reason, and I see no justification for us to usher in a new era where overobligating is condoned.

Therefore, our amendment mandates that no obligation or adjustment of an obligation for expired accounts may be charged to a current appropriation account until the Secretary of Defense certifies to the Congress that the transaction does not cause a violation of the Antideficiency Act.

Further, it requires the Secretary to immediately report any violations of the Antideficiency Act, whether intentional or inadvertent, to the President and the Congress.

These are important safeguards which will prevent the Department of Defense from slipping back into the practice of borrowing against tomorrow's appropriations, and which will impose a vital measure of accountability where none would otherwise exist.

Mr. President, I commend and thank my colleague from Delaware, Senator ROTH, for his diligent efforts over the years as a watchdog of inappropriate Government spending practices, and I urge the adoption of this amendment.

Mr. ROTH. Mr. President, once again we must put an end to bureaucratic attempts to get a hidden increase in spending authority and to avoid the requirements of the Antideficiency Act. Two years ago, the Senate supported my efforts to do away with a $100 billion slush fund that the Federal bureaucracy called the M account. I called it the Mañana account because the Government used it to write excess contracts one year, but the bills did not come due until years later. In essence, our legislation 2 years ago corrected arcane Government accounting rules that were being manipulated so that agencies would never be held accountable for overspending their budgets.

The Mañana account became a pot of money that bureaucrats used during times of tight budgets. They used it to cover cost overruns and to write more contracts than Congress intended from a given year's budget. In essence, the old rules meant that no Government employee could ever be held accountable for spending more than their budget. According to the Comptroller General, it was a legal way to circumvent the Antideficiency Act, which makes it a criminal offense for a Government employee to overspend their budget.

Mr. President, when we ended the Mañana account scheme, we fixed the Government accounting rules. Our fix returned accountability and integrity to the system. Under our reforms, a Government employee cannot commit the Government to spend more than Congress appropriated. In addition, if there were large unforeseen cost overruns, in excess of 1 percent of the budget, the agency would have to request additional funds. In a recent letter to Congressman ANDY IRELAND, the Comptroller General highlighted the importance of the changes we implemented in 1990. He stated: "a prominent purpose of the 1990 reforms to the account closing provisions in 31 U.S.C. 1551-1558 was to apply the discipline of the Antideficiency Act and the Bona Fide Needs Statute to expired accounts * * * the process of agency reporting overobligations to the Congress and requesting funds to pay the obligations is vital to congressional oversight of how agencies manage their financial resources and necessary to accomplish the objectives to the Antideficiency Act."

Mr. President, I was surprised to find section 1003 in this Defense authorization bill. As it reads now, section 1003 would permit Government officials to spend more than their budget, which would be considered an "overobligation" in the arcane lingo of Government accounting, and would therefore remove the Pentagon's accountability to the taxpayers. The Comptroller General noted in his report that "an over obligation of a prior year appropriation is a reportable violation of the Antideficiency Act." Since section 1003 would enable the Defense Department to increase the 1985 through 1992 defense budgets by up to 1 percent per year, without the approval of the Congress, it would allow the Pentagon to overspend its budget without being held liable for violating the Antideficiency Act. It's like getting the authority to write checks for more money than you have in the bank, except the taxpayer's have to foot the bill for this check kiting scheme. And, in this case, the taxpayer's bill could be as much as $75 billion.

Mr. President, the amendment offered by Senator GRASSLEY and I would put the accountability back into section 1003. With the status of the deficit, now is not the time to give any agency authority to overspend their budget.

The amendment we propose would require the Secretary of Defense to certify that the Antideficiency Act will not be violated. Accordingly, our amendment could save the $75 billion in unauthorized spending, while preventing intentional violations of the Antideficiency Act. I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, briefly this amendment amends section 1003 to add a provision that no obligation or adjustment to an obligation under this section may be charged until the Secretary of Defense certifies to the Congress that the department is observing the law regarding M accounts and reports on violations, whether intentional or inadvertent, are being submitted to the President and Congress as required by law.

I urge its adoption.

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

The amendment (No. 3090) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3091

(Purpose: To provide for the issuance of a commemorative stamp honoring American prisoners of war and Americans missing in action)

Mr. WARNER. Mr. President, I have an amendment on behalf of the Senator from New Hampshire [Mr. SMITH] entitled. "To provide for the issuance of a commemorative stamp honoring American prisoners of war and Americans missing in action. I send it 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 Virginia, [Mr. WARNER], for Mr. SMITH, proposes an amendment numbered 3091.

Mr. WARNER. 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:

SEC. . POW/MIA STAMP.

(a) Congress finds that:

(1) the President has declared the POW/MIA issue to be of highest national priority;

(2) there are over 88,000 missing United States service personnel from World War II, the Korean war, and the Vietnam war;

(3) public awareness of the sacrifices which have been and may continue to be made by American prisoners of war and Americans missing in action is critical to advancing efforts to obtain the return of missing American service personnel.

(b) The Postmaster General shall issue a commemorative postage stamp in honor of American prisoners of war and Americans missing in action. Such a stamp shall be issued and sold for such a period as the Postmaster General shall determine.

Mr. SMITH. Mr. President, on April 9 of this year, I introduced a joint resolution, which is currently cosponsored by 65 Senators, to provide for the issuance of a commemorative postage stamp to honor American prisoners of war and Americans missing in action. The amendment that I am offering today would do the same.

During President Yeltsin's recent visit to the United States, Yeltsin conceded that there may still be Americans in captivity in Russian gulags. Before we begin waving the banner of world peace and hastily slashing our Defense budget, it is important that we stop to remember that there may still be Americans in captivity in the remote reaches of that territory, and in Communist North Korea and Southeast Asia.

Mr. President, Mr. Yeltsin's revelations about POW's being interrogated in the Soviet Union open up a new chapter in the horrific story which, for decades, has plagued the families of those who were left behind. I agree with the President that locating and accounting for these Americans is a matter of highest national priority.

Throughout our Nation's history, American soldiers have made different types of sacrifices in defense of our American ideals. A great number of memorials and monuments honor Americans who lost their lives in battle—and it is only appropriate that this should be so. But I believe that American prisoners of war and Americans missing in action should also be commemorated. A postage stamp is a way for family members, friends, and those who care deeply about the POW/MIA issue to honor these Americans, and, at the same time, to generate public awareness.

On November 24, 1970, while the fires of the Vietnam war were still burning strong, the Postal Service issued a 6-cent commemorative stamp honoring American POW's and MIA's. Five years later, when that war was brought to a close, many of our fighting men and women were left behind. It has now been over two decades since that 6-cent stamp was issued. With the walls of Communist oppression toppling throughout the world, it is appropriate that we take a moment to pay homage to those soldiers who were not returned home to their families.

There are over 88,000 U.S. service personnel still missing from World War II, Korea, Vietnam, and other conflicts. The fate of these brave men and women has justifiably stirred the attention of the American public, and their fate will remain an issue until the American public is satisfied that this Government has done everything that it can reasonably do to find these lost warriors. By enhancing this public awareness, a POW/MIA stamp will assist us in keeping this issue on the front burner.

Over the past several years, there have been dozens of proposals in Congress providing for the issuance of commemorative postage stamps, each with its own merits. But surely no one is more deserving of this honor than our POW's and MIA's.

Mr. President, these people have had a rough 20 years. This is the least we can do for them. A commemorative stamp is not only a token of appreciation for the sacrifices made by these great Americans, but will serve as a constant reminder that there may still be individuals in some remote part of the world, scared and alone, but not forgotten.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, having had an opportunity to look into this matter myself, it is cleared on both sides, but I wish to express my commendation to the Senator from New Hampshire and, indeed, the chairman of the committee, Mr. KERRY. I think both of these able Senators are undertaking a very serious and important obligation in relation to the issues on POW's and MIA's and I wish to express my personal commendation.

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

The amendment (No. 3091) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3092

(Purpose: To direct the Department of Energy to prepare a workforce transition plan for Department of Energy Defense Nuclear Facilities that experience reductions in personnel)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. REID and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. REID, proposes an amendment numbered 3092:

On page 634, following line 19 add:

"(C) Any Department of Energy defense nuclear facility, including the Nevada Test Site, that will experience a reduction of 10 percent or more in the number of Department of Energy employees employed at the facility in any 12-month period.

Mr. NUNN. Mr. President, this amendment would require the Department of Energy to include in its work force restructuring plan any Department of Energy defense nuclear facility that experiences a 10 percent work force reduction in any 12-month period.

I urge adoption of the amendment.

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

The amendment (No. 3092) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3093

(Purpose: To provide for a study of the use of the Nevada Test Site for the development of solar energy production technologies)

Mr. NUNN. 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 Georgia [Mr. NUNN], for Mr. BRYAN for himself and Mr. REID, proposes an amendment numbered 3093.

Mr. NUNN. 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 633, below line 21, add the following:

SEC. 3141. STUDY OF CONVERSION OF NEVADA TEST SITE FOR USE FOR SOLAR ENERGY PRODUCTION PURPOSES.

(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Director of the Office of Technology Assessment, shall carry out and submit to Congress a study on the conversion, development, and utilization of the Nevada Test Site, Nevada, or one or more portions thereof, as a commercial facility for the development of solar energy research and production technologies.

(b) STUDY ELEMENTS.—In carrying out the study under subsection (a), the Secretary of Energy shall consider the following:

(1) The potential of the Nevada Test Site for solar energy production from a variety of solar energy production technologies, including technologies for the production of thermal energy and photovoltaic energy.

(2) The costs and benefits of the development of such energy production technologies, including the cost per kilowatt hour of energy production from each such technology and the potential market for the sale or use of energy produced by such technologies.

(3) The effect of the development of the Nevada Test Site for solar energy production on the economy and employment rates in the region in which the Nevada Test Site is located.

(4) The effectiveness of plans for retraining current employees at the Nevada Test Site for employment in the development, utilization, and marketing of solar energy production technologies.

(5) The effect of the development of various solar energy production technologies at the Nevada Test Site on the manufacturing and export economy of the United States.

(6) The extent to which the development of solar energy production technologies at the Nevada Test Site is compatible with current and proposed alternative uses of the Site, including the compatibility of such development with environmental restoration and other clear-up activities at the Site and with continuing use of the Site for limited nuclear testing.

Mr. BRYAN. Mr. President, I rise to offer an amendment which provides for a study of the energy producing potential of the Nevada test site, using solar energy technologies that will become an increasingly important energy source during the next century. My senior colleague from Nevada is a cosponsor of this amendment.

The desert in the southwestern United States is an ideal location for the use of solar energy. Solar projects already contribute significant energy to the California utility grid, and those generators produce electricity without adding any air pollution to the environment.

The solar energy projects that have operated so far have proven the viability of the basic technology involved. New research and development should produce energy that is cost effective, and able to compete with other energy sources. Solar energy production is also consistent with the demands of desert living, producing peak energy when loads are high during the heat of the day.

New energy storage technology also enables solar energy to be "banked" for use at night and during cloudy days when solar energy is reduced.

Consideration of the Nevada test site for solar energy production is particularly useful for the needs of the future. The vast area of the test site, its location near the center of the western power grid, its existing infrastructure, and its long history of Department of Energy projects all indicate that it is an ideal location for solar energy research, development, and production.

As the energy needs of developing nations continue to grow, exporting solar energy technology will also become an important, competitive sector of our energy industries. It is a renewable, nonpolluting energy source that can address local energy needs in remote or undeveloped areas. The southwest is also ideally suited for manufacturing of solar energy production components to be exported to developing counties.

Studying this potential use for the Nevada test site, its existing infrastructure, its workforce and production capabilities, is an excellent investment in defense conversion strategy. It has been estimated that a small fraction of the desert land area of the Nevada test site, if used for solar energy production, could provide a substantial fraction of the total electricity production the Nation will need in the next century. It is a wise and compatible goal as we look to the needs of the next century. I urge the adoption of this amendment, and I yield the floor.

Mr. REID. The men and women at the Nevada test site have served this country well. Yet, the House version of this bill and the House version of the energy and water appropriations bill contain a complete 1-year moratorium on nuclear testing. The energy and water appropriations bill that passed the Senate also contained a nuclear testing moratorium, and also includes a complete end to testing by September 1996.

Richard Claytor, the Assistant Secretary of Energy for Defense Programs, estimates that if a 9-month moratorium is enacted into law, about 1,000 workers at the Nevada test site will lose their jobs. If the House moratoriums are enacted, the impact on southern Nevada will be at least 20 times greater.

If the Congress of the United States is going to put 20,000 families out of work in my State, I think it is the responsibility of the Congress to be compassionate in how it goes about this.

About 9,000 people are employed by the Department of Energy, associated Federal agencies, national laboratories, and support contractors in southern Nevada. Economic data also indicate that for each of these federally-funded employees, an additional 1.2 employees, or about 10,800, are employed in the local economy in supporting services. These services range from construction work to the operation of supermarkets. Therefore, almost 20,000 people are employed in southern Nevada as a result of the Nevada test site's activities. This is more than 5 percent of the southern Nevada work force.

The Department of Energy is directly or indirectly responsible for about 7.5 percent of the total income for southern Nevada and 4.5 percent of the entire State. Between procurement and salaries, DOE made a $1 billion contribution to Nevada's economy in 1990. DOE/Nevada, associated agencies and contractors annually pay about $7.8 million in direct Nevada taxes. Charitable contributions through payroll deductions and corporate contributions exceed $400,000 annually.

I have introduced this amendment, with the cooperation of the distinguished chairman, to include Nevada test site workers in the defense conversion provisions of the bill if reductions in testing cause a significant cutback in employment at the site. I think it is important that we do not leave these dedicated workers out in the cold now that the cold war is over.

In these times of economic hardship, I am disturbed to see the Congress trying to put so many people out of work. In these times of political instability and nuclear proliferation, I am disturbed to see the United States halt its nuclear testing program.

I hope a moratorium does not become law. But if it does, I hope the Senate will adopt my amendment to help these thousands of workers who will be without jobs as a result.

Mr. NUNN. Mr. President, this amendment provides for a study of the conversion of the Nevada test site for use for solar energy production.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment (No. 3093) is agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3094

(Purpose: To authorize an increase in funds for AIDS research)

Mr. NUNN. 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 Georgia [Mr. NUNN], for himself and Mr. WARNER, proposes an amendment numbered 3094.

On page 50, line 2, strike "$10,645,659,000" and insert in lieu thereof $10,665,659,000".

Mr. NUNN. Mr. President, I offer this amendment that would add $20 million for AIDS and research at the Department of Defense medical research facilities.

This amendment would provide for the third phase of testing for a new vaccine which has shown great promise as a way of delaying the onset of the deadly implications of the AIDS virus. This advantage is now seen in stage 2 testing in Walter Reed Medical Center. According to Army medical experts, phase 2 has shown that the vaccine should go to phase 3 as soon as possible.

This research and other fine medical work at Walter Reed are excellent examples of our military research facilities which can and are helping to solve the problems that are important and indeed crucial to civilian society.

Mr. President, I urge adoption of the amendment on behalf of myself and Senator WARNER, and I also say former Senator Russell Long has brought this matter to our attention.

Mr. WARNER. Mr. President, I join the distinguished chairman, and it should be noted that not only did our former colleague and friend bring it to our attention, but he was present on the floor of the Senate today, as is his right as a former Senator, not in the capacity of lobbying, but indeed his presence connoted the importance of this amendment.

I wish to commend him personally.

Mr. NUNN. Mr. President, in the case of this kind of research, time literally means saving the lives of people now sick with this deadly disease. The sooner we get these tests completed, the better off so many people in our Nation will be.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment (No. 3094) is agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3095

(Purpose: To improve the defense conversion, assistance, and stabilization provisions)

Mr. NUNN. 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 Georgia [Mr. NUNN], for Mr. KENNEDY (for himself, Mr. METZENBAUM, Mr. PRYOR, Mr. DODD, Mr. SIMON, and Mr. WELLSTONE), proposes an amendment numbered 3095.

Mr. NUNN. 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 65, between lines 17 and 18, insert the following:

SEC. 232. MANUFACTURING TECHNOLOGY DEVELOPMENT PROGRAMS.

Manufacturing technology development programs conducted by or for the Department of Defense, including those programs for which funds are made available pursuant to section 203, shall include a focus on production technologies designed to build on and expand existing worker skills and experience in manufacturing production.

On page 102, below line 24, insert the following:

SEC. 334. IMPACT AID.

Section 3(e)(1) of Public Law 81-874 (20 U.S.C. 238(e)(1)) is amended in the matter following subparagraph (C) by inserting "shall not be less than 100 percent of the payment such agency received under subsections (a) and (b) for the preceding fiscal year," after "for such fiscal year".

SEC. 335. EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

(a) USE OF FUNDS.—Section 325(c) of such Act (29 U.S.C. 1662d(c)) is amended to read as follows:

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used for any purpose for which funds may be used under section 314 or this part.

"(2) RESERVATION.—

"(A) IN GENERAL.—The Secretary shall reserve at least 10 percent of the funds appropriated to carry out this section for the purpose of making grants to States under subsection (a) to provide the reimbursement described in subparagraph (B).

"(B) REIMBURSEMENT.—A grant described in subparagraph (A) may be used to reimburse a State for the funds reserved by the State, pursuant to section 302(c), that—

"(i) are expended for rapid response assistance and basic readjustment services (not including support services) described in paragraphs (1) and (2) of section 314(a), respectively; and

"(ii) are delivered to eligible dislocated workers adversely affected by reductions in expenditures by the United States for defense or by closures of United States military installations, as determined in accordance with regulations of the Secretary of Defense.".

(b) NOTICE REQUIREMENTS.—Section 325 of such Act (42 U.S.C. 1662d) is amended by adding at the end the following new subsections:

"(e) NOTICE REQUIREMENTS.—

"(1) SECRETARY OF DEFENSE NOTICE REQUIREMENT.—To the extent practicable, the Secretary of Defense shall provide 6 months advance notice to a defense contractor of any cancellation of, or substantial reduction in, a defense contract, that will adversely affect the defense contractor.

"(2) DEFENSE CONTRACTOR NOTICE REQUIREMENT.—Not later than 2 weeks after a defense contractor receives notice under paragraph (1) of the cancellation of, or substantial reduction in, a defense contract, the contractor shall provide notice of such cancellation or substantial reduction to—

"(A)(i) each representative of employees whose work is directly related to the contract that is being canceled or substantially reduced and who are employed by the defense contractor; or

"(ii) if there is no such representative at that time, each such employee;

"(B) the State dislocated worker unit or office described in section 311(b)(2) and the chief elected official of the unit of general local government within which such adverse effect may occur;

"(3) CONSTRUCTIVE NOTICE OF TERMINATION FOR EMPLOYEES.—The notice provided under paragraph (2)(A) to the employees of a defense contractor shall be considered to be notice of termination to the employees for the purposes of determining whether such employees are eligible dislocated workers under this title, except where the employer has specified that the loss of such contract is not likely to result in plant closure or mass layoff. Any employee considered to be such a worker solely on the basis of such notice shall be eligible to receive services under section 314(b) and under paragraphs (1) through (14) of section 314(c).

"(4) DEFENSE CONTRACTOR.—For purposes of this subsection, the term 'defense contractor' means a private person producing goods or services pursuant to—

"(A) one or more defense contracts for not less than $500,000 entered into with the Department of Defense; or

"(B) one or more subcontracts—

"(i) entered into in connection with a defense contract; and

"(ii) for a total amount of not less than $500,000.".

SEC. 336. POLICY TO EXPEDITE ASSISTANCE.

(a) TRANSFERS.—In each case in which the Secretary of Defense is required under this Act or an amendment made by this Act to transfer funds to another department or agency of the Federal Government for the purpose of funding programs that provide assistance to recipients adversely affected by reduced spending by the Department of Defense, including communities and local educational agencies adversely affected by closures and realignments of military installations, and in each case in which the Secretary is authorized to make such a transfer and exercises the authority to do so, the Secretary shall make the transfer as expeditiously as is practicable.

(b) SPENDING.—In each case in which the Secretary of Defense is required under this Act or an amendment made by this Act to

provide assistance to recipients adversely affected by reduced spending by the Department of Defense, including communities and local educational agencies adversely affected by closures and realignments of military installations, and in each case in which the Secretary is authorized to provide that assistance and exercises the authority to do so, the Secretary shall make the funds available for providing that assistance as expeditiously as is practicable. The Secretary shall expedite the processing of applications and other requests for such assistance, including applications for grants.

On page 273, line 11, insert before the period the following: ", including improvements that build on the skill and experience of their work force".

On page 283, between lines 2 and 3, and insert in lieu thereof the following:

"(7) Programs for encouraging research in colleges and universities and in other technology development and extension programs in the United States for the development of work systems that build on worker's skill and experience.

"(8) Programs for assisting in the transition to high performance work systems, including ongoing worker involvement in the evaluation, selection, and installation and operation of production technologies and associated organization or work.

On page 285, line 24, insert ", including high performance, high quality, and high flexibility production," after "work force".

On page 291, line 16, strike out "and processes" and insert in lieu thereof ", processes, and organization of work systems that build on workers' skill and experience, and work force skill development".

On page 304, line 16, insert "and workers" after "businesses".

On page 305, strike out lines 2 and 3, and insert in lieu thereof the following:

bilities of the manufacturing work force;

"(7) promote high-performance work systems, with development and dissemination of production technologies that build upon the skills and capabilities of the work force, high levels of worker education and training, and work force participation in the evaluation, selection, and implementation of new production technologies; and

"(8) ensure appropriate coordination between

On page 307, strike out line 20 and all that follows through page 308, line 3, and insert in lieu thereof the following:

(d) DEFENSE MANUFACTURING ENGINEERING EDUCATION PROGRAM.—Of the amounts authorized to be appropriated under section 201, $25,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of title 10, United States Code.

(e) DEFENSE MANUFACTURING EXPERTS IN THE CLASSROOM PROGRAM.—(1)(A) Section 2197 of title 10, United States Code, is amended—

(i) by striking out the section heading and inserting in lieu thereof the following:

"§2197. Manufacturing experts in the classroom";

(ii) in subsection (a), by striking out "managers and" in the matter above paragraph (1); and

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

"(e) MANUFACTURING EXPERT DEFINED.—In this section, the term 'manufacturing expert' means manufacturing managers and workers having experience in the organization of production and education and training needs and other experts in manufacturing.".

(B) The table of sections at the beginning of chapter 111 of such title is amended by striking out the item relating to section 2197 and inserting in lieu thereof the following:

"2197. Manufacturing experts in the classroom.".

(2) Of the amounts authorized to be appropriated under section 201, $5,000,000 shall be available for the manufacturing experts in the classroom program under section 2197 of title 10, United States Code.

On page 309, line 3, strike out "businesses" and insert in lieu thereof "firms whose businesses and workers".

On page 309, line 4, strike out "business" and insert in lieu thereof "expenditures".

On page 309, line 8, insert "business planning," after "training,".

On page 309, line 10, insert "in making improvements necessary for conversion to commercial markets and practices and" after "Assistance".

On page 309, line 15, insert "and development" after "identification".

On page 310, strike out line 2, and insert in lieu thereof the following: "capabilities, including development and introduction of high performance workplace systems, employee and participative management systems, workforce literacy programs, programs to encourage employee ownership, worker education and training, work force participation in the evaluation, selection, and implementation of new production technologies; and".

On page 311, line 16, strike out "partnership's" and insert in lieu thereof "program's".

On page 311, line 23, insert ", including their work forces" after "businesses".

On page 312, line 4, insert ", including their work forces," before "adversely".

Mr. NUNN. Mr. President, this amendment changes the hold harmless provision for school districts whose base is closed once they receive 100 percent of impact aid funding for the fiscal year 1993. It also provides employees of defense contractors eligibility for certain assistance under the defense conversion adjustment program established under title III of JTPA up to 6 months prior to the loss of their position.

Mr. KENNEDY. Mr. President, economic conversion is a major challenge for the American economy, and I am gratified that the legislation reported by the committee recommends new and innovative programs to meet it. The amendment that I am offering amplifies and builds on the impressive work of the Senate Democratic Task Force, chaired by Senator PRYOR.

We have been working closely on these issues with the chairman of the committee, and I want to commend him for his leadership. As this amendment has been developed, we have also benefited from the knowledge and involvement of other Senators.

My amendment addresses four significant concerns. First, it maintains impact aid funding for school districts in communities affected by military base closings. Towns like Ayer in Massachusetts have built their economic existence around military bases. They need this assistance to make a successful transition to a civilian economy. Senator PELL has long been a leader in this area, and I appreciate his assistance.

Second, the amendment improves programs for dislocated defense workers. These improvements will give States more flexibility in meeting the special needs of dislocated workers. The amendment will provide much earlier notice of possible layoffs and more flexible services, so that appropriate assistance can go as soon as possible to workers in need.

I want to thank Senator METZENBAUM for his important contribution to this issue. The National Governors Association also has helped us refine these proposals. Many Senators have been hearing from the Governors of their States about the need to improve the dislocated worker program. The provisions in the amendment will allow States to deliver services more rapidly and effectively, and remove bureaucratic obstacles that stand in the way of meeting workers' needs.

Third, the amendment improves technology programs for economic conversion, to assure that those programs incorporate the perspective of America's work force. In today's global economy, the competitive edge goes to businesses that combine sophisticated technology with a well-trained work force, resulting in what is called a high performance work organization.

For far too long, our economic programs have concentrated either solely on technology, or solely on worker skills. The amendment begins to bridge that gap in our conversion programs. Senator BINGAMAN, one of this body's leading experts on technology and economic development, helped to refine this part of the amendment.

Finally, the amendment opens up economic development assistance programs to more innovative uses by State and local governments. These governments are on the front line of economic conversion and economic development, often with inadequate resources. For more than 10 years, the Federal Government has been withdrawing from economic development assistance, and States and cities have been filling the gap.

Many of them have developed world-class programs in manufacturing modernization, strategic planning for businesses, and the integration of work force needs with business and technology development. But they still struggle with the problem of inadequate resources. This amendment will allow them to obtain Federal support to strengthen and enhance those essential services.

These four issues—school impact aid for communities, improved dislocated worker programs, integrating work force needs with technology programs, and providing more flexible economic development assistance—make up this

amendment. It is designed to improve and strengthen the conversion program developed by Senator PRYOR's task force and outlined in the committee legislation.

In conclusion, I again commend the work of Senator NUNN and other colleagues who have worked hard on these issues. Conversion assistance must be an essential part of America's future economic strategy if we are to succeed in the global marketplace and help provide a higher standard of living for America's working men and women. This legislation can be a major step toward that goal.

Mr. SIMON. Mr. President, I am pleased to be a cosponsor of Senator KENNEDY's amendment to the Department of Defense authorization addressing a number of economic conversion issues facing the Nation as we redirect spending to nondefense-related programs.

This amendment would first of all provide an additional year of impact aid to those school districts that are struggling to remain operational as a result of military activity. Impact aid is funding provided to schools that have their tax base eroded by Federal activity. A number of schools rely on impact aid funding to provide quality educations to the students in their districts. A drastic reduction in such funding caused by a base closing could have a devastating effect.

Second, this amendment would make laid-off employees of defense contractors eligible for services under title III of the Job Training Partnership Act [JTPA]. Mr. President, this is a program that I strongly believe in. JTPA reform amendments have recently become law and will serve to make this not only the primary Federal job training program but a premier job training program for those in need of training and retraining in order to return to employment. Just as any private sector firm has a commitment to its employees, the Federal Government should commit to helping provide a transition for workers who it displaces.

Third, it is urgent that we support the transition of the American work force to high productivity and high wages rather than low wages and high unemployment. By supporting technology programs which increase worker input and involvement we move our industries closer to high-performance work organizations; and it is the high-performance work organizations of the future that will increase overall employment and wages for the American worker.

Finally, the loss of defense contracts can be a devastating blow to whole communities, particularly small businesses. It is time we provided some economic development assistance to States and communities to help them adjust to change.

Mr. METZENBAUM. Mr. President, I rise to speak to provisions I worked to have included in this amendment to improve the current Defense Conversion Assistance Program. These provisions would enable workers facing a dislocation to become eligible for retraining services 6 months in advance of the date of their termination from employment. These provisions would also ensure that rapid delivery of these services could be provided to meet the needs of employees at risk of becoming dislocated.

Hundreds of thousands of workers will be laid off by 1995 due to cuts in defense spending following the cold war. Last Congress the Defense Conversion Assistance [DCA] Program was added to title 3 of the Job Training Partnership Act to provide retraining services to these workers who are dislocated as a result of base closings or reductions in defense spending. This is a good program but experience has shown it could work better. If we are to be successful in helping these workers we must get services to them as early as possible; preferably before they lose their jobs.

Currently under the Worker Adjustment and Retraining Notification Act, companies must provide 60 days advance notice of plant closings and mass layoffs. However, defense conversion creates a special opportunity to provide workers with even greater advance notice.

The Department of Defense has already announced that it will cut spending 18 percent by 1995. Some major defense companies now know 16 months in advance that they will be losing contracts with the Department of Defense.

Employers who are aware that they are going to lay off workers due to defense conversion should be obligated to provide employees with earlier advance notice. Making certain basic retraining services available to workers sooner than 60 days before they become unemployed can be critical to avoiding joblessness.

Language in this amendment would require that the Secretary of Defense, where practical, provide defense contractors with at least 6 months advance notice before the cancellation or substantial reduction of a contract. The defense contractors in turn would then be required to notify their employees. This notice would serve as a constructive notice for purposes of enabling these employees to be eligible for rapid response assistance and basic readjustment services.

These services include: information on and access to available services and programs for dislocated workers; development of individual readjustment plans for participants in the program; job or career counseling; determination of occupational skills; and job placement assistance.

Once workers are eligible, it is critical that we get these readjustment services to them immediately. These services, already available under title 3 of the Job Training Partnership Act are not being used enough in the DCA Program. That is because the grant process has proven too slow and cumbersome. For that reason, I have worked out language that will encourage States to use their regular job training partnership funds immediately to provide rapid response assistance for defense related mass layoffs and base closures.

This amendment permits the States to be reimbursed for the delivery of these services—something that is currently not permitted under DCA regulations. This amendment will allow those closest to the situation to act quickly. The earlier we get services to these workers, the more likely they will find new jobs and not suffer the agony of joblessness.

In closing, I would like to thank Senator KENNEDY for his help in having these important provisions added to the Defense authorization bill of 1993.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment (No. 3095) is agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3096

Mr. WARNER. 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 Virginia [Mr. WARNER] proposes an amendment numbered 3096.

Mr. WARNER. 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 an appropriate place in the bill, insert the following new section:

"SEC. . NATIONAL DEFENSE SEALIFT FUND.

Chapter 131 of title 10, United States Code, is amended by adding at the end thereof the following new section 2218:

(a) There is established on the books of the Treasury a fund to be known as the "National Defense Sealift Fund," which shall be administered by the Secretary of Defense.

(b) Funds may be deposited in the National Defense Sealift Fund only as specifically authorized in law.

(c) Funds deposited in the National Defense Sealift Fund may be obligated and expended by the Secretary of Defense for—

(1) research and development relating to National Defense Seaalift;

(2) construction, purchase, or conversion of Sealift vessels for national defense purposes;

(3) lease and operational and maintenance of Sealift vessels for national defense purposes; and

(4) other purposes relating to National Defense Sealift; but only to the extent such ob-

ligation or expenditure is specifically authorized in law.".

Mr. WARNER. Mr. President, this is an amendment which is cleared on both sides.

I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment (No. 3096) is agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3097

Mr. WARNER. 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 Virginia [Mr. WARNER], for Mr. SPECTER, proposes an amendment numbered 3097.

Mr. WARNER. 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 333, insert the following new section between lines 13 and 14:

"SEC. 810. Clarification of participants in defense dual-use critical technology partnerships.

"Section 2271(b) of title 10, United States Code (as redesignated by section 802(a)(2)), is amended by inserting 'government-owned and operated industrial facilities,' after 'Federal laboratory or laboratories.'"

Mr. SPECTER. Mr. President, I offer an amendment to the fiscal year 1993 Defense authorization bill which would clarify the issue of which public and private entities qualify for conversion assistance in the commercial-military integration partnerships set forth in the bill. My amendment broadens the definition of qualifying facilities provided in section 2271(b) to include Government-owned and Government-operated industrial facilities. Without this amendment, it is unclear as to whether entities affiliated with the Philadelphia Naval Shipyard and the Naval Air Development Center, and many other Federal industrial facilities throughout the country, would qualify for the defense conversion assistance authorized by this bill.

While inclusion of these facilities in the defense conversion program will by no means compensate all of those affiliated with the Philadelphia Naval Shipyard and the Naval Air Development Center for the losses perpetrated by the Navy through the base closure process, it will ensure that they will be eligible for the same conversion assistance that their counterparts in the private sector are being given.

Mr. President, as we move forward with the critical task of converting our industrial infrastructure from one largely dedicated to the production of defense equipment to a more diversified industrial base, I hope that we don't lose sight of our ultimate objective—to create a more vibrant and competitive economy. In doing so, we must recognize that we need not sacrifice Federal industrial facilities and the men and women who work there because the Federal Government and the Congress cannot implement a viable conversion plan. Instead, we must design a process which will identify key assets at existing Federal facilities which can either be preserved for military purposes or converted into dual-use critical technology partnerships which will allow us to retain the skilled work force in place at these facilities.

Mr. President, the amendment I am proposing today will at the very least ensure us that the conversion process does not exclude the skilled men and women who have dedicated their lives to working in the public shipyards, laboratories, and depots which have comprised the backbone of our defense infrastructure throughout our history.

Mr. WARNER. Mr. President, the purpose of this amendment is to clarify that Government-owned and operated industrial facilities may be participants in defense dual-use critical technology partnerships, if the Secretary of Defense deems it appropriate.

Mr. President, I urge adoption of the amendment.

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

The amendment (No. 3097) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3098

Mr. WARNER. 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 Virginia [Mr. WARNER], for Mr. MCCAIN (for himself, Mr. GORE, Mr. BINGAMAN, Mr. THURMOND, Mr. HELMS, Mr. LIEBERMAN, and Mr. KASTEN) proposes an amendment numbered 3098.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new title:

TITLE—IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992

SEC. 01. SHORT TITLE.

This title may be cited as the "Iran-Iraq Arms Non-Proliferation Act of 1992".

SEC. 02. UNITED STATES POLICY.

(a) IN GENERAL.—It shall be the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran or Iraq of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to either country's acquiring chemical, biological, nuclear, or destabilizing numbers and types of advanced conventional weapons.

(b) SANCTIONS.—(1) In the furtherance of this policy, the President shall apply to Iran, Iraq, and those nations and persons who assist them in acquiring weapons of mass destruction all of the applicable sanctions and controls available to the United States under the Foreign Assistance Act of 1961, the Nuclear Non-Proliferation Act of 1978, the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, and title XVII of the National Defense Authorization Act for Fiscal Year 1991, and other relevant statutes, regarding the non-proliferation of weapons of mass destruction and the means of their delivery.

(2) The President should also urgently seek the agreement of other nations to adopt and institute, at the earliest practicable date, sanctions and controls comparable to those the United States is obligated to apply under this subsection.

(c) PUBLIC IDENTIFICATION.—The Congress calls on the President to identify publicly (in the report required by section 07) any country or person that transfers goods or technology to Iran or Iraq contrary to the policy set forth in subsection (a).

SEC. 03. APPLICATION TO IRAN OF CERTAIN IRAQ SANCTIONS.

The sanctions against Iraq specified in paragraphs (1) through (4) of section 586G(a) of the Iraq Sanctions Act of 1990 (as contained in Public Law 101-513), including denial of export licenses for United States persons and prohibitions on United States Government sales, shall be applied to the same extent and in the same manner with respect to Iran.

SEC. 04. SANCTIONS AGAINST CERTAIN PERSONS.

(a) PROHIBITION.—If any person transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then—

(1) the sanctions described in subsection (b) shall be imposed; and

(2) in addition, the President is authorized to apply, in the discretion of the President, the sanction described in subsection (c).

(b) MANDATORY SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are as follows:

(1) PROCUREMENT SANCTION.—For a period of 2 years, the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

(2) EXPORT SANCTION.—For a period of 2 years, the United States Government shall not issue any license for any export by or to the sanctioned person.

(c) DISCRETIONARY SANCTION.—The sanction referred to in subsection (a)(2) is that the President may prohibit, for such period as the President may determine, the importation into the United States of any articles which are the product, manufacture, or growth of the sanctioned person.

SEC. 05. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

(a) PROHIBITION.—If the government of any foreign country transfers or retransfers

goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then—

(1) the sanctions described in subsection (b) shall be imposed on such country; and

(2) in addition, the President may apply, in the discretion of the President, the sanctions described in subsection (c).

(b) MANDATORY SANCTIONS.—Except as provided in paragraph (2), the sanctions to be imposed pursuant to subsection (a)(1) are as follows:

(1) SUSPENSION OF UNITED STATES ASSISTANCE.—The United States Government shall suspend, for a period of 1 year, United States assistance to the sanctioned country.

(2) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of 1 year, the extension by such institution of any loan or financial or technical assistance to the sanctioned country.

(3) SUSPENSION OF CODEVELOPMENT OR COPRODUCTION AGREEMENTS.—The United States shall suspend, for a period of 1 year, compliance with its obligations under any memorandum of understanding with the sanctioned country for the codevelopment or coproduction of any item on the United States Munitions List (established under section 38 of the Arms Export Control Act), including any obligation for implementation of the memorandum of understanding through the sale to the sanctioned country of technical data or assistance or the licensing for export to the sanctioned country of any component part.

(4) SUSPENSION OF MILITARY AND DUAL-USE TECHNICAL EXCHANGE AGREEMENTS.—The United States shall suspend, for a period of 1 year, compliance with its obligations under any technical exchange agreement involving military and dual-use technology between the United States and the sanctioned country that does not directly contribute to the security of the United States, and no military or dual-use technology may be exported from the United States to the sanctioned country pursuant to that agreement during that period.

(5) UNITED STATES MUNITIONS LIST.—No item on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) may be exported to the sanctioned country for a period of 1 year.

(c) DISCRETIONARY SANCTIONS.—The sanctions referred to in subsection (a)(2) are as follows:

(1) DENIAL OF MOST-FAVORED-NATION STATUS.—The President is authorized to suspend the application of nondiscriminatory trade treatment (most-favored-nation status) to the products of the sanctioned country.

(2) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—The President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act with respect to the sanctioned country, except for urgent humanitarian assistance.

SEC. 06. WAIVER.

The President may waive the requirement to impose a sanction described in section 03, in the case of Iran, or a sanction described in section 04(b) or 05(b), in the case of Iraq and Iran, 15 days after the President determines and so reports to the Committees on Armed Services and Foreign Relations of the Senate and the Speaker of the House of Representatives that to impose that sanction would jeopardize the national security interests of the United States. Any such report shall provide a specific and detailed rationale for such determination.

SEC. 07. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT.—Beginning one year after the date of enactment of this title, and every 12 months thereafter, the President shall submit a report to the Committees on Armed Services and Foreign Relations of the Senate and the Speaker of the House of Representatives detailing—

(1) all transfers or retransfers made by any person or foreign government during the preceding 12-month period which are subject to any sanction under this title; and

(2) the actions the President intends to undertake or has undertaken pursuant to this title with respect to each such transfer.

(b) REPORT ON INDIVIDUAL TRANSFERS.—Whenever the President determines that a person or foreign government has made a transfer which is subject to any sanction under this title, the President shall, within 30 days after such transfer, submit to the Committees on Armed Services and Foreign Relations of the Senate and the Speaker of the House of Representatives a report—

(1) identifying the person or government and providing the details of the transfer; and

(2) describing the actions the President intends to undertake or has undertaken under the provisions of this title with respect to each such transfer.

(c) FORM OF TRANSMITTAL.—Reports required by this section may be submitted in classified as well as in unclassified form.

SEC. 08. DEFINITIONS.

For purposes of this title—

(1) the term "advanced conventional weapons" includes—

(A) such long-range precision-guided munitions, fuel air explosives, cruise missiles, low observability aircraft, other radar evading aircraft, advanced military aircraft, military satellites, electromagnetic weapons, and laser weapons as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways;

(B) such advanced command, control and communications systems, electronic warfare systems, or intelligence collection systems as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways; and

(C) such other items or systems as the President may, by regulation, determine necessary for purposes of this title;

(2) the term "cruise missile" means guided missiles that use aerodynamic lift to offset gravity and propulsion to counteract drag;

(3) the term "goods or technology" means—

(A) any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment; and

(B) any information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data;

(4) the term "person" means any United States or foreign individual, partnership, corporation, or other form of association, or any of their successor entities, parents, or subsidiaries;

(5) the term "sanctioned country" means a country against which sanctions are required to be imposed pursuant to section 05;

(6) the term "sanctioned person" means a person that makes a transfer described in section 04(a); and

(7) the term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (other than the provision of urgent humanitarian assistance or medicine);

(B) sales and assistance under the Arms Export Control Act;

(C) financing by the Commodity Credit Corporation for export sales of agricultural commodities; and

(D) financing under the Export-Import Bank Act.

Mr. MCCAIN. Mr. President, earlier this year Senators GORE, THURMOND, HELMS, LIEBERMAN, and I introduced S. 2543, the Iran-Iraq Arms Non-Proliferation Act of 1992. We developed this legislation to provide increased protection against two major threats to peace—Iran and Iraq. It creates powerful new sanctions to limit the proliferation and transfer of advanced conventional weapons to these countries.

At the outset, Mr. President, I would like to express my appreciation to Senator GORE and has staff who worked with us to craft this legislation. I also would like to commend the chairman of the Foreign Relations Committee, Senator PELL, and the ranking minority member of Foreign Relations, Senator HELMS, and their staff, for their valuable assistance and consultation. In addition, my thanks to the chairman and ranking minority member of the Senate Armed Services Committee, Senators NUNN and WARNER, and their superb staff. Finally, sincere thanks go to this amendment's other original cosponsors, Senators THURMOND, LIEBERMAN, and KASTEN. This legislation is a bipartisan step toward world peace and security.

During the months since this bill was first introduced, the need for such steps has become steadily more urgent. Iran has begun to aggressively move forward with its efforts to acquire advanced conventional arms. While Iran has shifted toward a more moderate public stance, it has continued to support extreme forms of Islamic fundamentalism in the Sudan, Lebanon, and the Maghreb region.

Iraq's recent actions to interfere with United Nations weapons inspections, attack its Shiite population, and threaten Iraqi Kurds are symptoms of the fact that it remains a major threat to the region, and will continue to be such a threat until there are major changes in its regime.

At the same time, the rapid decline in the arms market for NATO and the Warsaw Pact has steadily increased the risk that nations will sell more sophisticated arms to Iran, and provide it with the technology for weapons for mass destruction. Similarly, they create growing pressures to either violate

the U.N. sanctions or rush arms transfers in the moment such sanctions are withdrawn.

All of these trends have convinced me that enacting S. 2543 is a policy step that must be taken in the near future, and I have worked closely with Senator GORE to develop an amendment that would make the key portions of this legislation part of the Defense Authorization Act of 1993.

THE KEY PROVISIONS OF THE MCCAIN-GORE ACT

I realize that this amendment is complex. The key portions of the amendment, however, are easy to summarize.

First, the amendment sends a clear signal to the world that it is United States policy to oppose goods and technology transfers that could contribute to Iran's or Iraq's development of destabilizing, advanced conventional weapons.

Second, the amendment reiterates the importance of rigorous enforcement of existing laws as they apply to arms sales by United States firms to Iran and Iraq.

Third, the bill adds a requirement for more thorough public disclosure of arms transfer violations to complement the already extensive system of licensing and legislative action to control arms transfers.

Fourth, the bill sets out specific sanctions for foreign persons and governments. The President would have the authority to impose discretionary sanctions depending upon the severity of a violation. The discretionary sanctions left to the President include: First, denial of most-favored-nation status; second, freezing of financial assets; and third, restrictions on aviation and shipping based in the targeted nation.

The mandatory sanctions on violating foreign governments are: First, suspension of U.S. assistance—except urgent humanitarian assistance; second, U.S. opposition to multilateral development bank assistance; and third, termination of technical exchange agreements.

The mandatory sanctions affecting foreign persons are: First, barring U.S. Government procuring or contracting from the targeted foreign firm for 2 years, and second, prohibiting export licenses to the target firm. The discretionary sanction on foreign firms would prevent the importation into the United States of any product or component produced by that firm.

Mr. President, no one who has watched Iraq's actions over the last 2 years, or even the last few months, needs any explanation of the threat Iraq poses to regional and world peace.

No one who has studied Iraq can have any illusions about the prospects for peaceful change. Just a few weeks ago, Iraq has renewed its claim to Kuwait and called on other Arab States to seize their neighbors and divide up the southern gulf.

It is also clear that the problem goes far beyond Saddam Hussein, or a narrow coterie around him. Iraq is not ruled by a single man. It is ruled by a large Baath Party elite, backed by ruthlessly political military leaders in the Presidential Guards and Republican Guards, and internal security services with hundreds of thousands of men.

I also remind my colleagues that virtually all of Iraq's weapons and technology came from foreign countries. While these countries may currently obey the U.N. sanctions, we cannot ignore the fact that they have a steadily growing incentive to support Iraq's efforts to end these sanctions, or to cheat as time goes on.

Iraq's former arms suppliers all face steadily shrinking domestic markets for arms. Their defense industries are desperate for sales. Iraq's past arms purchases also show that it represents a vast potential market.

During 1984–1991, Iraq obtained $15.8 billion worth of arms from the former Soviet Union. It obtained $2.3 billion worth of arms from the PRC, it obtained $4.5 billion worth of arms from our NATO allies, it obtained $4.6 billion worth of arms from other European countries, and $2.9 billion worth of arms from other states.

Even if one ignores additional imports of dual use items worth billions of dollars—and another $5 billion worth of imports of technology to make nuclear, chemical, and biological weapons—this is an incredible sum. Iraq imported a total of $30.1 billion in a few short years. Further, at least $3 billion worth of these arms were delivered between the Iran-Iraq war and Iraq's invasion of Kuwait.

We already have many elements of legislation in place to prevent U.S. sales of nuclear, chemical, and biological weapons, and these are reinforced by the U.N. resolution. Our existing laws, however, do not cover advanced conventional weapons, nor do they focus solely on the Iraqi threat. We need a specific and potent array of sanctions.

Further, U.N. sanctions do not provide clear penalties to violators and are tied to the outcome of the cease-fire, not a long-term policy to limit the Iraqi threat to the gulf and nearby nations like Israel. S. 2543 clearly states a long-term policy to limit advanced conventional arms sales, and creates powerful new penalties that would deny both United States and foreign sellers to Iraq access to the American market.

There is a clear need for increased efforts to prevent foreign arms sales to Iraq. Recent reporting has made it clear that both United States and foreign firms consistently made secret sales to Iraq during the period before its invasion of Kuwait.

We also need to make it unambiguously clear that United States policy and law will continue to penalize any nation or person who sells destabilizing arms to Iraq until both the Congress and the President are in full agreement that Iraq has changed so strikingly in government and character that it is no longer a threat to peace.

THE THREAT FROM IRAN

The threat from Iran is less obvious. The world's focus on Iraq has led it to ignore the fact that Iran has been quietly expanding its efforts to field a modern, well-equipped military capable of extending its extremist political influence.

Iran demonstrated during the Iran-Iraq war that it could be just as serious a threat to the gulf, the region, and the stable flow of oil as Iraq. In spite of its increased pragmatism, it is far from clear that is it has become more moderate. It is actively involved in Islamic extremist movements in Afghanistan, Lebanon, the Mahgreb, and the Sudan. It supports an army of Iraqi Shiites.

Like Iraq, Iran is an immensely attractive market, and unlike Iraq, nations can and do sell the arms and technology necessary to make Iran the next threat to regional peace. Iran spent $19.8 billion on arms imports during 1984–91—not counting at least $10 billion more on dual use items and the technology for weapons of mass destruction.

About $4.8 billion worth of these arms came from the former Soviet Union, $1.9 billion came from the PRC, $1.4 billion came from our major NATO allies, $5.3 billion came from the rest of Europe, and $3.8 billion came from other countries. Roughly $9.7 billion was imported between the cease-fire in the Iran-Iraq war and the end of 1991.

Last year, Iran has stepped up its purchases to levels nearing $2 billion annually. In addition to buying long range missiles from North Korea, it has already bought submarines, MiG-29 fighters, Su-24 bombers, and SA-5 surface-to-air missiles from Russia. There are reports that it plans to buy at least 2,000 more main battle tanks, and place major new orders for advanced combat aircraft and surface-to-air missiles. There are unconfirmed reports that Iran has an $11 billion plan to upgrade its conventional forces.

Iran is coupling these conventional arms purchases to purchases of long range ballistic missiles. It has joined Syria in buying the Scud "C" from the PRC—a far more capable long range system than any Iraq possessed before the gulf war. It is developing massive production facilities for chemical weapons. It is actively developing biological weapons, and has long been working on nuclear weapons. There are unconfirmed reports that Iran has just bought a 350 megawatt reactor from the PRC. It is clear this oil and gas rich nation does not need such a reactor for electric power.

Limiting the Iraqi threat will not bring stability to the region unless

similar limits are placed on Iran's military buildup. Both Iraq and Iran already have all the arms and military strength they need for self-defense, and limits on arms transfers to these nations can only benefit their peoples by freeing economic resources for development and increasing living standards.

THE NEED TO PASS THE MCCAIN-GORE AMENDMENT

In summary, Mr. President, this amendment complements the key international arms control efforts affecting the transfer of weapons of mass destruction. It breaks new ground in United States policy by limiting the sales of advanced conventional weapons to the two growing threats to world peace, Iran and Iraq.

It expands on the U.N. sanctions against Iraq to establish clear penalties against firms and countries that violate these sanctions. It provides an added powerful deterrent to Iranian and Iraqi aggression, that is not provided by the NPT, the Biological Weapons Convention, the draft Chemical Weapons Convention, or the Missile Technology Control Regime.

It also complements existing U.S. laws in several ways. It specifies mandatory and discretionary sanctions against foreign countries, firms, and persons attempting to transfer advanced conventional weapons to Iran and Iraq.

The bill requires public disclosure of all violators. It will deter foreign firms and governments from selling advanced conventional arms through publicly revealing those sales and imposing sanctions against violators that employ the full power of the American economy, American technology and American aid.

We need to stop temporizing, we need to stop studying, and we need to stop quibbling. This amendment is bipartisan in character, it looks beyond the narrow politics of an election year, and it looks beyond the kind of bureaucratic delay that has hurt American policy in the past.

Mr. WARNER. Mr. President, this amendment seeks to prevent or at least limit the rearmament of Iraq after the Persian Gulf war. Current evidence, both unclassified and classified, indicates a serious ongoing effort by Saddam Hussein to reestablish not only his army, but to reconstruct the Iraqi nuclear and chemical weapons development programs discovered after the cease-fire.

Mr. President, this amendment is cleared on both sides. I urge its adoption.

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

The amendment (No. 3098) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3099

(Purpose: To authorize the Secretary of Defense to furnish assistance for the support of international nonproliferation activities and to authorize the Secretary of Energy to carry out additional research on nonproliferation technologies)

Mr. NUNN. 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 Georgia [Mr. NUNN], for Mr. BINGAMAN for himself, Mr. GLENN, Mr. LIEBERMAN, Mr. MCCAIN, Mr. THURMOND, and Mr. NUNN, proposes an amendment numbered 3099.

Mr. NUNN. 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 487, between lines 12 and 13, insert the following:

SEC. 1064. SUPPORT FOR INTERNATIONAL NONPROLIFERATION ACTIVITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The proliferation of nuclear, chemical and biological weapons and related technology and know how and of missile delivery systems remains a serious threat to international peace and security in the post-Cold War era.

(2) The United States should seek to limit the supply of nuclear, chemical and biological weapons, related technology and know how and of missile delivery systems, and the demand for such weapons and should undertake to reduce the threat from such proliferation.

(3) International nonproliferation activities serve the national security interests of the United States.

(4) The Department of Defense and the Department of Energy have expertise and equipment that has enhanced the effectiveness of international nuclear nonproliferation activities.

(5) The use of funds made available under the regular budget process one year in advance or the use of reprogrammed funds may be insufficient to satisfy the need for funds and other support for international nonproliferation activities.

(6) Greater flexibility may be needed to ensure the timely availability of funding to support international nonproliferation activities.

(b) ASSISTANCE FOR NONPROLIFERATION ACTIVITIES.—(1) Subject to the limitations and requirements provided in this section, during fiscal year 1993 the Secretary of Defense may furnish funds, supplies, and equipment to support international nonproliferation activities, including activities carried out by the International Atomic Energy Agency, that are designed to ensure more aggressive full-scope safeguards and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

(2) Assistance may be provided in the form of funds under paragraph (1) only if the amount in the "Contributions to International Organizations" account of the Department of State is insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.

(3) No assistance may be furnished pursuant to paragraph (1) unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

(A) is in the national security interest of the United States; and

(B) will not adversely affect the military preparedness of the United States.

(4) No amount may be obligated for an expenditure pursuant to paragraph (1) unless the Director of the Office of Management and Budget determines that the expenditure will be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) In paragraph (1), the term "full-scope safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(c) ASSISTANCE FOR INSPECTIONS REGARDING IRAQ.—During fiscal year 1993 the Secretary of Defense may provide funds for the activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(d) AUTHORITY SUBJECT TO APPROPRIATIONS ACTS.—The authority to provide assistance in the form of funds under subsection (b) or (c) may be exercised only to the extent and in the amounts provided in appropriations Acts.

(e) FUNDING LIMITATIONS.—(1) The total amount of the assistance provided in the form of funds under subsection (b) may not exceed $20,000,000.

(2) The total amount of the assistance provided in the form of funds under subjection (c) may not exceed $20,000,000.

(f) SOURCES OF ASSISTANCE.—(1) Funds provided as assistance under subsection (b) or (c) shall be derived from amounts made available to the Department of Defense for fiscal year 1993 or from balances in working capital accounts of the Department of Defense.

(2) Supplies and equipment provided as assistance under subsection (b) may be provided, by loan or donation, from existing stocks of the Department of Defense.

(g) REPORT REQUIRED.—Not less than 30 days before obligating any funds to provide assistance pursuant to subsection (b) or (c), the Secretary of Defense shall transmit to Congress a report on the proposed obligation. The report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(2) the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

(h) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Robust funding of nonproliferation activities and related technology development is essential to controlling the proliferation of nuclear, chemical, and biological weapons and their delivery vehicles, which remains one of the highest national security priorities of the United States;

(2) The President's initiative to increase funding for nonproliferation activities and related technology development in the De-

partment of Energy is praiseworthy and represents a significant step toward an appropriate level of support for nonproliferation activities;

(3) The President should undertake to identify a full range of appropriate, high priority nonproliferation activities and related technology development programs, including particularly space-based detection systems, and should include full funding for these activities and technologies in the budget requests of the Department of Energy and the Department of Defense for Fiscal Year 1994; and

(4) The Congress is committed to cooperating with the President in carrying out an effective policy designed to control the proliferation of weapons of mass destruction.

On page 595, line 17, strike "$141,510,000" and insert in lieu thereof "$184,028,000".

On page 595, strike line 18 and all that follows through line 10 on page 596.

On page 596, line 11, strike "(d)" and insert in lieu thereof "(b)".

On page 596, line 14, strike the dash and all that follows through line 17 and insert in lieu thereof "$150,000,000".

On page 605, line 11, strike "$250,215,000" and insert in lieu thereof "$301,215,000".

On page 609, lien 24, strike "$11,500,000" and insert in lieu thereof "$16,500,000".

On page 612, after line 23, add the following new subsection:

(d) NEW PRODUCTION REACTORS.—None of the funds authorized to be appropriated by section 3102 shall be used to close out the new production reactor program until 30 days after the Secretary of Energy has submitted a plan to the congressional defense committees to continue work beyond the termination phase of the two existing new production reactor design teams to address key technical risks and initiation of detailed design of two electric power producing reactor concepts, including an advanced light water reactor and the modular high temperature gas reactor to undertake the added mission of plutonium disposal. In addition, the plan shall address key technical risks of and fundamental technology for a linear accelerator for plutonium disposal and nuclear waste transmutation.

Mr. NUNN. Mr. President, I want to commend Senator BINGAMAN and Senator GLENN for their efforts in the area of nonproliferation and their leadership on this initiative. The potential spread of the capability to produce or acquire weapons of mass destruction and the means to deliver them constitutes a growing threat to the United States and our allies.

I believe it is in the national security interests of the United States to prevent the proliferation of nuclear, chemical, and biological weapons, and related technology. This will increase support for international nonproliferation activities utilizing the unique and comprehensive expertise of the Department of Defense and of the Department of Energy, which will enhance United States and international capabilities in efforts to stem the spread of nuclear, biological and chemical weapons and technology.

Mr. BINGAMAN. Mr. President, I offer this amendment with Senator GLENN, Senator THURMOND, and Senator LIEBERMAN which increases Department of Defense support for international nonproliferation activities and Department of Energy support for arms control verification and nonproliferation technology.

Mr. President, the proliferation of nuclear, chemical, and biological weapons and missile delivery systems is one of the greatest threats we will face over the decades to come. To face this threat, the United States needs to increase its efforts in a number of areas. We need to make a much greater effort to develop technologies and methods of tracking the transfer of weapons of mass destruction, preventing proliferation whenever possible, and detecting clandestine efforts to develop these weapons when prevention fails. We also need to make a greater effort to promote and support international efforts to stem the proliferation of these weapons. International organizations, in particular the International Atomic Energy Agency, have slowed the spread of these weapons, and it is clearly in the national security interests of the United States to support their efforts. Other, less formal organizations such as the Nuclear Suppliers Group, the Australia Group, and the Missile Technology Control Regime have also been effective in slowing the spread of weapons of mass destruction and deserve additional support.

This amendment would authorize an additional $56 million for Department of Energy R&D into nonproliferation technology, and authorize the Department of Defense to obligate up to $40 million to support international nonproliferation efforts: $20 million at the discretion of the Secretary of Defense, and $20 million to support the United Nations Special Commission on Iraq, which is the spearhead of international efforts to uncover and destroy Saddam Hussein's weapons and missile programs.

BACKGROUND

During markup of this bill in the Armed Services Committee, Senator GLENN and I pressed this matter, asking our colleagues on the committee to support increased funding in this area. I was asked to hold off at that time because of the importance of this issue, in an effort to bring greater attention to the need for additional funding in this area. I was thus pleased to see President Bush announce on Monday, in recognition of the need for a more robust Federal program to develop nonproliferation technologies, a new administration initiative in this area. President Bush, with his request that $166 million from the new production reactor be transferred to the development of nonproliferation technologies, has certainly focused greater attention on this matter, and we are now in a position to move forward in a bipartisan manner with additional funding.

The President's announcement follows an earlier House initiative, sponsored by Congressman FASCELL and Congressman ASPIN, to increase funding for nonproliferation activities in the Department of Defense and Department of Energy by $100 million. The House of Representatives added this provision to the House version of the Defense Authorization Act during consideration of their bill early this summer.

Our amendment seeks to increase Department of Defense funding for nonproliferation activities by $40 million and Department of Energy funding by $56 million. The Armed Services Committee approved, during markup of this bill and at the request of Senator GLENN and myself, a $10 million increase over the administration's request for DOE nonproliferation technology R&D. I would also note that the Armed Services Committee added $18 million in funding for other nonproliferation technology projects during markup of this bill: $6.5 million for seismic monitoring R&D in the Air Force and $11.6 million for laser imaging detection and ranging R&D in DARPA.

The total increase to the budget request, if our amendment is accepted, would then come to $124 million. The House has also approved an additional $20 million for nonproliferation technology in DARPA, and during conference with the House I hope we will be able to accommodate the House position on that item. This is a significant step toward the funding levels supported by the President, and the beginning of what I hope will be a substantial initiative in future years. I look forward to working with the chairman on this matter in conference and in the years to come.

Mr. President, I would like to commend Congressman FASCELL and Congressman ASPIN for their work in this area. Their amendment to the House defense bill to increase Department of Defense and Department of Energy support for nonproliferation activities has brought much-needed attention to this issue. I would also like to commend Senator GLENN for his tireless efforts in the area of nonproliferation. Senator GLENN has been a leader in Congress in addressing the issue of nuclear proliferation, and during our committee markup succeeded in increasing the Energy Department funding in this area. I would like to commend him for that and thank him for his assistance and support on this amendment.

INTERNATIONAL NONPROLIFERATION ACTIVITIES

Mr. President, in addition to funding for nonproliferation technology, this amendment contains an authorization for Defense Department support for international nonproliferation efforts. I would like to take a moment to explain these provisions.

My interest in this matter stems from a hearing we held in the Joint Economic Committee last March on arms trade and proliferation. A number

of private witnesses testified at this hearing on both the importance of international organizations in combating proliferation and the problems these organizations face due to budget constraints. Two organizations in particular, the International Atomic Energy Agency and the U.N. Special Commission on Iraq, were singled out as critical components of international nonproliferation activities.

Assistant Secretary of State Richard Clarke testified at this hearing that:

> We know that if the IAEA is going to do all of the new inspections required of it, since we've had this success of getting the Koreas and South Africa and other nations to join up—Argentina, Algeria, Syria, [will] all now have IAEA inspections—to do that right, we need to spend more money.

And:

> We very much understand the need for funds both for IAEA and the Special Commission, and the Administration supports funding for both organizations.

In August we passed the Commerce, State, Justice Appropriations Bill, which included full funding of the U.S. contribution to the IAEA, and Senator HOLLINGS is to be commended for his commitment to this important organization. I hope the final bill will be equally as forthcoming.

I believe, however, that the national security implications of proliferation demand even greater efforts. The world is rapidly changing, and the IAEA, MTCR, and other international organizations and efforts to combat the proliferation of weapons of mass destruction and missile delivery systems need additional support if we are to deal seriously with proliferation. This amendment authorizes DOD to provide up to $20 million of personnel or equipment to international nonproliferation efforts, or monetary support if State Department funding is insufficient or unavailable to meet the United States fair share of assessments for these activities.

The amendment also authorizes $20 million in DOD support for the U.N. Special Commission on Iraq. The activities of the Special Commission are critical to the world's efforts to put a stop to Saddam Hussein's nuclear, chemical, and biological weapons and ballistic missile programs, and the Defense Department needs to continue the strong support it has provided to the commission.

Mr. President, in summary, the national security implications of the continuation of the current situation in Iraq, as well as nuclear developments in countries such as North Korea and Syria, are clear. The need for additional support to international nonproliferation organizations is compelling.

This amendment provides the Department with the flexibility to support the IAEA, the special commission, and other international nonproliferation activities which the Secretary determines are in the national security interests of the United States. It also provides a much-needed increase in Department of Energy funding for arms control verification and nonproliferation technologies consistent with the President's September 14 initiative. The proliferation of weapons of mass destruction and missile delivery systems will be the greatest national security threat we face in the coming decades, and these are modest but important steps in dealing with this problem.

I urge my colleagues to support this amendment.

Mr. LIEBERMAN. Mr. President, I would like to thank the distinguished Senators from Georgia and Virginia for accepting the support for international nuclear nonproliferation amendment, sponsored by myself and Senators GLENN and BINGAMAN. With the end of the cold war, we must turn our attention away form the former Soviet Union and toward the challenge of proliferation. Despite the many positive trends in the world, notably the spread of democracy and free markets, weapons of mass destruction are looming on the horizon in many countries, unfriendly to the United States. This amendment is intended to deal with that threat.

The amendment authorizes the Secretary of Defense to provide up to $20 million for the U.S. On-Site Inspection Agency in support of the United Nations Special Commission on Iraq. All this will secure the fruits of victory on Operation Desert Storm.

The amendment also authorizes the Secretary of Defense to provide support for international nonproliferation activities, including activities carried out by the IAEA. The IAEA now must face a wide range of challenges, which were unanticipated several years ago: Iraq, Korea, Iran and the new republics of the former Soviet Union.

Finally, this amendment authorizes an increase of $56 million to the Department of Energy budget for proliferation technologies. This money will be used to fund programs to develop ultrasensitive radiation sensors to detect nuclear production and storage from space, ultrasensitive high-frequency seismic arrays on the ground to detect nuclear tests, and advanced laboratory techniques to analyze minute quantities of nuclear materials.

Mr. President, with the end of the cold war, we must bring to bear on the proliferation problem the same determination and intellectual energy that we brought to the nuclear confrontation between the United States and the Soviet Union. That confrontation consumed approximately 15 percent of our defense budget for four decades. Proliferation will not consume as high a percentage of the defense budget as the nuclear confrontation, but it will require careful monitoring and adequate expenditures. This amendment is designed to ensure that nonproliferation programs receive the support that they deserve.

Mr. GLENN. Mr. President, I am pleased to join with my colleagues Senators LIEBERMAN and BINGAMAN in offering the amendment which has been accepted by both sides relating to nuclear nonproliferation funding for international assistance and technology R&D. This proposal would authorize the expenditure of $40 million by the Secretary of Defense to support international nuclear nonproliferation activities—$20 million of which could go to the On-Site Inspection Agency for the U.N. Special Commission of Iraq and $20 million to the IAEA or related organizations. The amendment also allows for in-kind contributions of supplies and equipment for these purposes.

Two conditions attach to the provision of these funds:

First, that funds from the State Department for its contributions to the IAEA are insufficient to cover the U.S. fair share and

Second, that the Secretary of Defense determines and certifies to Congress that the assistance is in the national security interest and will not adversely affect the military preparedness of the United States.

The Secretary of Defense must also provide a specific report to Congress at least 30 days in advance of the expenditure of any of these funds. The report must detail how these funds will be spent.

The amendment also provides for an additional $56 million for use in nonproliferation technology research and development. These funds will be applied to the development of technologies which will aid in nuclear proliferation detection and other activities.

I want to take just a moment to explain why I believe providing these additional funds is so important at this time. Two years ago, the world was witness to the horror of a devastating prospect—the near-possession and possibility of use of a nuclear device by Saddam Hussein, a power-hungry tyrant who seemed bent on doing anything, including using weapons of mass destruction, to accomplish his aims. That we were spared such a catastrophe does not diminish the painful reality that we contributed to its making and were caught greatly off guard by the progress of Iraq's nuclear weapon program. Even before then, though, and assuredly still today, clandestine efforts to acquire these weapons and/or the technology to build them can be exceedingly difficult to chart.

For decades, the United States has relied on the most sophisticated and innovative technologies and inspection techniques to stay one step ahead of those who would skirt the inter-

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national nonproliferation regime to acquire nuclear capabilities. Together with human intelligence, these methods form a vital center around which most of our nonproliferation efforts circle. Special radars, effluent analyses devices, spectroscopy, and satellite imaging have all greatly contributed to this enterprise. But the world is becoming a much more complicated place. Many more nations are suspected of developing or trying to obtain nuclear capability. Our detection capabilities must sharpen. With respect to access, the Iraqi case is anomalous—we fought a war and only thereby forced our way into an onsite inspection capability. In many other places around the world we will never have direct access to suspected nuclear sites and may not even know of their existence until it is too late.

With respect both to onsite inspection capabilities of our own and that of international organizations like the IAEA, and long-range detection capabilities where we do not have access or cannot clandestinely achieve it, we must have the best, most capable, state-of-the-art systems. By providing additional funds, this amendment sends a signal to would-be proliferators and proliferant nations around the world—we will not neglect our obligation to prevent the spread of weapons of mass destruction, and that obligation begins with making sure we know what is going on. That seems to me to be a minimal yet critical nonproliferation objective.

I would like to thank my distinguished colleagues from New Mexico and Connecticut for their help in assembling and passing this very important initiative and I look forward to its enactment by the President.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 3099) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3100

(Purpose: To make technical amendments)

Mr. NUNN. 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 Georgia [Mr. NUNN], for himself and Mr. WARNER, proposes an amendment numbered 3100.

Mr. NUNN. 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 46, line 20, after "(CAMDS) facility" insert the following: ",Tooele, Utah,".

On page 49, line 12, strike out ",including" and all that follows through "facilities" on line 14.

On page 68, line 24, strike out "Acts," and insert in lieu thereof "Acts and appropriations Acts,".

On page 69, like 4, insert "and appropriations Acts" after "Acts".

On page 82, line 3, strike out "operations," and insert in lieu thereof "operations pursuant to a base closure law,".

On page 82, line 18, strike out "or" and insert in lieu thereof "and".

On page 86, strike out lines 13 through 15, and insert in lieu thereof the following:

"(G) In this paragraphs:

"(i) The term 'military installation' has the meaning given that term in section 2687(e)(1) of title 10, United States Code.

"(i) The term 'base closure law' means the following:

"(I) The Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(II) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(III) any provision of law authorizing the closure or realignment of a military installation that is enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal year 1993.".

On page 88, line 4, insert "(A)" after "LEASES.—".

On page 88, line 11, strike out "operations," and insert in lieu thereof "operations pursuant to a base closure law,".

On page 88, line 23, strike out the end quotation marks and the period following the end quotation marks.

On page 88, below line 23, add the following.

"(B) In subparagraph (A), the term 'base closure law' means the following:

"(i) the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(ii) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(iii) Any provision of law authorizing the closure or realignment of a military installation that is enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal year 1993.".

On page 117, line 12, insert "(other than under subsection (d))" after "8336".

On page 240, line 21, strike out "appropriated" and all that follows through "appropriations" on line 22, and insert in "authorized to be appropriated".

On page 252, strike out line 4 and all that follows through page 254, line 19.

On page 268, strike out the item above line 1, and insert in lieu thereof the following:

"2265. National Defense Program for Analysis of the Technology and Industrial Base.".

On page 287, strike out line 20 and all that follows through page 289, line 24, and insert in lieu thereof the following:

"§2265. National Defense Program for Analysis of the Technology and Industrial Base

"(a) ESTABLISHMENT.—(1) The National Defense Technology and Industrial Base Council shall establish at an entity described in paragraph (3) a program to be known as the 'National Defense Program for Analysis of the Technology and Industrial Base'.

"(2) The Program shall be an element of the defense acquisition university structure established under section 1746 of this title.

"(3) As determined by the Chairman of the Council, the Program shall be administered by—

"(A) an existing federally funded research and development center;

"(B) a consortium of existing federally funded research and development centers and other non-profit entities; or

"(C) another appropriate private sector research entity.

"(4) The Chairman shall ensure that there is appropriate consultation and coordination between the Program and the Critical Technologies Institute.

"(b) OVERSIGHT COMMITTEE.—The Program shall have an oversight committee composed of 3 members as follows:

"(1) The Under Secretary of Defense for Acquisition, or his designee, who shall serve as Chairman of the operating committee.

"(2) An official designated by the Secretary of Energy.

"(3) an official designated by the Secretary of Commerce.

"(c) MISSIONS.—The missions for the Program shall include, with respect to the national defense technology and industrial base, the following:

"(1) The assembly of timely and authoritative information.

"(2) Initiation of studies and analyses.

"(3) Provision of technical support and assistance to—

"(A) the Council in the preparation of the annual assessment required by section 2263 of this title and the annual plan required by section 2264 of this title;

"(B) the defense acquisition university structure and its elements; and

"(C) other departments and agencies of the Federal Government in accordance with guidance established by the Council.

"(4) Dissemination, through the National Technical Information Service of the Department of Commerce, of unclassified information and assessments for further dissemination within the Federal Government and to the private sector.".

On page 316, line 14, insert "(A)" after "(2)".

On page 320, between lines 9 and 10, insert the following:

(B) Until the first annual national defense technology and industrial base assessment is submitted to Congress by the Secretary of Defense pursuant to section 2264(1) of title 10, United States Code (as added by section 801(a)), the reference to the most recent such assessment in section 2300(8) of such title (as added by subparagraph (A)) shall be deemed to refer to the most recent annual critical defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2522 of such title as in effect on the date of the enactment of this Act.

On page 341, between lines 13 and 14, insert the following:

(g) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsections (d), (e), and (f) shall take effect as of November 5, 1990, and shall apply as if executed immediately after section 831 of the National Defense Authorization Act for Fiscal Year 1991 took effect.

On page 451, line 4, insert "authorized to be" after "funds".

On page 491, line 17, strike out "Section 221(a) and insert in lieu thereof "Section 221(a)(1)".

Mr. NUNN. Mr. President, this amendment is a Nunn-Warner technical amendment. Since the bill was reported to the Senate on July 31, we have identified the need for a number of technical amendments which are contained in the amendment we have proposed.

This amendment has been cleared on both sides of the aisle. I urge its adoption.

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

The amendment (No. 3100) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3101

(Purpose: To authorize the Secretary of Defense to furnish assistance for international peacekeeping activities)

Mr. NUNN. 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 Georgia [Mr. NUNN], for Mr. LEVIN, for himself, Mr. SIMON, Mr. WARNER, and Mr. NUNN, proposes an amendment numbered 3101.

Mr. NUNN. 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 487, between lines 12 and 13, insert the following:

SEC. 1064. SUPPORT FOR PEACEKEEPING ACTIVITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) International peacekeeping activities contribute to the national interests of the United States in maintaining global stability and order.

International peacekeeping activities take many forms and include observer missions, ceasefire monitoring, human rights monitoring, refugee and humanitarian assistance, monitoring and conducting elections, monitoring of police in the demobilization of former combatants, and reforming judicial and other civil and administrative systems of government.

(3) International peacekeeping activities traditionally involve the presence of military troops, police forces, and, in recent years, civilian experts in transportation, logistics, medicine, electoral systems, human rights, land tenure, other economic and social issues, and other areas of expertise.

(4) International peacekeeping interests serve both the foreign policy interests and defense policy interests of the United States.

(5) The normal budget process of authorizing and appropriating funds a year in advance and reprogramming such funds is insufficient to satisfy the need for funds for peacekeeping efforts arising from an unanticipated crisis.

(6) Greater flexibility is needed to ensure the timely availability of funding to provide for peacekeeping activities.

(b) AUTHORIZED SUPPORT FOR FISCAL YEAR 1993.—(1) Subject to paragraph (2), the Secretary may provide assistance for international peacekeeping activities during fiscal year 1993 in an amount not to exceed $300,000,000 in accordance with section 403 of title 10, United States Code, as added by subsection (c). Notwithstanding subsection (b) of that section, the assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1993 for operation and maintenance or from balances in working capital accounts.

(2) No amount may be obligated pursuant to paragraph (1) unless the expenditure of such amount has been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) AUTHORIZATION.—(1) Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 403. International peacekeeping activities

"(a) AUTHORITY.—To the extent provided in defense authorization Acts and appropriations Acts, the Secretary of Defense may furnish assistance, by loan or contribution, in support of international peacekeeping activities of the United Nations or any regional organization of which the United States is a member.

"(b) FORMS OR ASSISTANCE.—Assistance provided under subsection (a) may include funds, supplies, and equipment. Any funds so provided shall be derived from amounts available to the Department of Defense for the fiscal year for which the assistance is provided.

"(c) LIMITATIONS RELATED TO AVAILABILITY OF STATE DEPARTMENT FUNDS.—Funds may be provided as assistance pursuant to subsection (a) for a fiscal year—

"(1) only if funds available to the Department of State for that fiscal year for contributions for international peacekeeping activities are insufficient or otherwise unavailable to meet the United States' fair share of assessments for international peacekeeping activities, as determined by the President; and

"(2) only to the extent that the United States' fair share of such assessments exceeds the amount that the President requests Congress to appropriate for the Department of State for such fiscal year for international peacekeeping activities.

"(d) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State before furnishing any assistance pursuant to subsection (a).

"(e) DETERMINATIONS REQUIRED.—No assistance may be furnished pursuant to subsection (a) unless the Secretary of Defense certifies to Congress that the provision of such assistance—

"(1) is in the national security interest of the United States; and

"(2) will not adversely affect the military preparedness of the United States.

"(f) ADVANCE NOTICE TO CONGRESS.—Not less than 30 days before obligating any funds for purposes of subsection (a), the Secretary of Defense shall transmit to Congress a report on the proposed obligation. The report shall—

"(1) specify the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation;

"(2) specify the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds; and

"(3) include the certification required by subsection (e).

"(g) DEFINITION.—In this section, the term 'defense authorization Act' means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including the activities described in paragraph (7) of section 114(a) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"403. International peacekeeping activities.".

Mr. NUNN. Mr. President, this amendment essentially provides discretionary authority to the Secretary of Defense to provide assistance, including funding assistance, to international peacekeeping activities when such assistance is not otherwise available to pay the U.S. fair share. For fiscal year 1993, the amendment provides a ceiling of $300 million and conditions such funding assistance on a determination by the Director of the OMB that the expenditure can be accounted against the defense category.

This amendment is most timely as international peacekeeping and U.S. sponsorship is becoming more and more frequent. The increase in frequency, however, is accompanied by an increase in the cost. Most important, from my perspective, international peacekeeping often allows the opposing sides in a conflict a way to stop fighting, and thus stops human suffering and prevents such conflict from spreading to other states in a region. It, thus, is an important tool for restoring regional stability to areas important to the U.S. interest and can in many instances bring about stability without—this is most important—putting our own American forces at risk.

Mr. LEVIN. Mr. President the events of the last year underscore the security challenges of the post-cold war world, and the importance of our international institutions in meeting those challenges. In Yugoslavia and Somalia we are relying on the United Nations in the struggle for peace, the struggle to save lives. NATO is shifting its mission to put greater emphasis on peacekeeping, and other international collective security institution like the CSCE are growing in importance.

As the cold war has ended, the demand for peacekeeping has grown rapidly. From 1945 to 1988, the United Nations had set up 13 peacekeeping operations. Since 1988, the United Nations has set up 13 more. United Nations soldiers and police deployed in the field quadrupled to 44,000 between January and May of this year, and since then the United Nations has authorized deployment of thousands more in Yugoslavia and Somalia.

The total costs have risen as well. In 1987 U.N. member states were asked to pay $233 million for peacekeeping. The

U.N. Secretary General said in May that the total bill for the following 12 months would be $2.7 billion, and the cost estimate has certainly risen since that time.

The activities within these peacekeeping operations now include organizing elections, monitoring police, promoting human rights, and repatriating refugees, in addition to traditional military functions.

But resource shortages represent a major threat to current and future peacekeeping operations. The United States is farther in arrears for its U.N peacekeeping dues than any other nation. The Bush administration does not plan to retire the $208.7 million debt the United States has accumulated from previous assessments for another 5 years. And Congress has to this date appropriated only $270 millior of the administration's request for $350 million in fiscal year 1992 supplemental appropriations for peacekeeping dues that are being assessed in the current year. So we are falling farther behind.

In June, the Committee on Governmental Affairs held a hearing on this issue, and examined a bill by Senator SIMON to reclassify the cost of international peacekeeping activities from international affairs to national defense. At that hearing, witnesses from the Department of Defense and the Department of State testified that peacekeeping activities do contribute directly to our national security. There is apparently no dispute about that fact.

But peacekeeping activities are not treated as a national security expense in the Federal budget. And there is no agreement within the administration about how to rectify this situation. We asked the State and Defense Departments at that hearing to tell Congress how—we gave them another 2 more months although the question has been on the table all year. We still have no response from the administration.

In an attempt to encourage the administration to develop a solution, the Senate Armed Services Committee has included in the authorization bill a requirement, section 1062, that the President submit a report to Congress with his budget next year. This report must address funding proposals that the U.N. Secretary General has put forward, as well as this outstanding issue of where within our Federal budget U.S. contributions to peacekeeping activities will be located, how departmental responsibilities are to be assigned within the U.S. Government, and a number of related issues.

But we need to take additional action to try to assure that crucial peacekeeping missions, those which have been deployed around the globe and others which may become necessary in the coming year, are not starved for support.

This amendment takes a step in that direction by giving authority for the Secretary of Defense to provide assistance for international peacekeeping activities during fiscal year 1993 of up to $300 million. This assistance can be in the form of funds or supplies and equipment, to be derived from Department of Defense operation and maintenance accounts or from balances in working capital accounts

This amendment would not change the State Department's primary jurisdiction over U.N. peacekeeping activities, although that is a matter which the President must reexamine and report on to Congress under the existing reporting requirement in section 1062 of the authorization bill.

But this amendment provides an additional source of funds to the International Affairs account for peacekeeping activities, should the U.S. share of peacekeeping costs exceed the President's fiscal year 1993 request. And I am grateful that Senator SIMON has joined me as a cosponsor of this amendment. He has been a major proponent of what we seek to accomplish here.

We can expect that there will be additional funding needed next year that we do not know about now, beyond the $450 million requested in the President's budget for fiscal year 1993. This amendment demonstrates the Senate's intent that the United States should meet our share of the funding requirements for additional peacekeeping expenses that will be incurred in the coming year, because so doing is demonstrably in our national security interest. And this amendment indicates precisely where we would want those additional funds to come from within funds provided for the national defense.

Mr. President, there are many additional challenges facing us in the areas of peacekeeping and peace enforcement. The U.N. Secretary General made recommendations to the Security Council in July on how to strengthen the U.N. capacity for preventative diplomacy, for peacemaking, and for peacekeeping. These are crucial issues and the United States, which has not yet responded to those recommendations, should be leading the Security Council to address them. The Congress must engage in that debate as well.

But in this area—meeting this Nation's share of the funding requirements that the United Nations and other international institutions incur for peacekeeping—there should be no dispute. The administration is on record clearly stating that peacekeeping is in our national security interest, and this amendment provides an additional source of funding to meet those obligations.

I ask unanimous consent that a statement from Senator SIMON in support of the amendment be included in the RECORD, and I urge the adoption of the amendment.

Mr. SIMON. Mr. President, I am pleased to join Senators LEVIN and NUNN in offering this peacekeeping funding amendment. Few people in the world today can dispute the increasingly important role that international peacekeeping has acquired in the last year alone. Fewer still would question the U.S. obligation as the sole remaining superpower to do its share to help safeguard international peace. I am very pleased that my friend and colleague from Michigan, Senator LEVIN, is offering this amendment providing up to $300 million a year in defense funds to make up for the inevitable shortcomings in U.N. peacekeeping missions in the coming years.

I do not advocate that the United States become the world's policeman; far from it. Peacekeeping is already an inseparable and essential element of our national security policy. Our contribution to international peacekeeping efforts is a direct investment in the future of new democratic countries, individual liberties, and free markets.

While I am pleased to join with Senator LEVIN on this amendment, I ask my distinguished colleagues to strengthen our future commitment to peacekeeping by also supporting S. 2560. This legislation, which I introduced 6 months ago and which now has 18 cosponsors, will go a long way toward guaranteeing that international peacekeeping efforts remain a viable alternative to open international warfare. It reclassifies the payment of our peacekeeping contributions to the United Nations as a defense cost, instead of the current system where we pay for it out of function 150, international affairs. Adoption of S. 2560 will demonstrate to the world community that the United States takes seriously its peacekeeping obligations wherever they are required.

Mr. President, the bipartisan support shown for this amendment is encouraging. I am confident that we are taking the first step toward fully funding U.N. peacekeeping and strengthening the world body.

ADDITIONAL COSPONSOR

Mr. WARNER. Mr. President, I would like to make a brief statement. This is an area in which I have taken a good deal of interest.

I commend the chairman and others who worked on this amendment. Originally, I was in a position to object to it, because I felt it was too wide-ranging in terms of the funding requirements that would be imposed on the Secretary of Defense. But now the principals associated with this amendment have redrafted it in such a way that I find it quite constructive. Therefore, I ask unanimous consent that I be listed as a cosponsor.

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

Mr. NUNN. Mr. President, I thank the Senator from Virginia for his work-

ing with us on this amendment. I think it is very important.

I urge adoption of the amendment.

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

The amendment (No. 3101) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3102

(Purpose: To provide for timely economic adjustment planning assistance for communities adversely affected by reductions in spending by the Department of Defense)

Mr. NUNN. 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 Georgia [Mr. NUNN], for Mr. ROBB (for himself and Mr. WARNER), proposes an amendment numbered 3102.

Mr. NUNN. 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 102, after line 24, insert the following:

SEC. 334. ECONOMIC ADJUSTMENT PLANNING ASSISTANCE.

Notwithstanding any other provision of law, of the amount authorized to be appropriated to the Department of Defense for fiscal year 1993 for the Office of Economic Adjustment, 10 percent of such amount shall be available for providing financial assistance for economic adjustment planning in geographic areas in which a substantial portion of the economic activity or the population is dependent on Department of Defense expenditures, as determined by the Secretary of Defense.

Mr. ROBB. Mr. President, a substantial portion of this bill looks to the future, addressing the needs of America's defense dependent communities.

As the defense budget is reduced to reflect the changed international situation, there will inevitably be dislocations in those communities dependent on defense. The principal engine within the Department of Defense for assisting communities through those rough patches is the Office of Economic Adjustment.

Unfortunately, the OEA is currently restricted from aiding any community until it's actually been impacted by a base closure or cutbacks at a contractor. That creates a catch-22, because long experience has shown that communities bounce back much faster and more successfully when they have planned for a closure in advance. In a way, it's a classic paradox: Things will be worse if you don't plan, but the government won't help you plan until it's too late, after the jobs are lost and the people scattered.

My amendment helps to end that paradox. It gives OEA the right to help any defense-dependent community prepare for the worst while working for the best. And it sets aside ten percent of OEA's existing grant funds solely for advance planning.

This seems to me a worthwhile investment. By spending this small amount now, we may be able to avoid major expenditures for unemployment and other community assistance later. Here's a case in which the Federal Government, with a little foresight and imagination, can both help our people and save money. That's an unbeatable two-fer.

Mr. President, this is a simple amendment with a grand purpose. Every state in America will, unfortunately, feel some impact from the end of the cold war. With this amendment, we can begin to work to make that impact as manageable as possible. I urge its adoption.

Mr. NUNN. Mr. President, this amendment by Senator ROBB is an amendment which would direct that 10 percent of the planning assistance available to the Office of Economic Adjustment be available for planning assistance grants which are proactive rather than reactive.

Mr. President, I urge adoption of the amendment.

ADDITIONAL COSPONSOR

Mr. WARNER. Mr. President, I would like to say on behalf of the distinguished Senator from Virginia [Mr. ROBB] that he has done a lot of work in this area, and has been quite a progressive thinker on how to deal with defense conversion. Therefore, I would like to associate myself with this amendment by asking to be a cosponsor.

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

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

The amendment (No. 3102) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3103

(Purpose: To transfer responsibility for the development of Landsat 7 land remote-sensing satellite to the Secretary of Defense)

Mr. WARNER. 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 Virginia [Mr. WARNER], for Mr. DOLE, proposes an amendment numbered 3103.

Mr. WARNER. 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 title VIII, insert the following new section:

SEC. . LANDSAT REMOTE-SENSING SATELLITE.

Notwithstanding the provisions of the Land-Remote Sensing Commercialization Act of 1984 (P.L. 98-365), the Department of Defense is authorized to contract for the development, procurement, and support to operations of Landsat 7 and subsequent Landsat vehicles.

Mr. DOLE. Mr. President, the Landsat Program has pioneered the commercialization of space. Providing Earth observing data for a growing list of users worldwide, the Landsat Earth Observing Program has revolutionized mapping, geography, geology, environmental monitoring, and many other sciences and worthy endeavors. In my view, these sciences and related commercial applications will become increasingly dependent on the follow on generations of this vital Satellite Technology and Earth Observing Program. Therefore, I offer this amendment to ensure the continued development, launch, and operation of state-of-the-art Earth observing satellites. The Department of Defense, under the direction of the Air Force will, through this amendment become the developing agency of the Landsat 7 satellite. This proposal has been agreed to by all agencies associated with this program.

I am aware of similar provisions pending in the Pressler Landsat reorganization bill for which language is still being worked out. This amendment is offered to provide the necessary transfer authority to the Air Force in the event that the negotiations over the Pressler bill do not lead to a bill this Congress.

Mr. President, I urge the adoption of this amendment.

Mr. WARNER. Mr. President, the President of the United States has assigned to the Department of Defense the responsibility to develop the Landsat remote-sensing satellite.

This amendment grants DOD the necessary legal authority to contract for the development, procurement, and operational land support to Landsat 7.

Mr. President, I ask that the amendment be adopted.

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

The amendment (No. 3103) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. president, I would like to say a few words, while my distinguished chairman must depart.

First, I would like to express my profound appreciation to all Senate members of the Armed Services Committee. We have labored long and hard on this piece of legislation. There were times when we felt it could not make it to the point of final passage, which shortly will happen in this body, unanimously.

Mr. President, it was the leadership of our distinguished chairman, together with the full support of the majority leader of the Senate and distinguished Republican leader, working with all members of the Armed Services Committee that made it possible that we achieve the final passage of this piece of legislation.

I also wish to thank Mr. Tucker of my staff, and Mr. Brownlee, who was here, Mr. Punaro of the majority staff, and many other members of both staffs, all of whom are still present here after midnight in this Chamber.

They have worked long and hard with the respective Members, the chairman, and myself, to enable this bill to be put together and shortly to be passed. I want to express my profound appreciation to them.

Mr. President, I also wish to thank the presiding officer for his patience and careful attention to a rather unusual session and also the members of the Senate staff who are working here again late into the night to make it possible that this bill may be adopted.

AMENDMENT NO. 3104

(Purpose: To impose sanctions against foreign persons and United States persons that assist foreign countries in acquiring a nuclear explosive device or unsafeguarded special nuclear material, and for other purposes)

Mr. NUNN. Mr. President, I send an amendment by Senator GLENN to the desk and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. GLENN (for himself and Mr. NUNN) proposes an amendment numbered 3104.

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

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

The amendment is as follows:

On page 487, between lines 12 and 13, insert the following:

Subtitle F—Nuclear Proliferation Control

SEC. 1071. IMPOSITION OF SANCTIONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—Except as provided in subsection (b)(2), the President shall impose the applicable sanctions described in subsection (c) if the President determines that a foreign person or a United States person, on or after the date of the enactment of this section, has materially and with requisite knowledge contributed—

(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States, or

(B) through the export from any other country of any goods or technology that would be, if they were exported from the United States, subject to the jurisdiction of the United States,

to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device, whether or not the goods or technology is specifically designed or modified for that purpose.

(2) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

(3) OTHER SANCTIONS AVAILABLE.—The sanctions which may be imposed for activities described in this subsection are in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) DEFINITION.—For purposes of this subsection, the term "requisite knowledge" includes situations in which a person "knows", as "knowing" is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) or has "reason to know" the effect of such person's actions.

(b) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.

(3) REPORT TO CONGRESS.—Not later than 90 days after making a determination under subsection (a)(1), the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (3) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(2) DESCRIPTION OF SANCTIONS ON UNITED STATES PERSONS.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the United States person or any parent, subsidiary, affiliate, or successor entity thereof, as described in subsection (a)(2).

(3) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

(C) to—

(i) spare parts which are essential to United States products or production,

(ii) component parts, but not finished products, essential to United States products or production, or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that—

(1) reliable information indicates that the foreign person or United States person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in that subsection; and

(2) the President has received reliable assurances from the foreign person or United States person, as the case may be, that such person will not, in the future, aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in subsection (a)(1).

(e) WAIVER.—

(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that the continued imposition of the sanction would have a serious adverse effect on vital United States interests.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term "foreign person" means—

(A) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States; and

(2) the term "United States person" means—

(A) an individual who is a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is not a foreign person.

SEC. 1072. ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director to each of the international financial institutions described in section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) to use the voice and vote of the United States to oppose any direct or indirect use of the institution's funds to promote the acquisition of unsafeguarded special nuclear material or the development, stockpiling, or use of any nuclear explosive device by any non-nuclear-weapon state.

(b) DUTIES OF UNITED STATES EXECUTIVE DIRECTORS.—Section 701(b)(3) of the International Financial Institutions Act (22 U.S.C. 262d(b)(3)) is amended to read as follows:

"(3) whether the recipient country—

"(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1992) or a nuclear explosive device (as defined in section 11(3) of that Act);

"(B) is not a State Party to the Treaty on Non-Proliferation of Nuclear Weapons; or

"(C) has detonated a nuclear explosive device; and".

SEC. 1073. AMENDMENTS TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT AND THE FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) BASIS FOR DECLARATION OF NATIONAL EMERGENCY.—Section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) is amended by adding at the end thereof the following new subsection:

"(c) For the purpose of this section, the term 'any unusual and extraordinary threat' includes any international event that the President determines may involve the detonation by a non-nuclear-weapon state of a nuclear explosive device (as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992) or an action or activity that substantially contributes to the likelihood of the proliferation or detonation of such devices, including the acquisition by a non-nuclear-weapon state of unsafeguarded special nuclear material (as defined in section 11(6) of that Act).".

(b) SANCTIONS ON FINANCIAL INSTITUTIONS.—The Federal Deposit Insurance Corporation Improvement Act of 1991 is amended by adding at the end thereof the following new title:

"TITLE VI—SANCTIONS ON FINANCIAL INSTITUTIONS

"SEC. 601. PRESIDENTIAL DETERMINATION.

"(a) IN GENERAL.—The prohibitions in section 603 shall be imposed on a financial institution if the President determines that such financial institution, on or after the date of the enactment of this section, has materially and with requisite knowledge contributed, through provision of financing or other services, to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device as these standards and terms are defined and would be applied under section 2 of the Omnibus Nuclear Proliferation Control Act of 1992.

"(b) PRESIDENTIAL ORDER.—Whenever the President makes a determination under subsection (a) with respect to a financial institution, the President shall issue an order specifying a date within 180 days of such determination on which the prohibitions in section 603 shall begin to apply to such institution.

"SEC. 602. ADDITIONAL ENTITIES AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.

"The prohibitions described in section 603 shall also be imposed, pursuant to section 601, on—

"(1) any successor entity to the financial institution with respect to which the President makes such determination;

"(2) any foreign person or United States person that is a parent or subsidiary of such financial institution if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of such determination; and

"(3) any foreign person or United States person that is an affiliate of such financial institution if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of such determination and if that affiliate is controlled in fact by such financial institution.

"SEC. 603. PROHIBITIONS.

"The following prohibitions shall apply to a financial institution subject to a determination described in section 601 and to related entities described in section 602:

"(1) BAN ON DEALINGS IN GOVERNMENT FINANCE.—

"(A) DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

"(B) GOVERNMENT FUNDS.—Such financial institution shall not serve as agent of the United States Government or serve as repository for United States Government funds.

"(2) RESTRICTIONS ON OPERATIONS.—Such financial institution shall not, directly or indirectly—

"(A) commence any line of business in the United States in which it was not engaged as of the date of the determination; or

"(B) conduct business from any location in the United States at which it did not conduct business as of the date of the determination.

"SEC. 604. CONDITIONS AND TERMINATION OF SANCTIONS.

"The same requirements for consultation with the foreign government of jurisdiction, where appropriate, and for termination of sanctions shall apply under this title as are provided in subsections (b) and (d), respectively, of section 2 of the Omnibus Nuclear Proliferation Control Act of 1992.

"SEC. 605. WAIVER.

"The President may waive the imposition of any prohibition imposed on any financial institution or other person pursuant to section 601 or 602 if the President determines and certifies to the Congress that the imposition of such prohibition would have a serious adverse effect on the safety and soundness of the domestic or international financial system or on domestic or international payments systems.

"SEC. 606. DEFINITIONS.

"As used in this title—

"(1) the term 'financial institution' includes—

"(A) a depository institution, including a branch or agency of a foreign bank;

"(B) a securities firm, including a broker or dealer;

"(C) an insurance company, including an agency or underwriter;

"(D) any other company that provides financial services; or

"(E) any subsidiary thereof; and

"(2) the term 'requisite knowledge' includes situations in which a person 'knows', as 'knowing' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) or has 'reason to know' the effect of such person's actions.".

SEC. 1074. EXPORT-IMPORT BANK.

Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended by inserting after "device" the following: "(as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992), or that any country has willfully aided or abetted any such non-nuclear-weapon state (as defined in section 11(4) of that Act) to acquire a nuclear explosive device or to acquire unsafeguarded special nuclear material (as defined in section 11(6) of that Act).".

SEC. 1075. ELIGIBILITY FOR ASSISTANCE.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—(1) The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(A) in section 3 of such Act, by adding at the end thereof the following new subsection:

"(f) No sales or leases shall be made to any country that the President has determined is in material breach of its commitments to the United States under international treaties or agreements concerning the non-proliferation of nuclear explosive devices (as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992) and unsafeguarded special nuclear material."; and

(B) in section 40(d) of such Act, by adding at the end thereof the following new sentence: "For the purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear

material (as defined in section 11(6) of that Act).".

(2) Section 47 of such Act is amended—

(A) by striking out "and" at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(9) 'nuclear explosive device' has the same meaning given to that term by section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992.".

(b) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) Section 670(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(a)(2)) is amended in the first sentence—

(A) by inserting "in any fiscal year" after "President"; and

(B) by inserting "during that fiscal year" after "certifies in writing".

(2) Section 670 of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a) is further amended by adding at the end thereof the following new subsection:

"(d) As used in this section, the term 'nuclear explosive device' has the same meaning given to that term by section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992.".

(3) Notwithstanding any other provision of law, Presidential Determination No. 82-7 of February 10, 1982, made pursuant to section 670(a)(2) of the Foreign Assistance Act of 1961, shall have no force or effect with respect to any grounds for the prohibition of assistance under section 670(a)(1) of such Act arising on or after the date of enactment of this Act.

(4) Section 620E(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(d)) is amended to read as follows:

"(d) The President may waive the prohibitions of section 669 of this Act with respect to any grounds for the prohibition of assistance under that section arising before the date of enactment of the Omnibus Nuclear Proliferation Control Act of 1992 to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States.".

SEC. 1076. ADDITIONAL AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) TECHNICAL AMENDMENTS.—Section 670(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(b)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) in paragraph (3)(A) (as so redesignated), by striking "paragraph (3)" and inserting "paragraph (4)"; and

(3) in paragraph (4) (as so redesignated), by striking "paragraph (2)" and inserting "paragraph (3)".

(b) ADDITIONAL SANCTIONS.—Section 670(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a) is amended to read as follows:

"(b)(1) Except as provided in paragraphs (3), (4), and (5), in the event that any country, after the date of enactment of the Omnibus Nuclear Proliferation Control Act of 1992—

"(A) transfers to a non-nuclear-weapon state—

"(i) a nuclear explosive device, or

"(ii) design information or components known by the transferor to be necessary for the recipient's completion of a nuclear explosive device,

"(B) is a non-nuclear-weapon state and—

"(i) receives a nuclear explosive device,

"(ii) receives design information or components necessary for the completion of a nuclear explosive device, or

"(iii) detonates a nuclear explosive device,

"(C) transfers to a non-nuclear-weapon state any design information or component (other than described in subparagraph (A)(ii)) which is determined by the President to be important to, and known by the transferring country to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

"(D) is a non-nuclear-weapon state and has sought and received any design information or component (other than described in subparagraph (B)(ii)) which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device,

the President shall forthwith impose sanctions against that country, including, as a minimum, those sanctions specified in paragraph (2).

"(2) The sanctions referred to in paragraph (1) are as follows:

"(A) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under this Act, except for urgent humanitarian assistance or food or other agricultural commodities.

"(B) ARMS SALES.—The United States Government shall terminate—

"(i) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

"(ii) licenses for the export to that country of any item on the United States Munitions List.

"(C) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

"(D) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States, except that the sanction of this subparagraph shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).

"(E) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

"(F) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(G) EXPORT PROHIBITION.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of any goods and technology (excluding food and other agricultural commodities), except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).".

(c) CONFORMING AMENDMENTS.—Section 670(b) of such Act (22 U.S.C. 2429a(b)) is further amended—

(1) in paragraph (3)(A) (as redesignated)—

(A) by striking "furnish assistance which would otherwise be prohibited" and inserting in lieu thereof "delay the imposition of sanctions which would otherwise be required"; and

(B) by striking "termination of assistance" and inserting in lieu thereof "imposition of sanctions";

(2) in paragraph (4) (as redesignated), by striking "termination of such assistance" and inserting in lieu thereof "imposition of such sanctions";

(3) by redesignating paragraph (5) (as redesignated by subsection (a)) as paragraph (6); and

(4) by inserting after paragraph (4) (as redesignated) the following:

"(5) Notwithstanding any other provision of law, the sanctions which are required to be imposed against a country under paragraph (1)(C) or (1)(D) shall not apply if the President determines and certifies in writing to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives that the application of such sanctions against such country would have a serious adverse effect on vital United States interests. The President shall transmit with such certification a statement setting forth the specific reasons therefor.".

SEC. 1077. REWARD.

Section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C);

(2) by inserting "(1)" immediately after "(a)"; and

(3) by adding at the end thereof the following:

"(2) For purposes of this subsection, the term 'act of international terrorism' includes any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1991) or any nuclear explosive device (as defined in section 11(3) of that Act) by an individual, group, or non-nuclear-weapon state, as defined in section 11(4) of that Act.".

SEC. 1078. REPORTS.

(a) CONTENT OF ACDA ANNUAL REPORT.—Section 52 of the Arms Control and Disarmament Act (22 U.S.C. 2592) is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 52.";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(4) by adding at the end of paragraph (5) the following new paragraph:

"(6) a section of the report shall deal with any material noncompliance by foreign governments with their commitments to the United States with respect to the prevention of the spread of nuclear explosive devices by non-nuclear-weapon states or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1992), including—

"(A) a net assessment of the aggregate military significance of all such violations;

"(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

"(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with its commitments."; and

(5) by adding at the end thereof the following new subsection:

"(b) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to Congress under this section reports that any designated nation is not in full compliance with its nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.".

(b) REPORTING ON DEMARCHES.—(1) It is the sense of Congress that the Department of State should, in the course of implementing its reporting responsibilities under section 602(c) of the Nuclear Non-Proliferation Act of 1978, include a summary of demarches that the United States has issued or received from foreign governments with respect to activities which are of significance from the proliferation standpoint.

(2) For purposes of this section, the term "demarche" means any official communication by one government to another, by written or oral means, intended by the originating government to express—

(A) a concern over a past, present, or possible future action or activity of the recipient government, or of a person within the jurisdiction of that government, contributing to the global spread of unsafeguarded special nuclear material or of nuclear explosive devices;

(B) a request for the recipient government to counter such action or activity; or

(C) both the concern and request described in subparagraphs (A) and (B).

SEC. 1079. TECHNICAL CORRECTION.

Section 133(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2160c) is amended by striking out "20 kilograms" and inserting in lieu thereof "5 kilograms".

SEC. 1080. DEFINITIONS.

For purposes of this subtitle—

(1) the term "goods and technology" includes nuclear materials and equipment and sensitive nuclear technology (as defined in section 4 of the Nuclear Non-Proliferation Act of 1978), all export items designated by the President pursuant to section 309(c) of such Act, and all technical assistance requiring authorization under section 57b. of the Atomic Energy Act of 1954;

(2) the term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency;

(3) the term "nuclear explosive device" means any device that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT);

(4) the term "non-nuclear-weapon state" means any country which is not a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(5) the term "special nuclear material" has the meaning given to that term by section 11aa of the Atomic Energy Act of 1954 (42 U.S.C. 2014aa); and

(6) the term "unsafeguarded special nuclear material" means special nuclear material which is held in violation of IAEA safeguards or not subject to IAEA safeguards (excluding any quantity of material that could, if it were exported from the United States, be exported under a general license issued by the Nuclear Regulatory Commission).

Mr. NUNN. Mr. President, this amendment is the Omnibus Nuclear Proliferation Control Act. The amendment prohibits firms that promote nuclear proliferation from doing business with the U.S. Government and it provides additional sanctions against such firms.

Mr. President, this is a very important amendment. It has been cleared. I urge its adoption.

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

The amendment (No. 3104) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3105

(Purpose: To encourage the maximum practicable use of Government-owned, contractor-operated facilities of the Department of Defense for nondefense commercial purposes in the interest of national security)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator INOUYE.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. INOUYE, for himself, and Mr. DOLE, proposes an amendment numbered 3105.

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

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

The amendment is as follows:

On page 487, between lines 12 and 13, insert the following:

Subtitle F—Arms Retooling and Manufacturing Support Initiative

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the "Arms Retooling and Manufacturing Support Act of 1992".

SEC. 1072. POLICY.

It is the policy of the United States—

(1) to encourage, to the maximum extent practicable, nondefense commercial firms to use Government-owned, contractor-operated ammunition facilities of the Department of the Army;

(2) to use such facilities for supporting programs, projects, policies, and initiatives that promote competition in the private sector of the United States economy and that advance United States interests in the global marketplace;

(3) to increase the manufacture of products inside the United States that, to a significant extent, are manufactured outside the United States;

(4) to support policies and programs that provide manufacturers with incentives to assist the United States in making more efficient and economical use of Government-owned industrial plants and equipment for commercial purposes;

(5) to provide, as appropriate, small businesses, including socially and economically disadvantaged small business concerns and new small businesses, with incentives that encourage those businesses to undertake manufacturing and other industrial processing activities that contribute to the prosperity of the United States;

(6) to encourage the creation of jobs through increased investment in the private sector of the United States economy;

(7) to foster a more efficient, cost-effective, and adaptable armaments industry in the United States;

(8) to achieve, with respect to armaments manufacturing capacity, an optimum level of readiness of the defense industrial base of the United States that is consistent with the projected threats to the national security of the United States and the projected emergency requirements of the Armed Forces of the United States; and

(9) to encourage facility contracting where feasible.

SEC. 1073. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

(a) REQUIREMENT FOR INITIATIVE.—The Secretary of the Army shall carry out a program to be known as the "Armament Retooling and Manufacturing Support Initiative" (hereafter in this Act referred to as the "ARMS Initiative").

(b) PURPOSES.—The purposes of the ARMS Initiative are as follows:

(1) To encourage commercial firms, to the maximum extent practicable, to use Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army for commercial purposes.

(2) To increase the opportunities for small businesses, including socially and economically disadvantaged small business concerns and new small businesses, to use such facilities for those purposes.

(3) To reduce the adverse effects of reduced Department of the Army spending that are experienced by States and communities by providing for such facilities to be used for commercial purposes that create jobs and promote prosperity.

(4) To provide for the reemployment and retraining of skilled workers who, as a result of the closing of such facilities, are idled or underemployed.

(5) To contribute to the attainment of economic stability in economically depressed regions of the United States where there are Government-owned, contractor-operated ammunition manufacturing facilities of the Department of Army.

(6) To maintain in the United States a work force having the skills in manufacturing processes that are necessary to meet industrial emergency planned requirements for national security purposes.

(7) To be a model for future defense conversion initiatives.

(8) To the maximum extent practicable, to allow the operation of Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army to be rapidly responsive to the forces of free market competition.

(9) Through the use of Government-owned, contractor-operated ammunition manufacturing facilities for commercial purposes, to encourage relocation of industrial production to the United States from outside the United States.

(c) MAXIMUM AVAILABILITY OF FACILITIES.—To the maximum extent practicable, the

Secretary of the Army shall make the Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army available for the purposes of the ARMS Initiative.

SEC. 1074. FACILITY CONTRACTOR DEFINED.

In this subtitle, the term "facility contractor", with respect to a Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army, means a contractor that, under a contract with the Secretary of the Army—

(1) is authorized to manufacture ammunition or any component of ammunition at the facility; and

(2) is responsible for the overall operation and maintenance of the facility for meeting planned requirements in the event of an industrial emergency.

SEC. 1075. FACILITIES CONTRACTS.

(a) REQUIREMENT FOR ARMS CONTRACTS.—(1) In the case of each Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army that is made available for the ARMS Initiative, the Secretary of the Army shall, by contract, authorize the facility contractor—

(A) to use the facility for one or more years consistent with the purposes of the ARMS Initiative; and

(B) to enter into multiyear subcontracts for the commercial use of the facility consistent with such purposes.

(2) The authority in paragraph (1) may be exercised only to such extent and in such amounts as are provided in appropriations Act.

Mr. INOUYE. Mr. President, today I join with the distinguished Senate Minority Leader in offering an amendment that authorizes the establishment and funding of the armament retooling and manufacturing support initiative.

It is the purpose of my amendment to bring about a fundamental change in the way the Department of the Army manages, maintains and apportions work to the 27 Government-owned contractor-operated ammunition plants which it controls throughout the United States. These so-called GOCO plants form the backbone of our Nation's oldest war production industry and constitute a resource critical to our defense mobilization base.

For without adequate ammunition supplies and the ability to surge production when crisis looms, no nation, no matter how technologically advanced, can hope to prevail in a prolonged conflict. Without ammunition, there is no such thing as national defense!

Mr. President, it is a fact, that over the last 5 years that our Nation's ammunition industry has suffered acute hardship as the need for ever larger war reserves has diminished and with it, the funding needed to support high levels of production. Since the mid-1980's, the Army's ammunition procurement has fallen 69 percent, from a recent high of $2.6 billion to a mere $824 million today. One production facility has been placed in inactive status with six more slated to follow suit over the next 3 years.

Mr. President, what this amendment seeks to do is to preserve our ammunition industrial base by opening up government-owned plants to both other defense, and nondefense, commercial work. It would authorize the establishment of an incentive program to assist contractors with the costs of environmental assessments, permits and feasibility studies. In addition, this amendment would create a guaranty program that would enable contractors to seek commercial bank loans, at preferred rates of interest, so that they can outfit their space in the ammunition plants with the latest in manufacturing equipment.

Mr. President, my staff has been in close consultation with the Department of Defense on this amendment and assures me that it has the support of the Army Materiel Command, who would implement the program, and the Deputy Assistant Secretary for Production Resources. I am enthusiastic about the possibility that this proposal could infuse life into a faltering industry, provide stability to a skilled and dedicated work force, bring jobs to ailing communities and a health measure of financial certainty to corporate investors.

Mr. President, I encourage my colleagues to join with me in the advancement of this important defense conversion initiative, an initiative which I believe will promote prosperity and jobs at the same time it improves the readiness and sustainability of our Armed Forces.

Mr. DOLE. Mr. President, I join with my distinguished colleague, Senator INOUYE, in offering the armament retooling and manufacturing initiative. This important program will become the model for converting some of our Nation's defense industrial capacity into innovative commercial ventures while preserving critical elements of our mobilization capacity.

This amendment provides $200 million in loan guarantees and other incentives paving the way for private entities to convert existing government owned ammunition plants deemed as excess capacity for commercial uses. Plants that now face closure will now have the opportunity to become sources of new jobs and new products. America's competitive edge will be sharpened while our security will be assured. This is a win-win proposal and I applaud the efforts of Senator INOUYE for his hard work and innovative thinking. I urge my colleagues to join me in support of this amendment and urge its adoption.

Mr. NUNN. Mr. President, this amendment authorizes the establishment and funding of the armament retooling and manufacturing support initiative.

Mr. President, I urge adoption of the amendment.

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

The amendment (No. 3105) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3106

(Purpose: To provide for construction of military family housing at Naval Air Station Whidbey Island, Washington)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. GORTON and Mr. ADAMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ADAMS (for himself and Mr. GORTON), propose an amendment numbered 3106.

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

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

The amendment is as follows:

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

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

The amendment is as follows:

On page 505, between lines 18 and 19, insert the following new section:

SEC. 2208. MILITARY FAMILY HOUSING, NAVAL AIR STATION WHIDBEY ISLAND, WASHINGTON.

The Secretary of the Navy shall include in the budget request for the Navy for fiscal year 1994 a request for funds for the design of 300 family housing units at Naval Air Station Whidbey Island, Washington.

Mr. NUNN. Mr. President, this amendment provides for construction of military family housing at the Naval Air Station at Whidbey Island, WA.

Mr. ADAMS. Mr. President, I thank the managers of the bill for accepting this amendment. In doing so, they are providing relief to hundreds of junior enlisted personnel and their families stationed at Naval Air Station Whidbey.

The military families assigned to NAS Whidbey face a housing problem of crisis proportions. Junior enlisted personnel and their families are forced to wait more than 17 months for adequate housing. The average wait for housing at most other bases is 5 months. The majority of these personnel are young, low-income families who depend on the availability of subsidized military housing.

The severity of the housing crisis was recognized by the subcommittee in 1990, when Whidbey Island was authorized to participate in the section 801 housing program. This program would have allowed NAS Whidbey to enter into a lease with the Navy to provide

300 new housing units to the air station. Unfortunately, implementation of the program was delayed when NAS Whidbey was placed on the 1991 base closure list. Whidbey's housing crisis has worsened since that time. After the BRAC decided that NAS Whidbey would remain open, Congress authorized $21,110,000 in 801 build-to-lease funds for housing at Whidbey—Public Law 102-190. The funding was essentially killed, however, by an OMB decision to change the budget scoring laws for the 801 program.

This amendment would authorize the Secretary of the Navy to include design funds for 300 family housing units at Naval Air Station Whidbey Island in the fiscal year 1994 budget. This funding is desperately needed to construct 300 housing units and provide these young, enlisted families the affordable, on-base housing they deserve.

I thank the bill managers for their inclusion of this important amendment in the Department of Defense authorization bill.

Mr. GORTON. Mr. President, the amendment I am introducing today will give the Navy the authority to include in its fiscal year 1994 budget enough funds to begin the initial design work for 300 housing units for Naval Air Station Whidbey Island. Currently, NAS Whidbey Island suffers a 1-percent vacancy rate, and junior enlisted and their families are waiting up to 17 months for housing. The average wait on most bases is 5 months.

Because of the crucial need to build more housing at NAS Whidbey, the Navy began working on what is called the 801 build-to-lease program. Due to unresolved scoring issues between the Office of Management and Budget and Congress, however, the 801 build-to-lease program was discontinued. In the meantime, no housing has been built and the housing shortage continues.

Because the 801 housing program is no longer a viable option for NAS Whidbey, it is necessary that the Navy begin work to design military family housing for NAS Whidbey. Under the 801 housing program, the initial design work is done by the contractor who is selected by the Navy to perform the work. Because the scoring problems were never resolved, contractors chose not to bid for the 801 contract. The design work, therefore, was never completed.

This amendment will simply give the Navy the authority to include in its budget enough funds to begin the initial design work for family housing at NAS Whidbey.

Mr. President, I have seen the Whidbey facilities and am very much aware of the terrible conditions these young families are having to endure while they wait for military family housing. I urge immediate adoption of this amendment so that the Navy can begin to do something to provide satisfactory living conditions for its sailors.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 3106) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3107

(Purpose: To authorize appropriations for construction and land acquisition for the Army National Guard Armory, Blanding, Utah, and the Air National Guard Base Civil Engineering Complex, Salt Lake City, Utah)

Mr. NUNN. Mr. President, I send an amendment on behalf of Mr. GARN to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. GARN proposes an amendment numbered 3107.

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

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

The amendment is as follows:

On page 521, line 17, strike out "$136,778,000" and insert in lieu thereof "$138,068,000".

On page 521, line 23, strike out "$224,110,000" and insert in lieu thereof "$225,960,000".

Mr. NUNN. Mr. President, this amendment authorizes appropriations for construction and land acquisition for the Army National Guard Armory, Blanding UT, and the Air National Guard Base, Salt Lake City, UT.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 3107) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3108

(Purpose: To authorize appropriations for construction of a fire station at Klamath Falls Airport, Oregon, construction of a rifle range to Clackamas, Oregon, construction activities at the National Guard Armory, LaGrande, Oregon, and construction activities of Portland International Airport, Portland, Oregon)

Mr. NUNN. Mr. President, I send to the desk and amendment on behalf of Senator HATFIELD, the Senator from Oregon.

THE PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. HATFIELD proposes an amendment numbered 3108.

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

THE PRESIDING OFFICER. without objection, it is so ordered.

The amendment is as follows:

On page 521, line 17, strike out "$136,778,000" and insert in lieu thereof "$141,337,000".

On page 521, line 23, strike out "$224,110,000" and insert in lieu thereof "$227,829,000".

Mr. NUNN. Mr. President, this amendment authorizes 5 military construction projects for the Oregon Army and Air National Guard.

Mr. President, this has been cleared on both sides of the aisle.

Mr. HATFIELD. Mr. President, I first want to thank Senator NUNN and Senator WARNER for all their help regarding this bill. This is never an easy task and they get us through it every time.

I rise today to offer an amendment which authorizes five Oregon military construction projects for the Air and Army National Guard. I understand that this amendment has been cleared on both sides.

These projects will have been appropriated by the Senate Appropriations Committee but not authorized by the Senate Armed Services Committee. The five projects are a fire station for the Air National Guard at Kingley Field, an armory for Army National Guard at La Grande, a rifle range for the Army National Guard at Clackamas and a base civil engineering facility and site improvements for the Air National Guard at the Portland Airbase.

I ask Senator NUNN and Senator WARNER to accept this amendment. I thank both Senators for their effort in this matter.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 3108) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3109

(Purpose: To authorize an appropriation for the construction of a new electrical distribution system and a new propellant surveillance laboratory at Picatinny Arsenal, New Jersey)

Mr. NUNN. Mr. President, on behalf of Senator LAUTENBERG, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. LAUTENBERG proposes an amendment numbered 3109.

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

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

The amendment is as follows:

In the table on page 495 insert below the item relating to the Fort Monmouth, New Jersey, the following:

	Picatinny Arsenal	$6,050,000

On page 497, line 12, strike out "$2,200,317,000" and insert in lieu thereof "$2,206,367,000".

On page 497, line 15, strike out "$306,900,000" and insert in lieu thereof "$312,950,000".

Mr. LAUTENBERG. Mr. President, this amendment would authorize $3.8 million for construction of a new electrical distribution system and $2.25 million for renovations needed to create a new propellant surveillance lab at Picatinny Arsenal in New Jersey. The House has appropriated these funds in its version of the fiscal year 1993 military construction appropriations bill.

Mr. President, funding for both projects was originally included in the Army's fiscal year 1992 budget, but was delayed by the Army. The Picatinny Arsenal's new electrical distribution system is now a part of the Army's fiscal year 1994 budget, and its propellant surveillance lab currently is included in the Army's fiscal year 1995 budget. Given the current need for these programs and the fact that the Army previously budgeted for them, it is imperative that we provide this funding in fiscal year 1993.

Picatinny's present electrical distribution system is 40 years old, and it is no longer able to effectively serve the arsenal's needs for electric power. The powerplant's existing equipment has outlived its normal operational lifespan, and many replacement parts are unavailable. Meanwhile, the arsenal's requirement for electric power is expected to double over the next 8 years. In order to handle the stress of these growing requirements, a new electrical distribution system is desperately needed.

The new electrical distribution system will help to prevent power shortages and brownouts which currently plague the Picatinny Arsenal and cost significant amounts of money to repair. The Army states that it annually spends $1 million to repair the old power network. A new system would also prevent damage caused by brownouts and power failures. A power failure in March 1991 resulted in severe damage. Experts at Picatinny Arsenal estimate that it would cost $2.4 million to repair the damage should a similar failure occur.

Given these significant problems and costs we should make this investment as soon as possible to avoid increased costs in the future.

Mr. President, I also believe it is critical that we move immediately to provide funding for a new propellant surveillance lab. Propellant stockpiles are an immediate threat to the people at Picatinny Arsenal and other facilities around the country. At a new lab, the Army would be able to study the safety of its propellant stockpiles, which potentially pose a threat to military personnel as well as the environment at Picatinny Arsenal. Currently, no facility exists to test all of these potentially dangerous materials. In order to create the new lab and consolidate existing operations, the Army plans to renovate a vacant building that is a part of its Armament Research, Development, and Engineering Center.

Currently, the Army's stockpiles of certain propellants at Picatinny Arsenal are approaching the end of their lifespan, and the possibility exists that these aging propellants could spontaneously ignite. The Army will use this new lab to develop accurate predictions of the remaining storage life of these propellants and to survey the propellant stockpile in order to determine the existence of potentially hazardous materials.

This amendment would authorize funds for these two urgent projects for the Picatinny Arsenal. We should not delay. I urge my colleagues to support this amendment.

Mr. NUNN. Mr. President, this amendment proposes to add two military construction projects at Picatinny Arsenal, NJ, and I urge the adoption of the amendment.

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

The amendment (No. 3109) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3110

(Purpose: To authorize an appropriation for military construction activities at Fort Knox, Kentucky)

Mr. NUNN. Mr. President, on behalf of Senator FORD, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. FORD, proposes an amendment numbered 3110.

Mr. NUNN. 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 494, in the table below line 20, insert the following below the item relating to the State of Kansas:

Kentucky	Fort Knox	$15,600,000

On page 497, line 12, strike out "$2,200,317,000" and insert in lieu thereof "$2,215,917,000".

On page 497, line 15, strike out "$306,900,000" and insert in lieu thereof "$322,500,000".

Mr. NUNN. Mr. President, the Senate Armed Services Committee inadvertently left out authorization for 3 milcon projects at Fort Knox. This has been cleared on both sides. I urge that it be agreed to.

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

The amendment (No. 3110) is agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3111

(Purpose: To authorize the disposition of the interest of the Navy in the Naval Reserve Center, Atlanta, Georgia, and to provide for replacement facilities for that center)

Mr. NUNN. Mr. President, on behalf of myself, 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 Georgia [Mr. NUNN] proposes an amendment numbered 3111.

Mr. NUNN. 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 572, below line 24, insert the following:

SEC. 2844. TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Navy may—

(1) negotiate the termination of the remaining lease of the Navy of 2.27 acres of land located at the Georgia Institute of Technology, Atlanta, Georgia (in this section referred to as the "Institute"); and

(2) sell to the Institute the Naval Reserve Center facilities located on such land.

(b) CONSIDERATION.—As consideration for the termination of the lease interest referred to in subsection (a)(1) and the sale of the facilities referred to in subsection (a)(2), the Institute shall pay the Secretary an amount equal to the aggregate of the fair market value of the remaining lease referred to in such subsection (a)(1) and the facilities referred to in such subsection (a)(2).

(c) USE OF FUNDS.—(1)(A) To the extent provided in appropriations Acts and subject to subparagraph (B), the Secretary shall use the amount paid by the Institute under subsection (b) to expand the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in a manner which permits the use of a portion of that Center as replacement facilities for the naval reserve facilities referred to in subsection (a)(1).

(B) The expanded portion of the Marine Corps Reserve Center described under subparagraph (A) shall be under the jurisdiction of the Marine Corps Reserve.

(2) If any portion of the amount referred to in paragraph (1) remains unexpended after the construction of the naval reserve facilities referred to in that paragraph, the Secretary shall deposit that portion in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection section that the Secretary considers appropriate to protect the interests of the United States.

Mr. NUNN. Mr. President, the Navy and the Georgia Institute of Technology have requested the Secretary of Navy be provided the authority to terminate a land lease with the Department of Navy, which the Department of Navy has with Georgia Tech, and negotiate the sale of a Navy reserve center to Georgia Tech. The proceeds would be used to construct a new reserve center co-located with a new Marine Corps center on Dobbins Air Force Base, which is authorized in the national defense authorization bill reported by the Senate.

This amendment has been cleared on both sides of the aisle, and I urge its adoption.

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

The amendment (No. 3111) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3112

Mr. WARNER. I send to the desk an amendment on behalf of the Senator from Mississippi [Mr. LOTT].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, proposes an amendment numbered 3112.

Mr. WARNER. 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:

Section 2304(a)(1) of the bill is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", of which $6,400,000 is authorized for the construction of a visual information training facility and $290,000 is authorized for construction of a television systems training facility both located at Kessler AFB, Mississippi.".

Mr. WARNER. This is an amendment that deals with the projects on Kessler Air Force Base. I ask that it be agreed to.

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

The amendment (No. 3112) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, the record should reflect, on the amendment that has just been adopted, there was some redrafting in accordance with the desires of certain members of the Appropriations Committee that was brought to our attention.

AMENDMENT NO. 3113

(Purpose: To provide for a land conveyance at Fort Chaffee, Arkansas)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3113.

Mr. WARNER. 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 572, below line 24, insert the following:

SEC. 2844. LAND CONVEYANCE, FORT CHAFFEE, ARKANSAS.

(a) CONVEYANCE.—The Secretary of the Army shall convey to the City of Fort Smith, Arkansas (in this section referred to as the "City"), all right, title, and interest (other than any oil, gas, or mineral interest) of the United States in and to a parcel of real property consisting of approximately 400 acres, together with improvements thereon, located at Fort Chaffee, Arkansas.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City—

(1) shall provide the Army with such services at Fort Chaffee as the Secretary and the City shall jointly determine, the fair market value of which services shall be equal to the fair market value of the property conveyed pursuant to subsection (a); or

(2) shall—

(A) provide the Army with such services at Fort Chaffee as the Secretary and the City shall jointly determine; and

(B) in the event that the fair market value of the property conveyed pursuant to subsection (a) exceeds the fair market value of the services provided under subparagraph (A), pay to the Secretary the amount equal to such excess.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a) and the value of the services, if any, to be provided under paragraph (1) or (2) of subsection (b). Such determinations shall be final.

(d) USE OF PROCEEDS.—The Secretary shall deposit the amount of the consideration, if any, paid under subsection (b)(2)(B) in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of land conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

Mr. WARNER. Mr. President, Mr. President, this amendment deals with a project at Fort Chaffee, AR. I do so on behalf of a very distinguished Member of Congress, Mr. J. Paul Hammerschmidt.

I ask for it's adoption.

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

The amendment (No. 3113) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3114

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3114.

Mr. WARNER. 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:

Section 603 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25, 105 Stat. 107) is amended—

(1) in subsection (b)(1), by adding at the end thereof the following new sentence: "Subsequent to the identification of the parcel of land pursuant to this subsection, the Secretary may with the concurrence of appropriate representatives of Caroline County, Virginia, and the Commonwealth, make minor adjustments to the boundaries of the parcel of land identified so that the parcel of land conveyed pursuant to this section better serves the purposes intended by this section.";

(2) in subsection (c)(2)(A), by striking out "construct and operate on such parcel of land a regional correctional facility" and inserting in lieu thereof "provide for the construction and operation on such parcel of land a regional correctional facility";

(3) in subsection (c)(2)(B), by striking out "constructs and operates such facility" and inserting in lieu thereof "provides for the construction and operation of such facility"; and

(4) in subsection (d)(1)(A)(i), by striking out "24 months after the date of enactment of this Act" and inserting in lieu thereof "April 1, 1995".

Mr. WARNER. Mr. President, this relates to Fort A.P. Hill in the Commonwealth of Virginia. I ask for its adoption.

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

The amendment (No. 3114) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. There are two amendments pending that have been set aside.

Mr. NUNN. Mr. President, I urge the adoption of those amendments.

AMENDMENT NOS. 3046 AND 3048

The PRESIDING OFFICER. The question is on agreeing to amendments Nos. 3046 and 3048.

The amendments (Nos. 3046 and 3048) were agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I would like to make a statement that would reflect that these amendments were drafted by Mr. Punaro, a member of the U.S. Marine Corps Reserve, a former commissioned officer. He brought the matters to the attention of the chairman and myself. He is deserving of a personal commendation.

Mr. NUNN. I identify myself with the remarks of the Senator from Virginia.

THE COMANCHE HELICOPTER PROGRAM

Mr. DODD. Mr. President, I rise to discuss a very important matter relating to the pending 1993 Defense authorization bill, the Army Light Helicopter Program.

The current Army helicopter inventory is quickly approaching obsolescence. The AH-64 Apache family of helicopters is nearing the end of its useful lifespan, and modernization of the Army helicopter fleet is of utmost importance.

As noted in the Armed Services Committee report, the Comanche helicopter program is the Army's intended replacement airframe for the aging 3,100 Apache fleet. The proposed plan calls for procurement of 1,292 Comanche helicopters to begin this program. What has been lacking to this point is an exact timetable for actual procurement.

Mr. President, until July of this year the Department of Defense had placed the Light Helicopter Program in jeopardy. The current DOD acquisition policy had injected serious inequities to many of the pending modernization programs. Likewise, large scale prototype programs, such as the Comanche helicopter, faced an uncertain future.

Mr. President, the Comanche helicopter is a critical program for our national defense. To date, over $750 million has been invested in this aviation upgrade program, and up to this point, the Department of Defense and the Army faced termination of their "* * * most important upgrade program."

Let me add, Mr. President, those are not my words. In a letter to the distinguished chairman of the Armed Services Committee dated August 7, 1992, the Secretary of Defense communicated: "Comanche is the Army's number one modernization program." Writing further: "* * * the intention reflected in our budget is to put the Comanche in the hands of our soldiers when development is completed."

Additionally, in a memorandum dated September 2, 1992, the Assistant Secretary of the Army for Acquisition clearly outlined the progress of the Comanche program to date. Of specific note is the Secretary's pronouncement of the Comanche helicopter as a "model program." Of even greater interest is the Secretary's assessment of Comanche's importance to the future of the U.S. Army: "I would also like to reaffirm that Comanche remains not only the Army's top major development/production program, it is virtually the Army's only such program for replacement of a major platform within the next decade or so."

Clearly, Mr. President, the Comanche helicopter is a vital program to the revitalization of the U.S. Army aviation forces. I believe the recent communications from the Department of Defense and the Department of the Army outline a positive and progressive groundwork for procurement of the Comanche program.

I bring these important developments in the Comanche program to the attention of my colleagues to assist the Senate in deliberating the future course for this important modernization program.

Mr. President, let me conclude my remarks by submitting the aforementioned documents for the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, August 7, 1992.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Armed Services recently reported an authorization bill that would terminate any further work on the Army's Comanche helicopter program. I would like to ask your reconsideration of that action.

Comanche is the Army's number one modernization program. The Army needs Comanche to replace its large fleet of aging scout/attack aircraft. These aircraft now have an average age of 25 years, they are costly to maintain and operate, and they are technologically obsolete. We will be able to replace this fleet of 3,000 older aircraft with about 1,300 Comanches.

This past January, we reduced Comanche funding and stretched the development program to reduce risk in the program. These actions should not be interpreted as a lack of support for the program. On the contrary, we believe the Comanche is essential to the Army's efforts to modernize its aviation forces.

Assuming the program meets its cost, schedule, and technical performance goals, the intention reflected in our budget is to put Comanche in the hands of our soldiers when development is completed.

Sincerely,

DICK CHENEY.

[MEMORANDUM]

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, September 2, 1992.

To: Under Secretary of Defense (Acquisition)
Secretary of the Army.

Subject: RAH-66 Comanche Program.

As you know, I have personally been reviewing the Comanche program on a quarterly basis since our contract award in April 1991. I would like to summarize for you the status of the program based on our most recent Comanche review on August 27. "Team Comanche" has faced many challenges trying to keep the program on track while simultaneously executing a major program restructure based on the President's FY93 budget reduction in January of this year.

My recent review indicates that the Comanche program is in good shape and continues to deserve the label of "model program." I would also like to reaffirm that Comanche remains not only the Army's top major development/production program, it is virtually the Army's *only* such program for replacement of a major platform within the next decade or so.

Before summarizing the program status, let me cite some of the challenges presented by the *restructure*. The contractor teams have had to prepare new proposals to realign their contracts within the revised budget constraints. Developing auditable proposals has required an enormous amount of time, money, and manpower. The cost to prepare these proposals has amounted to over $22M for Boeing and Sikorsky alone. When the current proposal preparation costs are added to the Comanche program funds expended on restructure through August 1990, nearly $66M of the Comanche program budget has been expended on paper rather than design and development. I cite this information to highlight the importance of keeping the program stable in the future and to emphasize the difficulty of managing the program at the same time we are restructuring it.

One way to reduce the inefficiency of program restructures would be to reduce *documentation* requirements. Current acquisition regulations require an immense amount of data, as illustrated by the enormity of a single set of proposal volumes, displayed in the picture at Attachment 1. A majority of the proposal volumes contain cost data to substantiate the contractor's proposed price. We need to find some way to obtain cost and other information that is genuinely needed without imposing such extreme paperwork burdens. I believe this issue merits serious consideration throughout DoD.

Despite the turbulence caused by the program restructure, the contractor teams have controlled *cost and performance* remarkably well. As of July, Boeing Sikorsky's cost variance was at 3.2 percent and the schedule variance was 4.4 percent. The cost performance data chart at Attachment 2 describes contract execution in detail.

Boeing Sikorsky is also aggressively managing its *design-to-cost (DTC)* activities. The

current estimate is $9.5 million (FY88$) and we remain on track to achieve the $8.5M goal by IOC in 2001.

The Comanche team has also made great progress in resolving issues associated with system *weight*. We first increased the 7,500-pound limit by 116 pounds to accommodate an uprated engine (52 pounds) and those items necessary to allow the installation of the Longbow radar (64 pounds). Early in the detailed design process, the openness of the "Team Comanche" process allowed us to identify a potential concern with system weight and to bring that issue to the attention of Army and OSD management. My decision at that time was to embark immediately on a T800 growth program to make sure that Comanche is fielded with sufficient power to perform all its projected missions in all possible configurations. The empty weight chart at Attachment 3 shows that with the growth engine, the Comanche meets the requirement of 500 feet per minute (FPM) vertical rate of climb (VROC) even in the most demanding configuration. The accompanying weight risk reduction chart at Attachment 4 illustrates the effectiveness of our Weight Improvement Program (WIP). Team Comanche has identified a number of design and technology options to reduce weight, and we have been able to achieve some 240 kg (or 530 pounds) weight reduction since last November. I am extremely pleased with the combined efforts of the industry/government team to resolve these weight concerns. We absolutely need to continue with the growth T800 program so we can retain the required VROC even in the full Longbow configuration with combat kits and with some prudent margin. The engine growth approach we have adopted is achievable with minimum risk.

We believe the program is on track to achieve its *technical performance*. Attachment 5 shows the key technical requirements in the draft ORD as well as the minimum acceptable values that we have proposed as Milestone II exit criteria (per Dr. Fraser's direction several months ago). We believe that compliance with the proposed Milestone II values will put us on track to achieve a combat effective system that meets its full requirements at Milestone III. The chart also shows that the program is on target to meet its technical performance targets. We will submit the proposed Milestone II and III exit criteria, including the classified parameters, for formal approval once the final ORD is approved.

LHTEC continues to make progress on the T800 *engine program*. The basic T800 tests are nearing completion with a total of 15,000 hours, and the original program remains on schedule. We recently installed a basic T800 engine in a UH-1 and flew at Ft. Rucker with impressive results. We plan to continue this type of Comanche risk reduction effort in the future. LHTEC has accomplished significant success by maintaining a −2.7 percent cost variance on its original fixed-price contract since the time of award seven years ago. The growth T800 engine program is also on schedule and LHTEC will submit its formal proposal for this effort momentarily.

Finally, we need to continue to discuss potential sources of funding for the FY 98-99 years of the program. In my view, the funding issue is not *whether* we will fund these years of the program, but rather the *source* of those funds. I am confident that OSD and the Army will resolve this issue soon as part of our FY94 budget deliberations.

As you know, the outyear funding issue has created a problem in the Senate, which we are working with the help of Mr. Cheney and the OSD staff. The company CEOs are also in the process of scheduling conferences with key Congressional members and staff to solicit their help in restoring the funds cut by the SASC. I appreciate your continuing help in working the Congressional issue.

In summary, I am extremely pleased with the progress that Team Comanche has made over the past 16 months. We made great efforts from the very beginning to lay out a program that was realistically priced, technically achievable, and otherwise executable. Although we have a long way to go before EMD and production, we are seeing the results of our earlier planning in terms of a program that is on cost, on schedule, and on track to meet its technical performance goals. Please let me know if you'd like any additional information on the program.

STEPHEN K. CONVER,
Assistant Secretary of the Army, Research, Development and Acquisition.

Mr. LIEBERMAN. Mr. President, the Defense Department request for $443 million for the Army Comanche scout helicopter in the fiscal year 1993 Defense authorization request was deleted by the Armed Services Committee with the recommendation that the program be terminated.

The Army considers the Comanche to be one of its highest priority modernization programs, essential to their requirement to replace their force of aging scout helicopters which already have an average age of 25 years. The Comanche has new stealth technology that will enable it to avoid air defenses in such countries as Iraq and Bosnia.

The Comanche scout helicopter is one of the most important programs in the Defense Department budget, and should not be terminated.

Despite the disappearance of the Soviet Union, the United States still faces major regional threats. Comanche is eminently qualified as the next generation, light armed scout helicopter and will provide a critical element in the Army's future role in meeting these threats. It also represents the culmination of an effort, started some 9 years ago, to integrate the latest proven advancements in airframe, engine, avionics, and combat subsystems and components into one of the most capable, survivable, maintainable, and cost-effective scout helicopters in the world.

Comanche represents the classic example of a prudent acquisition policy, and will meet the requirements of the Army.

It is noteworthy, Mr. President, that the Armed Services Committee based its recommendation to terminate Comanche because the Defense Department lacked an adequate acquisition plan. At the same time, the committee stated in its report that "it believes the Army has a legitimate need for an advanced technology scout helicopter in the next century."

Mr. President, I submit that the Comanche is the answer to that recognized need, and should be supported by the Senate.

COMANCHE HELICOPTER PROGRAM

Mr. SHELBY. Mr. President, I am deeply disappointed that the committee chose to terminate the RAH-66 Comanche Light Helicopter Program. While I do not agree with the committee's decision, I share the committee's belief that the central problem with the Comanche program is its flawed acquisition strategy. When the committee marked up this legislation, the Department of Defense had been unwilling to provide evidence that it will agree to take this program to procurement at the end of the existing demonstration phase. This policy does not, however, subtract from the fact that the Comanche is a good program—well-developed, well-conceived and the Army's number one priority. The Comanche is the most cost and operationally effective way to modernize the current light helicopter fleet.

I believe that this is also an issue of fairness. The Department of Defense budgeted nearly $11 billion to develop a new attack aircraft for the Navy, even though there is not a single design approved for the program. Yet, the Department refused to budget more than $1.9 billion for the Comanche, which is 5 years ahead of the AX and just as critical for future warfighting needs. Indeed, the entire Army procurement budget is just $6.8 billion, compared to $22 billion for the Navy and $24.6 billion for the Air Force. Similar inequities exist in the research and development accounts. The R&D budget is $5.4 billion for the Army, $8.5 billion for the Navy and $14.5 billion for the Air Force. Taking these low spending levels into consideration, I cannot find any justification for terminating the Army's only major new start, apart from the flawed acquisition strategy imposed on the Army.

I have recently held a meeting with the Vice Chief of Staff of the Army, Gen. Dennis Reimer, and Mr. Frank Kendall, the Deputy Director of the Department of Defense tactical warfare programs, in an effort to bring the Department of Defense to a decision on the Comanche. I found this meeting to be very productive. I believe that the committee has got the attention of the Army and the Secretary of Defense and now believe that the Secretary is fully behind this program.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the Secretary of Defense, Dick Cheney, to the chairman of the committee in support of the Comanche.

Mr President, the Army's current light scout and attack helicopter fleet must be modernized. The Comanche will be more deployable, more supportable, more compatible for shipboard operations and more versatile than any aircraft in the Army fleet. I will continue to fight to ensure funding for this valuable aircraft.

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

THE SECRETARY OF DEFENSE,
Washington, DC, August 7, 1992.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Armed Services recently reported an authorization bill that would terminate any further work on the Army's Comanche helicopter program. I would like to ask your reconsideration of that action.

Comanche is the Army's number one modernization program. The Army needs Comanche to replace its large fleet of aging scout/attack aircraft. These aircraft now have an average age of 25 years, they are costly to maintain and operate, and they are technologically obsolete. We will be able to replace this fleet of 3,000 older aircraft with about 1,300 Comanches.

This past January, we reduced Comanche funding and stretched the development program to reduce risk in the program. These actions should not be interpreted as a lack of support for the program. On the contrary, we believe the Comanche is essential to the Army's efforts to modernize its aviation forces.

Assuming the program meets its cost, schedule, and technical performance goals, the intention reflected in our budget is to put Comanche in the hands of our soldiers when development is completed.

Sincerely,

DICK CHENEY.

HELMS AMENDMENT TO RESTRICT FEDERAL FUNDS FOR AIDS RESEARCH PROJECTS

Mr. ADAMS. Mr. President, once again we are faced with an amendment that strikes a severe blow against people with AIDS rather than fighting against the disease of AIDS.

This amendment would restrict research into prevention strategies for reducing the risk of transmission of HIV. This research should be a top public health priority. HIV will not go away on its own. We must research the most effective ways for people to eliminate the risk of getting or giving HIV.

Although much has been done to educate the public about how the HIV virus is transmitted, more needs to be done. Research and prevention projects must be supported with Federal funds if we are to beat this horrible epidemic.

Congress has approved Federal funding for biomedical and behavioral research with respect to a variety of diseases, including AIDS. This research, as well as prevention and treatment programs, are making a substantial change in the lives of people with AIDS, and people at risk of AIDS, which is every one of us.

This amendment is really a witch hunt against projects that deal with AIDS, especially when gay and bisexual men are involved in the project. Research that identifies high risk behaviors for this and other sexually transmitted diseases is scientific and funded after peer review.

Restricting the funds for this research will do a great disservice to the health care of the Nation. By changing the behaviors that can lead to AIDS, we will save millions of dollars in health care and human resources costs. Most importantly, we will also save lives, not only of the people who engage in these behaviors, but also of their spouses, partners and future children.

This is an amendment based on prejudice and irresponsible health care policy. I would like to quote Mary Fisher's moving words in Houston, and remind my colleagues: "We may take refuge in our stereotypes, but we cannot hide there long. Because HIV asks only one thing of those it attacks: Are you human? And this is the right question. Are you human?"

I ask all of my colleagues to oppose this amendment.

Mr. BRADLEY. Mr. President, I oppose the high level of spending on unnecessarily large and costly armed forces permitted by this Defense authorization for fiscal year 1993. Absent any military threats comparable in size, power, or technology to those that used to be posed by the former Soviet Union, several billions of dollars worth of expenditures authorized by this bill are unwarranted in the new, post-cold war era. These funds should have been reallocated to meet the most pressing needs for worker retraining, new infrastructures, and other domestic investment programs.

SUPPORT EXPEDITED ECONOMIC CONVERSION ASSISTANCE

Mr. WELLSTONE. Mr. President, I rise to express my support for the amendment offered by my distinguished colleague, Senator KENNEDY. I am proud to be a cosponsor. The amendment substantially strengthens the defense conversion, assistance, and stabilization provisions of the bill. It draws on the excellent work of the Senate Democratic Task Force chaired by Senator PRYOR and seeks to lessen the impact of defense spending cuts on workers, communities, and States.

The amendment makes Federal economic conversion programs more responsive to the needs of displaced workers and hard-hit communities. It moves aggressively to address flaws in the job training program administered by the Department of Labor that is the main source of reemployment and retraining assistance to workers displaced from defense industries. In this connection, it should be noted that the Office of Technology Assessment's recent study, titled "After The Cold War," pinpointed lack of rapid response as one of the most urgent problems confronting this program. Senator KENNEDY's amendment addresses this issue directly by authorizing Federal reimbursement of States for rapid response services to displaced defense workers. This will unquestionably encourage States to provide more timely assistance to workers threatened by layoffs. The amendment also enjoins the Secretary of Defense to expedite as far as possible the expenditure of funds intended to provide aid to workers or communities adversely affected by defense spending cuts. Addressing a longstanding problem, this provision specifically covers DOD transfer of funds to other Federal agencies. Delays in transfers of Pentagon funds to the Departments of Labor and Commerce under terms of the fiscal 1991 DOD authorization bill have severely hamstrung economic adjustment assistance to workers and communities affected by a shrinking defense budget. This amendment should discourage similar Pentagon foot-dragging in the future.

Mr. President, other provisions of the amendment are equally important and worthwhile. Let me briefly touch on two key provisions. Under the first, employees of defense contractors will be provided almost 6 months advance notice of cancellation or substantial reduction in a defense contract, rather than only 60 days as current law requires. This is an important change because, under current law, worker eligibility for vital job training services begins only after such notice is received. With greater advance notice, a larger number of displaced workers will be able to avail themselves of Federal transition and support services. The amendment also contains innovative provisions that modify technology programs to increase worker input and participation in high-performance work organization. It ensures that the vital role of workers in technological innovation will not be ignored.

Mr. President, we have been slow and, at times, timid in assisting American workers and their communities to make the major adjustments necessary to adapt to the economic changes brought on by the cold war's end. This measure takes modest but important steps to facilitate economic conversion and adjustment. I urge my colleagues to join me in supporting the amendment.

U.S. NUCLEAR TESTING

Mr. SANFORD. Mr. President, I rise today to voice my support for the Hatfield-Exon-Mitchell amendment to impose a 9-month nuclear testing moratorium until July 1, 1993, and to establish a comprehensive ban on United States nuclear testing on September 30, 1996, provided Russia does not conduct any tests in the interim. The amendment will allow the United States safely and responsibly to reduce nuclear testing and will ultimately end it altogether in 1996.

As a cosponsor of legislation which would impose a 1-year moratorium on nuclear testing, I strongly believe that it is essential for the United States to join in the nuclear test bans previously announced by France and Russia in order to strengthen the momentum for a worldwide comprehensive test ban.

For the past five decades, the world has witnessed an enormous buildup of nuclear weapons. Coupled with that buildup has been an increasing need and desire to conduct more and more nuclear tests without being certain of the consequences to our environment and our future. However, with the end of the cold war, the United States has an unprecedented opportunity to stop testing nuclear weapons. Now that France and Russia have suspended their testing, and the United States has stopped producing new nuclear weapons, we must take advantage of this opportunity and make the world safer for our children's future.

Opponents of the ban have argued that a moratorium will reduce the safety and reliability of our current nuclear stockpile. Nobody will deny the importance of safety and reliability for our nuclear stockpile. Consequently, after the 9-month moratorium, this amendment allows for five tests to be conducted each year for 3 years. It also allows for one reliability test to be conducted each year if Congress approves of such a request. Frank von Hippel, a physicist with Princeton University, remarked before the Senate Foreign Relations Committee on July 23, 1992, that the current nuclear stockpile could be made safer with little or no new testing.

The 1969 Treaty on the Nonproliferation of Nuclear Weapons [NPT] made significant progress toward ending the nuclear arms race. The goal was to have the nuclear powers end the nuclear arms race and, through a concerted effort, strive for global nuclear disarmament. If the United States continues with its policy of unlimited nuclear testing, then previous efforts toward global disarmament will be seriously threatened. The treaty is scheduled to come up for review in 1995. A nuclear testing moratorium, and a scheduled plan for a comprehensive test ban, would demonstrate the United States' sincere commitment to promoting a nuclear-free environment for the world.

If we are to continue to promote peace in the context of the post-cold war era, we must pass a nuclear testing moratorium. France and Russia have called on the United States to suspend testing. Boris Yeltsin reports that the Russian military can resume nuclear testing at the end of the year if the United States does not impose a moratorium. If we do not pass a moratorium, then current nuclear powers and nonnuclear states will find no reason to stop their efforts to start or increase their nuclear capabilities.

Mr. President, the House of Representatives voted for a 1-year moratorium on testing in July. In August, the Senate passed an identical amendment to the Senate Energy and Water Development Appropriations Act. Once again, I support the moratorium on nuclear testing for the safety of our global future, and ask other Senators to do the same.

BURDENSHARING

Mr. LAUTENBERG. Mr. President, I intended to offer an amendment to this bill calling on the administration to negotiate new burdensharing agreements with our wealthier NATO allies. However, in light of the burdensharing recommendation included in the Department of Defense appropriations bill for fiscal year 1993, I will not be offering an amendment on this bill. The burdensharing recommendation included in the Senate version of the Defense appropriations bill responds in a very positive way to the concerns I had raised.

Under the committee-approved version of the Department of Defense appropriations bill for fiscal year 1993, the administration's request for overseas O&M and foreign national salaries at U.S. bases in Europe is reduced by $175 million. This cut approaches a 5-percent reduction in the amount of O&M funding the Pentagon plans to spend for the European bases of our wealthier allies in fiscal year 1993. In addition, bill language prohibits the services from obligating an additional $175 million in fiscal year 1993 funds for these programs until the Secretary of Defense notifies Congress that negotiations with our wealthier allies have yielded increased contributions.

The Appropriations Committee also has taken the wise step of directing the administration to follow the model of the relatively new United States-Japan burdensharing agreement when it negotiates new agreements with our wealthier NATO allies. This is an important directive. The new Japanese agreement is a good model for host nation agreements because it offers a much better deal for the American taxpayer. For example, according to DOD, Japan will pay 70 percent of the United States overseas basing costs and the United States will pay for 30 percent of those costs in fiscal year 1992. By 1996, Japan is supposed to pay all of those costs.

On the other hand, under the existing United States agreements with Germany, the administration lets the American taxpayer get taken to the cleaners. For example, in fiscal year 1992, the Germans will pay for only 23 percent of our overseas basing costs, while the American people are forced to pay the remaining 77 percent. The American people shouldn't have to pay so much. We can't afford it.

Meanwhile, the German Government recently announced that it would spend $8 billion over 5 years toward the cost of housing Russian troops in the former East Germany. Ironically, this is about how much Germany paid the United States over the last 5 years to protect their security. If the Germans can spend $8 billion to house Russian troops, I believe they can pay the United States more than 23 percent of what it currently costs to station thousands of United States troops in Germany to protect their security.

We're getting the short end of the stick when it comes to paying salaries as well. Our Government pays for salaries of foreign nationals in Germany and in all host nations who work on United States bases. The Germans pay for only 18 percent of those salaries. At the same time, the Japanese are currently paying 66 percent of those salaries and will pay for 100 percent of those salaries by the end of the Japanese 1995 fiscal year. I believe the Germans also should pay 100 percent for the salaries of foreign nations at those bases.

Under our agreement with Germany, the American people will be required to pay severance to German workers who will lose their jobs as a result of the military drawdown. According to the GAO, this could potentially cost the United States taxpayers an additional $207 million. It's hard to believe that our administration, which fought so hard against extending unemployment benefits for hard-working United States citizens, would agree to pay severance to German citizens while our own citizens are out of work. This must change.

The President needs to negotiate agreements which require host nations to pay all labor, utilities, and services at our facilities. The agreement we have with the Japanese calls for the host nation to assume 100 percent of labor—including foreign national salaries and severance pay—and utilities costs by April 1996.

The President should negotiate agreements in which the host nation would pay for all military construction projects and real property maintenance. The Japanese currently pay for a portion of these costs, and will pay more.

The President should seek agreements in which host nations would pay for all leasing requirements associated with U.S. military presence. The Japanese agreement requires the Japanese Government to pay for all appropriate yen based costs.

The President should seek agreements which require host nations to pay for all actions taken to meet local environmental standards. The Japanese agreement calls for the host nation to assume environmental restoration costs.

The President should seek agreements which require host nations to relieve the U.S. military of all tax liability incurred on a U.S. military installation. The Japanese agreement does this—including exemptions from all tolls and customs fees.

And the President should seek agreements to ensure that goods and services furnished to the U.S. military

forces are provided at minimum cost and without imposition of user fees. The Japanese agreement exempts United States military goods and services from all tolls and customs fees.

We continue to finance a disproportionate share of the defense burden. In 1991, the United States spent approximately $1,180 per capita for the defense of the world, while Germany only spent approximately $446 per capita. And we continue to spend the highest portion of our GDP on defense. According to the most recent available statistics, the United States spent a staggering 5.9 percent of its GDP on defense, while Germany spent only 2.8 percent.

The United States simply cannot afford to pay any longer. Our Nation has nearly a $400 billion deficit, and a $4 trillion national debt. Yet, in fiscal year 1992, according to the Defense Department, we spent about $12.5 billion on overseas basing costs. Almost half of that was spent in Germany. We can't continue bankrolling the defense of our allies.

Clearly, more needs to be done to force the administration to get our allies to pick up more of the defense tab. For many years, Congress has urged the administration to get our wealthy NATO allies to contribute more, and very little has happened.

Even with these new host nation agreements, the United States will continue to pay enormous amounts of money to defend collective security interests overseas. We will still pay for the cost of our personnel, our equipment, our operational costs, transportation costs, and ammunition. We will still spend billions defending Europe, the Pacific, and the Middle East.

I believe the proposal included in the Senate version of the Defense appropriations bill will move the administration in the right direction, and will help relieve the American people of part of the defense burden which they've carried for far too long. It is a good first step. For that reason, I no longer intend to offer a burdensharing amendment on this bill.

NUCLEAR TESTING AMENDMENT

Mr. PELL. Mr. President, 1 month ago I strongly supported the Hatfield-Mitchell-Exon amendment to the Energy and Water Development Appropriations Act, H.R. 5373. I am delighted that the same language offered by Senator HATFIELD, which I enthusiastically cosponsored, was adopted by the Senate today. This was a timely and decisive vote by the Senate which will, I hope, be the turning point towards a worldwide ban on nuclear testing.

In my view there is a linkage between U.S. restraint and the willingness of others with nuclear weapons programs to control themselves. For the case of Russia, this linkage is very direct as shown in the statements of the Russian Ministers of Defense and Atomic Power, the equivalents of Secretary Cheney and Watkins. On July 23, Russian Defense Minister Pavel Grachev commented on the linkage:

> Our position is that we are prepared, along with the other nuclear powers, to immediately examine the question of a comprehensive nuclear test ban * * *. If a side has no intention of creating new types of warheads, then there should be no problem in giving up testing in this respect. As for monitoring the reliability and safety of existing nuclear warheads, it seems to that the sides have already built up sufficient experience. I would like to express the hope that the United States will take all this into account and that the deadlock on the question of a nuclear test ban will be broken.

The Russian Minister of Atomic Power, Victor Mikhailov, acknowledged this coupling by stating:

> Following our example, in April France declared a moratorium on nuclear tests until the end of 1992. The United States has the last word and the whole world awaits this step.

It is my strong opinion that we should not give Defense Minister Grachev and Atomic Power Minister Mikhailov the message that they should begin again their work on Russian nuclear weapons.

Mr. President, as you know, the amendment by the distinguished Senator from Oregon Mr. HATFIELD calls for the President to develop a plan to negotiate a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996. The global CTB can and must be a reality. A worldwide ban on nuclear testing will make a difference in making the world a safer place. Such a ban would not guarantee that a future Iraq will not try to develop nuclear weapons, but it will make a difference in the internal debates of those nations that are moving towards nuclear weapons.

Mr. President, this amendment allows a number of tests for reliability and safety reasons before the specified end to testing on September 20, 1996. I believe that the number of tests is increasingly high. I would hope that allowance is treated as a ceiling and not a goal.

Nonetheless, there is no question in my mind that the allowed tests will enable the United States to embark upon the regime required by the START Treaty and the prospective de-MIRVing treaty secure in the knowledge that its deterrent forces are safe.

In connection with its consideration of S. 2064, a bill providing for a nuclear moratorium, the Committee on Foreign Relations held a hearing on July 23 with representatives of the Departments of Defense and Energy, as well as nongovernmental experts. At that hearing, we explored safety issues in some depth.

The U.S. criteria for safety is to virtually eliminate the possibility of an accident releasing a nuclear yield of more than the equivalent of 4 pounds of high explosive. Over the years, the United States has added: First, special safety configurations to prevent detonations when warheads are dropped or bashed; second, insensitive high explosives to reduce the risk of accidental detonations of the nonnuclear explosives surrounding the nuclear heart of each device; third, fire-resistant pits to prevent detonations of nuclear weapons when bombers crash and burn or missiles catch fire; and fourth, enhanced nuclear detonation safety equipment.

After U.S. forces are adapted to the START and de-MIRVing treaties, all these safety features will be on most of the warheads, depending on whether the executive branch substitutes fully safe warheads for warheads that lack certain safety features because of earlier decisions. For example, Trident missile warheads lack insensitive high explosive because the Navy decided that the safety risk was so small that it did not justify burdening the Trident warheads and shortening their range through the installation of much heavier and more bulky insensitive high explosive.

Propelling these safety improvements were such incidents some years ago as the crash of a bomber carrying nuclear weapons at Thule, Greenland, and the mid-air crash of a bomber near Palomares, Spain, causing weapons to be dropped on land and sea. After that time, the bombers no longer took routine flights with nuclear weapons aboard. More recently, all U.S. bombers have been taken off alert. The Navy now loads the Trident SLBM's without warheads, and then places the warheads into the SLBM's. This two-step procedure reduces the risk of accidents involving these warheads.

In December 1990, a panel chaired by Prof. Sidney Drell, of the Stanford Linear Accelerator Center, released a report on nuclear weapons safety. The report cited a number of safety problems. Many of the problems cited in that report have been addressed by removing the older weapons systems. The main remaining issues raised by the Drell panel that could lead to further nuclear testing are: First, the absence of insensitive high explosive on the Trident W76 and W88 warheads; and second, the lack of fire-resistant pits on gravity bombs and cruise missiles on heavy bombers. The administration has not chosen to rebuild these systems because of the expense and because the safety level of these systems has been thought acceptable.

The administration has testified that the present arsenal is safe. Dr. Robert Barker, Assistant to the Secretary of Defense—Atomic Energy—stated in March 1992, before the House Armed Services Committee:

> The Air Force and Navy, in cooperation with the Office of the Secretary of Defense and the Department of Energy, evaluated the safety of all ballistic missiles that carry nuclear warheads. It was determined that there

is not now sufficient evidence to warrant our changing either warheads or propellants.

Mr. President, Dr. Raymond Kidder of the Lawrence Livermore National Laboratory described to the Committee on Foreign Relations a program involving changes in our systems that would eliminate any requirement for a large number of safety tests. Dr. Kidder told the committee:

If further investigation should indicate a need to upgrade these missiles to include all modern safety features (they lack Insensitive High Explosive (IHE), and Fire Resistant Pits (FRP)), this could be accomplished as follows:

The W78 warheads could be replaced with existing W87 MX warheads (no nuclear tests).

The W88 warheads could be replaced with W89 warheads whose development tests for use in the now-cancelled SRAM II have been completed. We estimate that not more than four nuclear tests would be needed to adapt the W89 for use in the W88 Mark 5 re-entry body, a different delivery vehicle than that used in the SRAM II.

The W76 warheads could be replaced with a smaller number of W89 warheads modified for use on the Trident II D5 missile. No nuclear tests would be required beyond those conducted to accomplish the W88 warhead replacement.

Some improvement in the safety of the Trident I, II C4 missile could be achieved by changing the missile design to accommodate four warheads instead of eight and replacing, with suitably designed blast/debris deflectors and barriers, the four alternate missile stations that would be removed. (No nuclear tests).

The numbers of tests listed above assume that the Rocky Flats plant in Colorado is not operating, requiring the use of pits salvaged from weapons being retired.

I would hope very much that the Congress and the executive branch will work closely together in deciding upon a program that will keep safety testing to a minimum. I agree with Dr. Kidder that the substitution of safer warheads already available in the existing arsenal, if deemed advisable, is preferable to a further reworking and testing of warheads.

Mr. President, I would hope very much that this amendment, if enacted into law, will spur the administration to reopen talks on a comprehensive test ban. There are many compelling reasons to have a comprehensive ban and no compelling reasons against such a ban.

The Reagan and Bush administrations were essentially unwilling to take steps toward a multilateral ban. We have paid a price for our failure to take a leadership role in this area. A correct decision today will put us solidly on the right path.

Mr. DIXON. Mr. President, my statement today will be one of my last as chairman of the U.S. Senate Armed Services Subcommittee on Readiness, Sustainability and Support. Before I begin to report my subcommittee's actions to my colleagues, I want to take a moment to express my gratitude to the staff of the Armed Services Committee, both majority and minority.

I have had the pleasure of working with some of the brightest, most hard-working and dedicated public servants in the Senate. Mr. President, lately it seems to be fashionable to be overly critical of congressional staffs. Well, I can tell you firsthand that the men and women with whom I have had the honor to work are some of the finest. I would like to take this opportunity to personally thank Dave Lyles, Bob Bayer, Madelyn Creedon, and Mary Kampo-Kyle. Dave Lyles, who has served as my staff director on the subcommittee, is an outstanding professional dedicated to doing his best for his country. Bob Bayer has the awesome responsibility of working on all military construction programs, a job he has performed admirably. Madelyn Creedon is a tough lady who had a tough assignment—as our expert on environmental cleanup, she had to work with various interests, from the Defense Department to industry. Mary Kampo-Kyle is a woman we all depended upon because of her effective and efficient manner.

Mr. President, I have always strived to work in a bipartisan manner on this subcommittee, and I feel my staff exemplifies that spirit of cooperation. I applaud the minority staffers. Mr. Ron Kelly is a gentleman in the truest sense, and Ken Johnson also did an excellent job or representing the views of his members. I would also like to mention a few other staffers with whom I have enjoyed working: John Hamre, a gentleman and outstanding public servant; Creighton Green, who recently lost his father in a tragic accident, yet showed his professionalism by working through his pain during the markup of this bill; Staff Director Arnold Punaro, whose good judgment can be credited for such an outstanding majority staff; and Pat Tucker, the minority staff director, who has done an excellent job or putting together a highly competent professional staff.

The outstanding professionalism of the Armed Services Committee staff is a credit to our committee chairman, and my dear friend from Georgia, and to our committee's ranking member from Virginia. Mr. President, I am honored to have served with people of such a high caliber.

Mr. President, S. 3114, the National Defense Authorization Act for fiscal year 1993, continues the process of reshaping the U.S. Defense Establishment for a post-cold war world. This bill represents the culmination of a great deal of hard work by the members and staff of the Armed Services Committee, and I urge my colleagues to support it.

As chairman of the Subcommittee on Readiness, Sustainability and Support, I want to take a few moments to highlight for my distinguished colleagues the provisions in the bill under the subcommittee's jurisdiction. My subcommittee has oversight responsibility for programs totaling approximately $99.5 billion in the fiscal year 1993 Defense budget, the largest funding jurisdiction of any subcommittee on the Armed Services Committee and a little more than one-third of the total defense budget.

To get the markup process going in the committee, the chairman wrote each subcommittee chairman and suggested a funding allocation for each subcommittee markup. The chairman specifically asked the Readiness Subcommittee to recommend reductions of $3.6 billion as our contribution toward meeting the budget resolution target. The subcommittee's recommendations resulted in the reductions of approximately $4 billion to the fiscal year 1993 budget request, so we actually exceeded the target that the chairman gave us. I am satisfied—and I think the Members of the Senate will be satisfied—that these savings can be achieved without hurting the programs that are essential to the readiness and capability of our Armed Forces.

The Readiness Subcommittee developed a major initiative in the area of inventory management in the Department of Defense. The subcommittee has spent a great deal of time on this subject this year and in years past. In my view the Defense Department has made progress in improving inventory management, but our hearings showed that a lot more can be done.

The committee bill contains a series of initiatives that result in a total of $3.2 billion in savings in fiscal year 1993. These initiatives will:

Reduce new inventory coming into the DOD supply system by putting a cap of 65 percent of sales on obligations for new purchases of inventory through the Defense Business Operations Fund;

Encourage the military services to return excess stocks located in operating units to the supply system to reduce future purchases by withholding funds from the O&M accounts that can only be used if these stocks are turned in;

Address the problem of excess on order stocks that we discussed in our hearings this year and that GAO has talked about—procurements for items for which a requirement no longer exists—by reducing funds in the Army and Air Force that can be recouped through cancellations of these unnecessary purchases;

Reduce overall funding requested by operating units and weapons system program offices to purchase new inventory in fiscal year 1993 by 5 percent; and

Direct the Defense Department to review their retention policies for retaining stocks in the supply system. Current policies require the services to retain many items in stock far past their useful life.

We have to be careful in this area, because inventory purchase can have a

direct relationship to training and readiness. I think we have crafted a package of initiatives that provides enough incentives to military services that they can recoup a large portion of this reduction by changing the way they order and manage their secondary item inventories. I want to acknowledge and thank Senator LEVIN for his leadership and assistance in this area.

There has been a lot of interest in DOD recruiting programs recently. All of us support the efforts of the military services to recruit and retain high quality people to join the services. At the same time, our review this year has found that the military services are probably recruiting for a higher level of forces in the future than we are likely to sustain. We also found that some areas of DOD's recruiting budget have not been cut back commensurate with the reductions in recruiting levels that have already taken place in the last 3 years.

DOD's total active and reserve recruiting budget is approximately $1.9 billion. The largest expense in recruiting is paying the salaries of the roughly 23,000 military personal assigned to recruiting activities. Only 25 percent of the total recruiting budget is in the O&M accounts under the jurisdiction of this subcommittee. Working with the Manpower and Personnel Subcommittee, we developed a three-part initiative in the recruiting area that:

Reduces O&M funding for recruiting in fiscal year 1993 by $27 million, providing a level of recruiting support in fiscal year 1993 that is 6 percent below fiscal year 1992 and 11 percent below fiscal year 1991;

Requires a reduction of 10 percent over the next 2 fiscal years in the number of military personnel assigned to recruiting functions in the military services. This provision will reduce recruiting costs by $130 to $150 million per year once the reductions are in place; and

Directs the Air Force and the Navy to consider consolidating their Active and Reserve recruiting organizations under a single command similar to the Army and Marine Corps recruiting commands.

There are a series of what I would call economy and efficiency reductions in the bill under the subcommittee's jurisdiction that affect all of the military services. These include reductions in travel and printing costs, contract advisory and assistance services, and administrative airlift flying hours.

Finally, there are a number of fact-of-life pricing and financing changes that have occurred since the budget was submitted in January in areas such as inflation, foreign currency, civilian pay, stock fund cash, and arms control compliance costs. None of these reductions will affect the execution of O&M programs during fiscal year 1993.

The Readiness Subcommittee also had jurisdiction over portions of the Defense transition and conversion initiatives in the committee bill dealing with assistance to local communities. The committee recommends increase of $283 million for these programs. These recommendations include an increase of $25 million for the Defense Department's Office of Economic Adjustment; a total of $200 million for the job retraining and economic development grants authorized the Defense Economic Adjustment Act that we passed in 1990; and $58 million for payments to local school districts heavily impacted by DOD military dependents.

In the military construction area, the committee recommendations include establishment of a moratorium on the expansion or modernization of medical research teaching facilities in DOD pending the evaluation of DOD's long-term needs in this area and deferring replacement of two DOD dependent schools in Germany until our force levels in Europe are settled and other burdensharing alternatives can be explored.

There are several legislative provisions in the committee bill which I want to bring to the attention of my colleagues.

Currently, purchases of items with a unit cost of over $15,000 are budgeted and centrally managed through the procurement accounts. One provision would authorize the Secretary of Defense to increase the threshold on purchases made with O&M funds from $15,000 to $100,000. This sounds like a small item, but I believe it will give local commanders a lot more flexibility to manage their programs and achieve efficiencies, particularly in making tradeoffs between leasing and buying items at local bases.

Another provision would broaden the authority we enacted last year for the military services to compete their depot maintenance workload between DOD depots and private contractors. This competition program is beginning to produce real savings, and I think it should be expanded beyond the pilot program contained in last year's act.

I want to highlight two environmental provisions. The first would direct the Department of Defense to establish a contractor risk-sharing program for environmental cleanup projects. As DOD moves into actual cleanup of contaminated bases, contractors are becoming reluctant to bid on these projects, in large part because of the difficulty in obtaining adequate liability insurance from the commercial market.

The second provision addresses problems associated with the cleanup of closing bases. This provision establishes a mechanism for identification and early sale of the clean portions of closing military bases. In addition, the provision provides liability protection from damages due to environmental contamination associated with prior military use for those who use all or part of former military bases. I believe this provision will help speed up the reuse of military bases that are being closed.

Mr. SMITH. Mr. President, I rise today to offer some personal comments on the fiscal year 1993 Defense authorization bill.

First of all, I would like to take this opportunity to commend the distinguished Senators from Georgia and Virginia for their leadership in formulating this legislation. It has been a very challenging year for the committee. The task of reconciling our national security requirements with diminishing budget allocations was extremely difficult and frustrating. And while I am disappointed with the final product, I do wish to thank the distinguished chairman and ranking member for their perseverance and bipartisanship.

Mr. President, as many of my colleagues know, I voted against S. 3114 in committee. This was not a decision which I took lightly, for there is much in the bill which I strongly support. However, in several key areas, I believe the legislation is fundamentally and dangerously flawed.

First and foremost, the committee bill fails to honor the bipartisan consensus embodied in the Missile Defense Act of 1991. As my colleagues will recall, last year, the Senate initiated and secured passage of landmark legislation which established a formal goal of deploying a multiple site AMB system to protect the American people, our forward deployed and expeditionary forces, and our friends and allies against ballistic missile attack.

The legislation enjoyed strong bipartisan support and included three basic programmatic initiatives: First, to rapidly develop and deploy highly effective theater missile defenses; second, to rapidly develop and deploy a multiple-site, limited defense system to protect the United States, beginning with an initial AMB Treaty-compliant site; and third, to maintain robust funding for brilliant pebbles to preserve the option of augmenting theater and strategic defenses in the future and space-based interceptors.

Inexplicably, however, the majority side of the committee has retreated from these commitments. The bill before us slashes the administration's budget request by $1 billion at the very time which we are supposed to be accelerating development of missile defenses. This intentional budgetary lowballing will inevitably cause schedule delays and cost-increases, both of which run contrary to the Missile Defense Act and national security.

Perhaps most objectionable is the committee's treatment of space-based interceptors. Last year, the committee directed that robust funding be provided for Brilliant Pebbles and author-

ized $625 million for the program. Although funding was later reduced in conference to $465 million, or 11 percent of the SDI budget, there was a clear consensus that this 11 percent represented the baseline for robust funding. Consistent with this guidance, the administration requested $575 million for space-based interceptors this year which, again, represents 11 percent of the budget. However, the majority has seen fit to dramatically reduce Brilliant Pebbles funding by more than $200 million, while at the same time retaining the requirement for robust funding. Mr. President, $350 million does not represent a robust funding level, and as one Senator who participated in last year's conference deliberations, I strongly object to the majority's failure to honor this important commitment.

I would say to my colleagues, Brilliant Pebbles offers the most cost and operationally effective SDI option in the future. We must not deny our Nation the tools to defend against emerging missile threats. If the Brilliant Pebbles Program is terminated or transformed into a mere technology demonstrator, we will have foregone the most promising deployment option in the SDI Program. I urge my colleagues to reject partisan pressures and preserve this $350 million as the bare minimum necessary to maintain a viable program.

Mr. President, I am also concerned by the committee's failure to responsibly address National Guard and Reserve cutbacks. Without question, our citizen soldiers play an essential role in the defense of our Nation. They are truly a national asset which must be preserved. However, as we transition to a much smaller active force, as Congress and the administration have agreed upon, it is imperative that we downsize our Guard and Reserve Forces proportionally, in order to maintain an appropriate balance in the total force.

While the bill before us authorizes 100 percent of the requested active end-strength reductions, it approves less than one-fourth of the administration's Guard and Reserve cuts. Furthermore, the committee bill prevents any reductions in Guard or Reserve Force structure. This simply makes no sense. With the threat of a lightning Soviet attack through the Fulda Gap now gone, we are bringing our active personnel and their dependents home at a rate of 500 per day. How can we justify maintaining excessive Reserve structure to reinforce troops which no longer exist in a war that can no longer be waged? I recognize that it is never politically popular to close armories or reduce Guard and Reserve billets, but by failing to drawdown our Reserve Forces in proportion to the active component we are destroying the symmetry of the total force. We must avoid at all costs a reversion to the hollow, untrained forces of the 1970's.

In addition to these programmatic concerns, I am deeply troubled by the overall spending levels embodied in this bill. The Armed Services Committee's bill is $7 billion below the President's amended budget request and almost $3 billion below the Senate's budget resolution. The President has already proposed dramatic defense reductions which will bring American military spending to its lowest level since before World War II. The additional reductions recommended in this bill are excessive and threaten to severely undermine our preparedness. In particular, I am concerned that several key subcommittees, namely the Strategic Forces Subcommittee, the Conventional Forces Subcommittee, and the Readiness Subcommittee were forced to cut their budgets by more than $1 billion each.

At the same time, the Defense Industry and Technology Subcommittee inflated its budget by more than $1 billion for programs which, in most cases, relate only peripherally to keeping our forces ready and well-equipped. Under the veil of defense conversion, the committee bill allocates extensive resources to a variety of programs that, justifiably, fall under the jurisdiction of Federal agencies other than the Defense Department. The authorization bill should fully fund our national defense requirements with an eye toward the defense industrial base, not become a partisan vehicle to promote the Democrat's industrial policy.

Mr. President, I will have more to say on these issues throughout the Senate's debate, but for now, I would urge my colleagues who are quick to demand further reductions, to exercise restraint. The cold war has ended, and America now stands alone as the preeminent world power. Let us not compromise this hard-fought superiority and revert to being one of the pack. We can and will realize defense savings. But these initiatives must be preceded by thoughtful, objective review and analysis; not random pillaging.

I thank the Chair, and I yield the floor.

REDUCING U.S. ARMED FORCES IN EUROPE

Mr. KASTEN. Mr. President, I rise today to support this very important amendment. The time has come to significantly rescue our troop strength in Europe.

For many years we spent billions of dollars supporting our allies from the threat of nuclear war in Europe. During the dark days of the cold war, maintaining a strong U.S. military presence in Europe was essential. But now reality dictates a change in course.

I am pleased that the administration has decided to reduce our troop strength in Europe by 50 percent from current levels. But that is not enough. I support going beyond the 150,000 force level—and cutting our troop strength an additional 33 percent to 100,000. That is why I am a consponsor of the amendment offered by the chairman of the Armed Services Committee.

The new world order requires us to maintain a strong defense. But our forces need to be reconfigured for tomorrow's crisis. The spectre of an all-out land war in Europe is no longer imaginable. The Warsaw Pact has been dissolved and the former Soviet Union is more concerned with developing enterprise zones than military forward-deployment zones.

By the end of fiscal year 1993, the Department of Defense will have finished its troop drawdown. Many military bases in the United States have been closed already or will be closed in the near future. Now is the time to reduce our base presence in Europe. Let's bring our men and women home, and develop our forces so we can respond quickly and efficiently to world crises.

With 100,000 troops remaining in Europe, we will still meet our security and treaty obligations to our allies. By financially supporting our troops here in the United States, we will be helping our domestic economy rather than pumping that money into the economies of the countries we're competing with in the world marketplace. Besides, if this amendment is adopted, we will be saving the American taxpayer roughly 10 percent a year to maintain our troops here in America than over in Europe.

Furthermore, maintaining U.S. troops at 100,000 in Europe will send a signal to our allies that we are still committed to their defense, and will say to possible agreessors that America is leaner and meaner and more committed than ever—to protect those that seek to defend liberty and freedom.

For these reasons, I urge my colleagues to support this amendment.

INVENTORY MANAGEMENT IN THE DEPARTMENT OF DEFENSE

Mr. NUNN. Mr. President, over the last several years the Armed Services Committee has spent a great deal of time on the issue of inventory management in the Department of Defense. Reports by the General Accounting Office and the Defense Department inspector general have repeatedly identified DOD inventory management as an area with substantial problems requiring significant management attention and corrective action.

In my view DOD has made progress in improving inventory management, but our hearings showed that a lot more can be done. The fiscal year 1993 Defense authorization bill currently before the Senate contains a series of initiatives to improve inventory management in DOD that result in a total of $3.2 billion in savings in fiscal year 1993. These initiatives will:

Reduce new inventory coming into the DOD supply system by putting a

cap of 65 percent of sales on obligations for new purchases of inventory through the Defense Business Operations Fund;

Encourage the military services to return excess stocks located in operating units to the supply system to reduce future purchases by withholding funds from the O&M accounts that can only be used if these excess stocks are turned in;

Address the problem of "excess on order" stocks that the committee discussed in our hearings this year and that GAO has talked about—procurements for items for which a requirement no longer exists—by reducing funds in the Army and Air Force that can be recouped through cancellations of these unnecessary purchases;

Reduce overall funding requested by operating units and weapons system program offices to purchase new inventory in fiscal year 1993 by 5 percent; and

Direct the Defense Department to review their retention policies for retaining stocks in the supply system. Current policies require the services to retain many items in stock far past their useful life.

We have to be careful in this area, because inventory purchases can have a direct relationship to training and readiness. I think the committee has crafted a package of initiatives that provides enough incentives to the military services that they can recoup a large portion of this reduction by changing the way they order and manage their secondary item inventories.

Mr. President, I want to congratulate the two members of the Armed Services Committee most responsible for the committee's recommendations in this area.

As chairman of the Readiness, Sustainability and Support Subcommittee, Senator ALAN DIXON has been a consistent, strong supporter of the funds necessary to maintain the readiness of our military forces. At the same time, he has consistently worked to improve the efficiency of operations throughout the Department of Defense logistics community, and it was his Subcommittee that developed the committee's initiative on inventory management in this bill.

Senator CARL LEVIN also made an important contribution to the committee's work on this subject this year, as he has for many years. As chairman of the Subcommittee on Oversight of Government Management on the Government Affairs Committee and as a longstanding member of the Subcommittee on Readiness, Sustainability and Support, Senator LEVIN has been investigating problems in DOD inventory management for the last several years, and his hard work has clearly paid off.

I want to thank both Senator DIXON and Senator LEVIN for their important contribution in improving inventory management in the Department of Defense. Their efforts will improve the efficiency of operations throughout the Department of Defense, and save money for the American taxpayer at the same time.

THE MILITARY RETIREMENT EQUITY ACT

Mr. GRAHAM. Mr. President, I applaud the distinguished chairman and members of the Armed Services Committee for their ability to balance so many important issues and needs in this legislation.

I want to particularly thank Chairman NUNN and the distinguished Senator from Ohio, Senator GLENN—chairman of the Subcommittee on Manpower and Personnel for including in this bill a provision based on legislation I have proposed, the Military Retiree Equity Act (S. 1381).

The legislation before the Senate today takes a great step toward reversing a century old law which prohibits those military retirees who are disabled from concurrently receiving retirement benefits and compensation payments for the disability.

Over the years we have learned that, in military conflicts, our human resources are our most valuable asset.

You cannot win a war just on firepower.

All the weapons in the world won't win a war if you do not have experienced individuals using them.

Therefore, we must make every effort to recruit and retain fine individuals to the armed services.

But to do so, we must have fair policies on how we will treat these individuals once they join the forces, especially those who suffer a disability.

In March, I testified before the Senate Armed Services Committee in support of the Military Retiree Equity Act.

Senator GLENN and his fellow subcommittee members expressed a commitment to try and achieve the goals of that legislation, and I believe they have made a significant effort through this bill.

Section 611 of the Department of Defense Authorization Act requires DOD to submit a legislative proposal next year to permit the concurrent receipt of military retired pay and veterans' disability compensation pay.

Second, the bill requires DOD to set aside sufficient funds in its fiscal year 1994 budget to finance implementation of such legislation.

The committee report accompanying the bill states the committee's belief that the current law is inequitable and states the committee's intention to consider the legislation DOD submits with a view towards recommending a proposal for adoption by the Senate next year.

We have the men and women of the U.S. armed services to thank for having the dedication, skill, and courage to keep America safe and free during decades of international instability and conflict.

Because of the reduced threats to the United States, we now have and opportunity to show our thanks to those individuals.

It it time for Congress to reverse the century-old law that prohibits career military who are wounded during their service from receiving earned retirement benefits.

I appreciate the committee's positive response to my and many other Senators' requests for a change in the law, and I look forward to the DOD's implementation of this mandate.

RESTORE FUNDING FOR THE EF-111 UPGRADE

Mr. COATS. Mr. President, I rise today to discuss S. 3114, the Defense authorization bill for fiscal years 1993. In general, I believe the bill reported by the Senate Armed Services Committee adequately provides for our National Security. Although the committee bill contains a number of provisions with which I disagree and I retain objections to some of the funding priorities. Overall I believe it makes a fair attempt to balance our defense needs while making some cuts in spending given our budgetary constraints.

We face a great many dilemmas this year and in the coming years in attempting to fashion a national security policy for a changing world.

Mr. President, we have witnessed extraordinary changes in the last few years. First the fall of the Berlin Wall and independence to the Soviet satellite States in Eastern Europe. Since our bill last year, the Soviet Communist State has collapsed. We have new, democratically elected governments in Russia and the other former Soviet States. We applaud these exciting changes. However, it is important to keep in mind as we reduce the size of our military forces that the world remains volatile and unpredictable—and in many ways more unstable than ever. Our national security requirements have not vanished but rather have become more complex. It is with this understanding that we must proceed in determining our national security needs. We must not be hasty in undermining all that we have accomplished during the last decade.

Mr. President, we must prepare carefully for the future—for the continued security of our land and our people. While it may be true that the Soviet Union—our enemy for so many years—is no longer an enemy or a direct threat to American peace, Desert Storm dramatically indicated that the Soviet Union is not our only danger.

Proliferation of weapons of mass destruction—biological, chemical and nuclear, in addition to missile technology continues unchecked throughout the world. There also remains uncertainty about what will become of the incredible war-making capabilities possessed by the former Soviet Union. Reports flourish that the new states, desperate for hard currency, are selling defense hardware to eager Third World buyers.

Regional conflicts are bound to figure prominently in the future given the current state of conflict around the world and weapons proliferation.

The United States must have the means to respond effectively and quickly to those world crises which jeopardize our interests. We cannot know, nor can we even accurately anticipate, the future. We live in an uncertain and dangerous world. It is therefore vital that the United States maintain a capable, modern, responsive and flexible military force. This force allowed us to achieve a quick victory in Desert Storm—with relatively few losses of American lives—and it is this force which has preserved peace in our Nation for so many years.

I understand, Mr. President, that it is necessary to make changes to our military—changes which reflect the demise of the Soviet State and reflect our own budgetary problems. Reductions, I believe, can be made, but it is essential that they be made thoughtfully and carefully. A rapid drawdown of forces as some propose will be detrimental to our security and will cause undue economic hardship on our Nation and to the men and women who have so faithfully served.

I believe that the committee has attempted to address the Defense bill with all of this in mind and in general I support what has been accomplished.

However, I am concerned about what could be a dangerous and devastating trend. The President proposed a budget this year with $50 billion in cuts. This in itself represents a dramatic reduction. And yet the committee's recommendation as contained in the bill cuts defense an additional $7 billion from the President's request and brings the defense bill $3 billion below the Senate budget resolution. I am concerned that there will be more efforts on the part of my colleagues to cut this year's budget and essential programs even further.

Mr. President, we must understand that additional cuts will have drastic consequences on the future of our forces, our readiness, our responsiveness, the ability to defend our interests. They will also have a dramatic affect on our defense industrial base and our ability in the future to produce weapons when needed. I therefore urge my colleagues to oppose any efforts made to further reduce our budget further.

Mr. President, as I have said, in general I support the moves made by the committee. I am pleased that the committee continues to support the modernization of the M-1 tank, critical to our industrial base. The committee also provided $755 million for development of 3 more production V-22 aircraft in fiscal year 1993. Mr. President, the Marine Corps continues to have a need for a modern medium lift aircraft. The tiltrotor technology of the V-22 will provide the Marine Corps the ability to move troops greater distances at twice the speed of the current CH-46 helicopter. Continued development of this technology is important to both future defense needs as well as commercial aviation applications. Keep in mind that all programs developing innovative technology experience problems and setbacks. We must move quickly to determine the problem and to correct it.

I am pleased that the committee included a provision I requested requiring the Department of Defense to evaluate and report on training practices at civilian airports and to determine if changes can be made to better protect public safety. The devastating crash of a National Guard C-130 aircraft in Evansville, IN last February, killing 11 people on the ground, as well as the C-130 crew, highlighted my concerns about conducting military training at civilian airports. Military training has an important function and I realize that the Guard and Reserve must conduct training. However, it is important that safety of people be considered first and foremost. I look forward to receiving this report from DOD and initialing any policy changes needed.

As most Members are aware, I have also expressed concerns about the lack of action at Jefferson Proving Ground in Indiana which was on the base closure list of 1989. Last year the Senate accepted an amendment I offered requiring the Department of Defense to come up with an environmental/reuse options study at JPG. Since last year I have been very pleased with the cooperation and responsiveness of the Army toward resolving the overwhelming environment problems caused by over 50 years of ordnance testing. Twenty-three million rounds of ordnance fired during this period has left 55,000 acres of land in Indiana riddled with unexploded ordnance. Until this year it appeared that there would be no attempts to satisfactorily resolve this problem. I am, therefore, very pleased that the committee has authorized $10 million to begin a research effort to develop technology to dispose of unexploded ordnance. Mr. President, this is a great step forward to resolving a problem which previously appeared to be unsurmountable. It is unacceptable to simply fence off this land and leave it as is. This move will now provide an opportunity to develop technology to clean up JPG and have the additional benefit of transferring the technology developed to other facilities in the United States and Europe with similar problems of unexploded ordnance.

Mr. President, I would now like to address some of my concerns with this year's bill.

Last year there was consensus support for the Missile Defense Act. I am disappointed at the apparent move away from what most will agree was a landmark agreement reached last year. The Missile Defense Act established a sense of urgency to move toward providing a limited defense system for the United States and further emphasis on providing a more complete defense through continued spending on space-based systems. Mr. President, this year's bill reflects a turning back from the priorities set in the bill last year and a commitment toward adequately funding SDI. The committee and the Senate committed last year to developing and deploying the systems necessary to provide protection to the American people. If these low funding levels continue, we will never be able to provide a defense capability. I especially find the funding for space-based programs well short of what it should be, and I strongly oppose any moves to lower the overall SDI budget further or to cut any more funds from the space-based interceptor program.

I also oppose the cuts to funding for the AX. It is essential that we move quickly to replace A-6, the aging Navy attack fighter already in service an average of 25 years. The AX is intended to replace not only the A-6 but also the Air Force F-111, F-15E and the F-117. The plan to replace the A-6 has already been delayed too long with the debacle over the A-12. It is important to move forward now with the development of the AX. The state-of-art technology of the AX will provide our forces with the necessary superiority to conduct successful long range attacks in the future. I therefore will oppose the committee's action in cutting funds from this program.

The committee also moved to zero funds to continue research and development of the Comanche light helicopter requested by the President. The Army needs the modern capabilities provided by the Comanche. The current helicopter fleet fails to adequately perform the job in today's environment. Mr. President, I understand what has prompted the committee to remove funding. The Comanche is a victim of the new acquisition policy announced this year by the administration. Currently, the Department of Defense has made no commitment to allow the Comanche to go to production but rather only to develop prototypes and shelve the technology. The committee has obvious problems with putting $1.9 billion into a program which as defined currently will only be "a science project". Nevertheless, Mr. President, the role and mission for a light scout helicopter has not gone away. I call on the Defense Department to look carefully at this program and be prepared to make a real commitment to develop the Comanche.

Finally, Mr. President I object wholeheartedly to language added by Senator WIRTH to the bill which would permit abortions at military hospitals

overseas. The last 2 years the Senate has invited attempts to add this language to the bill during floor consideration. I am very disappointed that the committee had now determined to add this controversial language dealing with social policy to a bill in which important defense priorities are set. The language as is, will allow abortions on demand for any or for no reason. I plan to offer amendments on this language on the floor and I urge Members to support my efforts to remove this unnecessary language.

Mr. President, I hope my colleagues will refrain from offering amendments that will jeopardize U.S. security by further cutting spending on important programs.

In closing, Mr. President, I would like to commend the chairman of the Armed Services Committee, the distinguished Senator from Georgia, and the ranking minority member, the distinguished Senator from Virginia, for their work on the Defense bill.

FUNDING FOR THE SEMICONDUCTOR MANUFACTURING TECHNOLOGY CORPORATION [SEMATECH]

Mr. BINGAMAN. Mr. President, the Defense authorization bill that is before the Senate preserves a strong commitment to research and development for future military systems. It also contains major new initiatives in technology, manufacturing, and defense transition.

While these initiatives seek to exploit some of the traditional R&D strengths of our defense sector, they are also driven by necessity. The resources in the defense sector are shrinking. With small acquisitions and fewer forces, technology will become even more important for military strength. More will have to be accomplished with less. That is why many of these initiatives seek leverage through two principal mechanisms: commercial-military integration and cost-shared partnerships.

These mechanisms are relatively new to defense R&D. There is one notable precedent, however, that provides a strong basis to be optimistic about their potential. That precedent is Sematech, the consortium of U.S. semiconductor producers that has joined with DARPA to develop advanced semiconductor manufacturing technology.

Sematech has been engaged in the development of manufacturing technology that can support both military and civilian needs. It is a special partnership in which all participants engage in planning and cost sharing. The venture is industry led and its results are tested in the marketplace.

Background of Sematech:

Sematech began as an industry initiative to respond to an erosion in the quality of U.S. semiconductor manufacturing. The manufacturing technology of U.S. semiconductor device producers and the manufacturing equipment and materials of the supporting infrastructure had slipped from its position of world leadership, with drastic implications for the competitiveness of the U.S. electronics sector.

At the same time, the Defense Science Board documented the growing dependency of U.S. weapons systems on foreign semiconductors and the defense need to strengthen the technology base for semiconductor manufacturing.

In these circumstances, legislation was enacted in 1987 to create a new approach to technology development and R&D procurement. An industry-Government partnership was formed to conduct research on advanced semiconductor manufacturing to meet defense requirements and regain commercial leadership.

Senator Lawton Chiles, who cosponsored with me the Sematech enabling legislation, characterized this approach as an historic first step toward restoring our competitive base while additionally rebuilding bridges between the Congress, the Pentagon, and the industry. The enabling legislation defined the principal features of Sematech.

Purpose: Sematech would conduct research and development into generic semiconductor manufacturing technology in order to advance national economic interests and national security interests.

Partnership: The Defense Department would participate as a partner with industry in accordance with a grant instrument and a memorandum of understanding rather than dictate to Sematech through Federal contract regulations.

Cost sharing: The total funds made available to Sematech by Government would be matched by industry investment.

Broad participation: Sematech would draw on the expertise of the national laboratories and colleges and universities in conducting its research and development.

Technology transfer: Sematech's results would be made available first to its participants and U.S. industry to provide a decisive market advantage; the technology would then be broadly diffused so as to become a world-class standard and to enhance the economic strength of U.S. toolmakers and suppliers.

These features of Sematech have allowed the Defense Department to tap into the most advanced commercial technology; to stretch its R&D investment to achieve more than it could with its own resources alone; and to proceed more flexibly and efficiently than would be possible under normal Government contract procedures.

Sematech accomplishments:

What have been the results? Sematech is on schedule and on target to meet its first five year objectives. Sematech has worked to develop at least one qualified, viable U.S. supplier for each key piece of semiconductor manufacturing equipment. Sematech is embarking on new manufacturing processes of 0.35 micron circuit geometries, a level of technology that should by the end of 1992 put the United States at parity with Japan in terms of equipment capability.

Perhaps most importantly, Sematech has strengthened the U.S. industrial infrastructure of semiconductor equipment manufacturers. Compelling evidence of this success has been the change in world market share. For the first time in almost a decade U.S. supplier companies gained world market share. Industry observers have attributed this dramatic turn-around, which amounted to almost a 3-percentage point increase, in large measure to Sematech.

These accomplishments have been of great benefit to the Defense Department. Sematech-developed equipment and processes are being used in the production of virtually every major defense system. Many of the improved pieces of equipment and processes have been transferred directly to Government laboratories, and defense dependence upon foreign semiconductor manufacturers has been significantly reduced.

In short Sematech has been an excellent investment for the United States.

Future implications:

What does the Sematech experience suggest for the future? By helping to restore parity with Japanese semiconductor manufacturing, Sematech is poised to move the United States industry back into a world leadership position. Sematech's new plan will seek to exploit the traditional strength of the U.S. industry in computer integrated manufacturing and software. This will allow a focus on reducing cost sensitivity to manufacturing volume. It should facilitate achieving high manufacturing yields on initial or small production runs. Finally it should improve manufacturing methods at a process or factory level.

All of these improvements will contribute to the economic health of the U.S. semiconductor industry. They will also increase the pace of technological innovation in microelectronics to the economic benefit of the Nation. For the Defense Department this will mean more capability, higher reliability and lower cost even in the face of reduced production runs. It will ensure that the U.S. forces will continue to enjoy a technological advantage where it can most affect performance, in the microelectronic brains of defense systems.

But in a larger sense, the features of the Sematech venture provides a good model for leveraging technology in other Defense programs. Harnessing commercial technology developments is essential if defense systems are to

remain state of the art. At the same time, the Defense Department can no longer afford to finance all the technology required to meet its needs. It must find ways of pooling its funds with industry for a common purpose. That is where the mechanisms of commercial-military integration and cost-shared partnership can be so effective.

The Armed Services Committee has strongly supported Sematech since its inception. I believe it offers some useful lessons for the Nation as we make major changes in our defense sector. I urge my colleagues to examine Sematech and see what can be accomplished when Government and industry proceed in partnership.

Mr. JEFFORDS. Mr. President, I rise today as a concerned member of the Veterans' Affairs Committee. As many of my colleagues know, a number of our Persian Gulf veterans are coming back to the States suffering from a myriad of unexplained health concerns. Their problems range from joint aches and skin rashes to severe respiratory problems and cancers. Many of these veterans were exposed to high levels of oil in the environment due to the uncapped oil wells sending millions of gallons of oil into the air. Many of them breathed air heavy with oil and had daily skin exposure to it.

Coincidentally, for quite some time I have been working with a family in Vermont who are suffering severe health problems as a result of contamination of their well water from oil containing PCB's and PAH's which leaked out of their submersible well pump. Due in part to my constituents' activism, several States have issued or are in the process of drafting health advisories about the probable dangers of oil in well pumps.

While these two incidents seem vastly different, it is important to note that the health complaints of my constituents are uncannily similar to some of the health complaints reported by our gulf war veterans.

On Wednesday, September 16, 1992, the Veterans' Affairs Committee in the other body held hearings on what is being called the gulf war disease. I applaud their efforts and propose that we should follow their lead and also hold hearings on this issue. I urge the Department of Defense and the Veterans Administration to devote more resources to determining the cause of these illnesses. I believe we owe at least this to our gulf war veterans.

COMPOSITE WING

Mr. SYMMS. Mr. President, of particular importance to the State of Idaho, in relation to the legislation we are considering today, is the Air Force's decision to bed down one of the first composite wings at Mountain Home Air Force Base.

Senator CRAIG and I read with some concern the language contained in the report accompanying H.R. 5006, the House-passed version of the fiscal year 1993 Defense authorization, that seriously questioned the capabilities of Mountain Home AFB, Pope AFB, and Moody AFB to host the composite wings, and questioned altogether the composite wing concept.

I am interested in whether the chairman and ranking member of the Armed Services Committee could address this particular issue and whether they agreed or disagreed with the House language?

Mr. NUNN. Mr. President, I thank my colleague from Idaho for bringing this matter to the Senate's attention. Let me just state briefly that I support the Air Force's innovative approach in integrating wings. As budgetary reductions become greater, and the need for joint integrated operations more pressing, it is important the services restructure their resources to adequately and efficiently perform their missions. The composite wing concept is a necessary step taken by the Department of the Air Force to meet future national security requirements and to have an integrated force package that is honed, trained, and operated in one location.

With regard to the particular bases hosting the composite wings, which includes Moody Air Force Base in Georgia, I am confident the Air Force has selected those which will best meet the combat training requirements and our strategic and tactical needs, yet do so in the most cost effective manner. The Base Closure and Realignment Commission concluded that one of Moody's most important assets was its key location relative to important Army divisions and other ground forces which the air wing would support in war time. This permits cost-effective, important joint training in air-ground combined arms operations.

It is the opinion of this Senator, that the report language on composite wings in the House report is off the mark.

Mr. WARNER. Mr. President, I simply wish to echo the statement of the Chairman. The composite wing concept is entirely necessary if the Air Force is to meet future challenges with far less equipment, personnel and funding. The composite wing concept will allow our pilots and support personnel to train together just as they would fight together. Currently, the only opportunities available to our personnel to work in this sort of environment is through the "Flag" programs or operations like "Cope Thunder," "Sentry Independence," and "Gallant Eagle." While these exercises certainly have influenced and enhanced the performance of our aircrews, the composite wing concept can only lead to a stronger and more capable Air Force for the future.

Mr. SYMMS. I thank the two Senators for their time and response to this matter.

Mr. CRAIG. I, too, thank my colleagues on the Armed Services Committee for their responses. However, Mr. President, I want to address the specific question contained in the House report of why the Department of Defense chose Mountain Home Air Force Base for the site of a composite wing as opposed to numerous other bases around the Nation. This is something that should have been done in the House Armed Services Committee or certainly during the debate on the House floor and can be summed up rather quickly.

Without impugning the spirit of other communities around the Nation, Idahoans are proud participants and partners in our national defense. In community relations, environmental quality, weather, recreational opportunities, and life-styles, Secretary Cheney would be hard-pressed to find a more appropriate base to site the composite wing.

First, Mountain Home offers electronic combat training capabilities that are virtually unmatched in the Air Force. For true combat readiness, tactical fighters require extensive realistic flight training. Mountain Home provides numerous low-level training routes, significant airspace over Southern Idaho and most of Nevada with little to no conflict with commercial or general aviation, and the ability to perform combat training in the day and, more importantly, in the night.

Second, the State of Idaho has offered to the Department of Defense a proposal to more than double the size of the training capabilities of the Air Force. With unanimous support by the Idaho Congressional delegation and overwhelming approval by Idahoans, the new proposal will increase significantly the military's ability to train into the future in a realistic combat setting. The Department of Defense, in reviewing future basing requirements, have made airspace availability one of the most critical components in their decision making process. At a time when our defense department is fighting to keep training ranges around the world, we should look with optimism at the State's proposal.

Third, Mountain Home lies in a low population area that provides to the Air Force the ability to expand with no encroachment problems. An ordinance was enacted by Elmore County, where Mountain Home AFB is located, to ensure encroachment will not be an issue in the foreseeable future by prohibiting more than one dwelling per 320 acres in the vicinity of the base.

Fourth, Idaho's quality to life provides Air Force personnel outstanding opportunities. With outdoor recreational opportunities, low costs of living, educational opportunities, and very affordable housing, military personnel and their dependents are afforded unlimited access to enjoy, without tremendous economic constraints, Idaho's virtues. Unlike many bases,

personnel on fixed incomes can live comfortable lifestyles thereby increasing productivity and personal and professional morale.

Fifth, Community relations are at an all-time high and among the best in the Air Force. Not to mention the tremendous informal support by Idahoans, the working partnership has grown significantly since the base first opened in 1942.

Based upon these and other factors, Secretary Cheney has proposed to beddown a composite wing at Mountain Home. I believe this is a sound and justifiable move to consolidate tactical air missions, thereby improving training and readiness at an extremely low cost to the government.

Mr. President, while others claim their base is more suited for the composite mission, I am sure Mountain Home is best suited for the near- and long-term requirements of the Air Force and is an asset that should be utilized to its fullest extent. I also ask unanimous consent Mr. President, that the Air Force's rebuttal to the House report language be included in the RECORD following my remarks.

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

Global Reach-Global Power is the Air Force's strategic planning framework which gives our nation a clear view of airpower's inherent strengths—speed, range, flexibility, precision, and lethality. The need to employ our limited forces to their fullest potential, the need to employ airpower as an integrated whole, and the requirement to expedite mission planning and execution, dictate that the Air Force develop and implement new concepts of operations. The Air Force is looking to the composite wing to help meet these needs. Gen McPeak is taking advantage of lessons of war including our recent Desert Storm experience where we organized multiple types of aircraft into single units to meet mission requirements. We are organizing in peacetime today as we plan to fight in war in the future.

From a historic perspective, composite wings have demonstrated several positive characteristics: they were well suited for independent operations in remote areas; they worked well when tailored and employed in this performance of specific missions; and they offered higher levels of wartime performance than other organizations. This performance is due in part to the unit's living, working, planning, and training together. Composite wings like those being developed at Mountain Home and Pope Air Force Bases will benefit the entire Air Force. These wings will provide not only an immediate response option, but allow an improved body of experience in training, tactics, and airpower employment that will benefit all Air Force units.

Air Force planners are building the Mountain Home AFB wing into a rapidly deployable composite force. It is structured to successfully plan and execute autonomous, around-the-clock, all weather air operations in any theater, region, or contingency area in support of US or coalition military objectives. The wing's F-15C, F-15E, F-16, E-3, KC-135, and B-52 (associate unit at Castle AFB, CA) aircraft create an effective air intervention fighting force. Should the situation call for expanded operations, the wing can absorb additional aircraft/specialized forces to enhance its combat capabilities. These specialized forces will be identified in the concept of operations and other operational planning documents. These are currently in development.

Although the wing is designed to train and employ as a single, cohesive unit, the wing is envisioned to be capable of several different deployment options. The wing may be used as a spearhead of a larger force package, providing combat presence and as an air defense umbrella for other deploying units. The wing could also "marry up" with another composite wing to provide the National Command Authorities with a broader and more powerful range of combat air operations, or it could deploy to augment forward-based forces either as an independent entity or as a component for a larger force.

The selection of Mountain Home AFB as the composite wing location for air intervention was based on several factors. Mountain Home's central location facilitates Mid-East. Central American, or Pacific Rim deployments. The base's existing runway, ramp space, and base infrastructure are capable and operationally suited to support the beddown of such a wing. The base also possesses additional facility capacity and real estate to meet future composite wing expansion requirements. Encroachment is not a factor. Mountain Home is located away from major metropolitan areas and air traffic corridors The local flying weather is excellent; the percentage of Mountain Home AFB flying sorties cancelled due to weather is one quarter that of the Air Combat Command average. Local flying training airspace and ranges are available to accommodate basic weapon system training activities. Mountain Home range airspace presently supports limited composite wing force training, and the Air Force and the State of Idaho are in the process of developing a proposal that will provide additional range and airspace to accommodate tactical and large composite force training. Environmental studies for the range expansion proposal are in progress and expected to be completed in Oct 93; environmental studies for the airspace expansion are complete.

In the Persian Gulf, a key contributor in the success of the air campaign was the fact that we had 6 months to plan—next time we may not be as fortunate. Desert Storm validated the need to have a readily deployable force package that can enter combat operations upon arrival—the heart of both Global Reach-Global Power strategy and the composite wing concept.

COMMUNITY COLLEGES AND RETRAINING

Mr. LEVIN. Mr. President, I would like to engage in a colloquy with the distinguished chairman of the Armed Services Committee regarding the role community colleges can play in assisting small, defense-oriented manufacturing supplier firms in making the transition from a defense to a civilian-based economy.

With more than 1.4 million defense related jobs estimated to be lost by 1995, there will be an increasing need for innovative programs to address the technical challenges faced by small and medium-sized supplier firms desiring to modernize their manufacturing capabilities, and to address the training and educational needs of dislocated workers. Community colleges will be able to play a critical role in these areas because of their experience in a wide array of educational and training programs and their close relationship with local industries.

Is it the chairman's intention and understanding that community colleges conducting these types of activities would be eligible for participation in the programs established by this bill, such as the Manufacturing Extension Programs, the Manufacturing Engineering Education, the National Defense Manufacturing Technology Program, and Regional Technology Alliances, to promote technology transfer to assist local and regional industries?

Mr. NUNN. The Senator from Michigan is correct. The programs he cites will use merit based selection criteria, and community colleges will be fully eligible to participate in them.

Mr. LEVIN. I appreciate the chairman's willingness to clarify this matter.

Briefly, I would like to share with the Chairman and my colleagues an innovative example of how community colleges in partnerships or consortia can provide effective technology transfer programs for local small businesses.

The Community Colleges Association for Technology Transfer [CCATT] is a consortium of 15 community colleges located in the Midwest with a proven track record of helping small and medium-sized firms keep pace with rapidly changing technology. CCATT serves as a coordinating mechanism for promoting technology transfer to local industries and training workers to utilize advanced technological equipment through education and hands-on demonstrations. Given the resources and expertise CCATT offers, I believe it will be able to contribute in a significant manner to the Federal government's effort to move our defense-industrial complex toward a more commercial orientation through the Regional Technology Alliances and Defense Manufacturing Technology Partnerships established by this bill.

INDUSTRIAL WASTE REDUCTION PROGRAM

Mr. DOMENICI. Mr. President, I wish to take this opportunity to talk about an amendment to the Senate Armed Services authorization that would authorize the Defense Department to initiate a program in industrial energy and waste minimization that has broad implications for reducing costs within the defense community while enhancing U.S. industry's competitive advantage. I will not offer this amendment which I have attached for information purposes.

I recently learned about a program within the Department of Energy called the Industrial Waste Reduction Program. This program is sponsored by the Assistant Secretary for Conservation and Renewable Energy and is led by Sandia and Los Alamos National

Laboratories. The objective of this program is to leverage Federal and industrial dollars to achieve energy efficiency through waste minimization. Every project requires at least one laboratory participant and at least one industrial partner. In some cases, several laboratories and several companies are collaborating on the same project. Although small in size, the potential benefits from this program for the country are enormous. Because of the industrial partnerships, the program is industry driven, and I find enthusiasm for the concept by participation of companies such as Motorola, Boeing, Aerospace, Hughes Aircraft, and IBM as well as small electroplating companies.

It occurred to me that these companies and others like them are an important part of the Nation's defense industry, and that the Department of Defense and the Nation could profit by initiating a similar program, but on a much larger scale. Therefore, I am proposing an amendment to the current Defense authorization being considered here that would authorize the Secretary of Defense to initiate an Industrial Energy and Waste Minimization Program as a new program element within the Strategic Environmental Research and Development Program. The first phase of this program would be for 5 years, and I recommend that it be authorized at the level of $30 million for fiscal year 1993 and $40 million for fiscal year 1994.

REDUCED WASTE VOLUMES

Let me relate some facts that have convinced me why such a program is important for the Department of Defense, the industry that serves it, and for the Nation. The United States currently produces 20 billion tons of solid waste per year. Of this amount, industry accounts for approximately 12 billion tons while consuming about 30 quads of energy. Manufacturing alone produces 8 of industry's 12 billion tons. The Office of Technology Assessment estimates that industry could reduce these volumes by 10 percent per year for 5 years resulting in a total reduction of 3.2 billion tons for manufacturing and 4.8 billion tons for industry. The 10 percent annual reduction in waste would also apply to the approximately 735 billion tons per year of liquid waste produced in the United States, resulting in a reduction of 73.5 billion tons per year. A 10-percent annual reduction in waste would result in at least a 10 percent decrease in environmental compliance costs and very significant additional benefits from improved energy efficiency and economic productivity.

REDUCED POLLUTION ABATEMENT COSTS

The Environmental Protection Agency has estimated that business and public agencies such as the Department of Defense spent $155 billion, or 2.1 percent of the gross domestic product [GDP] in 1990 on pollution abatement costs. The EPA has further estimated that these costs will rise to $185 billion in 2000, assuming full implementation of regulations. This is estimated to be 2.8 percent of the GDP in 2000. If you do not produce waste, then you do not have to pay for its disposal. Thus, a 10 percent annual reduction in pollution abatement costs would have saved $11.5 billion in 1990, and could potentially save $18.5 billion in 2000. This directly lowers production costs for industry as well as operational costs for Federal agencies. If tied to industrial process technology changes, we would also realize significant increased energy efficiency and productivity improvements.

REDUCED MATERIALS COSTS

In 1990, the U.S. industrial sector paid an estimated $1,400 billion to purchase non-energy materials. A 10 percent reduction in waste volumes could translate into a 10 percent reduction in materials input and materials cost to the sector. These savings apply only to the manufacturing sector and are even greater when operational savings are included.

REDUCED ENERGY AND ENERGY FEEDSTOCK COST

In 1990, the U.S. industrial sector consumer almost 30 quads of energy at a cost of $165 billion. If a 10 percent reduction in manufacturing waste produced a concurrent 10 percent reduction in energy consumption, we could have saved $16.5 billion in 1990. As startling as these numbers are, they may actually understate actual potential savings since process technology changes to reduce emissions could result in savings greater than 10 percent. The DOE's National Energy Strategy estimates that process improvements could achieve as much as a 40 percent reduction in energy use by 2030.

ADDITIONAL ECONOMIC BENEFITS

A number of additional economic benefits would probably result from a 10 percent annual reduction in waste and energy. These benefits include the expansion of the U.S. export portfolio. New waste and energy minimization technology developed in the United States could help capture a significant share of the fast-growing world market. In addition, the Defense Department and the Nation could benefit by reduced health risks and costs associated with reducing the generation of hazardous materials.

BENEFITS OF INDUSTRY-GOVERNMENT PARTNERSHIPS IN ENERGY AND WASTE MINIMIZATION

Finally, let me close by summarizing why an industry-driven, national laboratory—industry partnership in energy and waste reduction is important to the defense community and the Nation. During the past 50 years, the Government has made substantial R&D investments through the national laboratories in pursuing national security objectives. Many of the skills and technologies developed through this process can be redirected through a partnership to address the current and future needs of the U.S. defense industrial sector, as well as the operational needs of the Defense Department, particularly in achieving new levels of waste minimization. Without a partnership for the effective transfer of new technologies, industry will be obligated to duplicate many of them at a considerable cost to the Department and to the economy. Many of these technologies are truly dual-use. And, in some cases, industry is already ahead of the Federal Government in the development of new technologies and is willing to leverage and share these to the benefit of both industry and the Government. Risk sharing between Government and industry can support a portfolio that includes a greater number of risky projects with very high payoffs than the private sector alone could support. Jointly funded projects can lead to the development of new, clean, manufacturing technologies. These technologies can be highly competitive in international markets and their penetration will return revenues to the U.S. Treasury through greater private sector earnings and employment.

In conclusion, Government R&D has traditionally been mission driven, arising from overriding national security goals. Because of its past paramount focus on need, Government lacks the private sector's track record in choosing R&D projects on the private sector's customary basis of feasibility and potential for economic payback. Industry can contribute effective, no-nonsense business criteria to establishing R&D candidates for an industry-government partnership.

I hope these facts are as convincing to you as they have been to me. I strongly urge support for an Industry Energy and Waste Reduction Program as part of the Strategic Environmental Research and Development Program

I ask unanimous consent to insert the amendment in the RECORD.

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

On page 96, between lines 6 and 7, insert the following:

SEC. 324. INDUSTRIAL ENERGY AND WASTE MINIMIZATION PROGRAM.

(a) PROGRAM ELEMENT TO BE ESTABLISHED.—The Secretary of Defense shall establish within the Strategic Environmental Research and Development Program an Industrial Energy and Waste Minimization program element. Funds available for that program element shall be available for the purpose of funding cooperative research and development projects involving Department of Defense contractors and the Department of Energy national laboratories that, as of the date of the enactment of this Act, are the lead laboratories for the Industrial Waste Reduction Program of the Department of Energy.

(b) ELIGIBLE PROJECTS.—(1) A project is eligible for funding under the Industrial Energy and Waste Minimization program element if

the project is a project referred to in subsection (a) that is conducted for the purpose of reducing Department of Defense costs by increasing efficiency in the use of energy and materials or by enhancing pollution prevention.

(2) The projects that may be approved for funding under the Industrial Energy and Waste Minimization program element include the following:

(A) Redesign of processes.

(B) Design of new processes.

(C) Recycling of waste.

(D) Elimination of waste.

(c) FUNDING.—(1) Funds are authorized to be appropriated for the Strategic Environmental Research and Development Program to be made available for the Industrial Energy and Waste Minimization program element as follows:

(A) For fiscal year 1993, $20,000,000.

(B) For fiscal year 1994, $30,000,000.

(2) The authorization of appropriations in paragraph (1)(A) is in addition to other authorizations of appropriations provided in this Act.

Mr. WARNER. Mr. President, I commend the Senator on his recognition of both the increasing waste accumulation problems we face, and opportunities we have to deal with these problems, with available funding.

The Departments of Defense and Energy, along with other Federal agencies, are working together on these problems.

Yes, the Strategic Environmental Research and Development Program [SERDP] has a number of competitively selected projects which already address waste minimization. The service depots, shipyards, and private contractors are being directed to seek new and innovative waste reduction developments.

We are committed to the same goals. I thank the Senator for his concerns.

LOAN AND LEASE AGREEMENTS FOR MILITARY PROPERTY

Mr. GLENN. Mr. President, I would like to congratulate the Senator from Georgia for his leadership in managing this bill through committee and toward speedy passage on the Senate floor. This is a significant achievement given the contentious issues involved and the numerous amendments that have been proposed.

One of the issues in the bill with which I am especially interested involves the loan and lease of military property. Last year's defense authorization bill—at the request of the Pentagon—added a new paragraph to section 2667 of United States Code, title 10. That new paragraph provides that the Secretary of a military department "shall provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is not less than the fair market value of the lease interest, as determined by the Secretary."

This was intended to provide for just compensation for the use of real estate owned by the military. For instance, if a defense contractor wanted to use a military installation for an airshow, the new provision would make sure that the military was compensated fairly. But the broad language of the new provision caused personal property to be treated the same as real property.

So if a State or local government wanted to lease personal property—even if it was critical to the public safety—they would have to pay a lease fee. So we now encounter a situation where the Pentagon is prevented from protecting the public. And State and local governments who are financially strapped cannot afford to lease military equipment which simply sits in warehouses gathering dust. This makes no sense.

Mr. President, I want to ask for clarification from the chairman to ensure that this bill properly alleviates this situation.

Mr. NUNN. The Senator from Ohio is correct. The bill before us includes language amending section 2667 so that a mandatory fair market value lease fee only applies for real property. Personal property no longer falls under the restrictions of section 2667 so that should equipment be needed by State and local governments they will no longer be faced with the mandatory fair market value lease fee restrictions. Like the Senator from Ohio, I believe this is especially important in the case of equipment provided by the military to address public safety needs.

Mr. GLENN. Mr. President, I thank my friend from Georgia and again commend him for his work on this legislation.

NATIONAL EDUCATION PROPERTY BOARD ACT

Mr. BINGAMAN. I want to acknowledge my colleague, Senator GLENN, the distinguished chairman of the Committee on Governmental Affairs for his leadership and interest in the Federal disbursal of excess and surplus property. Every year billions of dollars' worth of Federal property becomes excess or surplus. As a result, there is no question that many people have benefited and continue to benefit from receiving this property including the homeless, Little League, and our major universities. There is an inherent hierarchy within the current system of disbursal. It has come to my attention there is some concern with respect to how effectively and/or efficiently this system operates.

Mr. GLENN. Thank you Senator. There is a process for disbursing this property that has been operating for many years. I am aware of your concerns especially with respect to the access of this property to our local schools.

Mr. BINGAMAN. Yes, I would like our schools to have better access and more efficient access to this property. Education has been declared a national priority by the President and the States' 50 Governors. However, we are in an era of tight budgets and government spending cuts. Purchasing new supplies and equipment is only a dream for schools facing sharp budget cuts. What my bill, the National Education Property Board Act, proposes to do is to change the priorities in the current GSA disbursing procedures for excess and surplus equipment providing a window of opportunity for schools in this process to better meet the needs of our schools and the Nation.

Mr. GLENN. I agree with you about the pressing needs of our schools and I share your concern that they be able to obtain better access to needed resources including excess and surplus Federal property.

Mr. BINGAMAN. I had intended to offer this bill as an amendment to the Defense authorization bill because I believe that the DOD could easily institute a pilot program to determine the efficacy of what I am proposing, thereby providing badly needed resources to our Nation's schools which educate over 44 million students in our K–12 system. It is my understanding that you support the idea of providing more resources to our schools through the excess-surplus disbursing system but that you would like more information about the way the current disbursal system operates and more data about the inventorying procedures.

Mr. GLENN. It is my understanding that under the current system schools do receive much of the surplus property within the system. But I do accept that there may be concerns of efficiency and effectiveness and perhaps even priorities. However, there simply is not enough information to make these decisions. In order to gather this information, I recommend that I hold a hearing early in the first session of the 103d Congress on the merits of your bill.

Mr. BINGAMAN. I understand the complexities involved in changing the structure of an existing entity. The fact that change is difficult does not imply that changes should not be made particularly if circumstances have changed and if the circumstances warrant that changes in the existing disbursal system are in order. Thank you for your consideration and your suggestion of a hearing, which I think is a good idea.

Mr NUNN. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. Without objection, the bill is considered read three times.

The bill was ordered to be engrossed for a third reading and was deemed read the third time.

Mr. NUNN. I urge passage of the bill.

The PRESIDING OFFICER. The bill, having been deemed read the third time, the question is, shall the bill pass?

So the bill (S. 3114), as amended, was passed.

(The text of S. 3114, as passed by the Senate, will be printed in a future edition of the RECORD.)

Mr. PELL. Mr. President, I would like to take this occasion to compliment the distinguished chairman of the Committee on Armed Services, Mr. NUNN, and the distinguished ranking minority member, Mr. WARNER for bringing to passage the Department of Defense authorization bill for fiscal year 1993.

There are, as usual, parts of the bill to which I take exception, as I have in past years. I would like to see deeper cuts in some of the big programs such as SDI and the B-2, and I look forward to the day when defense expenditures will consume a much smaller share of our national resources.

But this year's bill is remarkable, from my viewpoint, because of its many constructive provisions to ease the transition to lower defense spending and to promote rational conversion of our defense establishment to a peacetime posture. For this, the leadership of the committee deserves great credit.

As I said on this floor last month, the fact this bill provides $1.2 billion for defense conversion represents a remarkable shift in public policy reflecting changes in the world around us.

I note that many of the conversion provisions emanated from the Task Force on Defense/Economic Conversion chaired so ably by the distinguished Senator from Arkansas Mr. PRYOR, on which I was pleased to serve.

This bill includes creative provisions for transferring military talents and techniques to civil purposes and it contains a rich menu of innovative provisions to advance dual use technology, and to promote technology transfer to the commercial sector, manufacturing education and small business innovative research.

I am pleased that the managers saw fit to accept my amendments to promote corporate planning for industrial diversification, and to require the Department of Defense to provide data on the problem on continuity of health benefits for laid-off defense industrial workers.

For all of these reasons, Mr. President, I am pleased to support this bill. It marks a dramatic shift in priorities and lays the ground for further strides in the future.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. Mr. President, it is my privilege to move to table that motion to reconsider.

The motion to lay on the table was agreed to.

The title was amended so as to read:

To authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to provide for defense conversion, and for other purposes.

Mr. NUNN. Mr. President, I ask unanimous consent that S. 3114, as amended, be printed as passed.

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

SUBSTITUTE THE TEXT OF RELEVANT PORTIONS OF THE SENATE-PASSED BILL FOR THE TEXT OF BILLS PREVIOUSLY REPORTED OUT BY THE SENATE ARMED SERVICES COMMITTEE

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed immediately to the consideration en bloc of the following bills: S. 3136 through S. 3145, Calendar Order Nos. 598 through 607; that all after the enacting clause of each of those bills be stricken and that the appropriate portion of S. 3114, as amended, be inserted in lieu thereof, according to the schedule as follows, which I send to the desk; that these bills be advanced to third reading and passed; that the motion to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

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

The schedule follows:

S. 3136, The National Defense Multiyear Authorization Act of 1992: insert S. 3114, as amended.

S. 3137, The Omnibus National Defense Authorization Act for Fiscal Year 1993: S. 3114, as amended.

S. 3138, The Military Personnel Authorization Act for Fiscal Year 1993, insert titles IV-VII, as amended.

S. 3139, The Defense Conversion and Transition Assistance Act of 1992: from S. 3114, insert the following: title III, subtitle C; title III, subtitle D; title V, subtitle D; title V, subtitle E;, and title VIII, subtitle A.

S. 3140, The Department of Defense Authorization Act for Fiscal Year 1993: insert Division A of S. 3114.

S. 3141, The Military Construction Act for Fiscal Year 1993: insert Division B. of S. 3114.

S. 3142, The Department of Energy National Security Act for Fiscal Year 1993, insert titles XXXI-XXXII of S. 3114.

S. 3143, The Military Personnel Transition Act of 1992: from S. 3114, insert title V, subtitle D; and title V, subtitle E.

S. 3144, The Military Health Care Initiatives Act of 1992: insert section 716 of S. 3114.

S. 3145, The National Defense Technology and Industrial Base Conversion and Assistance Act of 1992: insert title VIII, subtitle A of S. 3114.

(The text of S. 3136 through S. 3145, as passed by the Senate today, will appear in a subsequent issue of the RECORD.)

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. NUNN. Mr. President, with respect to H.R. 5006, the House-passed version of the National Defense Authorization Act for fiscal year 1993, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of H.R. 5006 and that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 3114, as amended, be substituted in lieu thereof; that the bill be advanced to third reading and passed; that the title of S. 3114 be substituted for the title of H.R. 5006; that the Senate insist on its amendments to the bill and the title and request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees; that the motion to reconsider the above-mentioned votes be laid upon the table; and that the foregoing occur without intervening action or debate.

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

There being no objection, the Presiding Officer appointed Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. GORE, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. WARNER, Mr. THURMOND, Mr. COHEN, Mr. MCCAIN, Mr. WALLOP, Mr. LOTT, Mr. COATS, Mr. MACK, and Mr. SMITH, conferees on the part of the Senate.

UNANIMOUS-CONSENT AGREEMENT—S. 3114 and S. 3136-3145

Mr. NUNN. Mr. President, I ask unanimous consent with respect to S. 3114, and S. 3136 through S. 3145, as just passed by the Senate, that if the Senate receives a message with regard to any one of these bills from the House of Representatives, that the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to a conference with the House on the disagreeing votes of the two houses and the Chair be authorized to appoint conferees and the foregoing occur without any intervening action or debate.

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

ACTION ON H.R. 4880

Mr. NUNN. Mr. President, with respect to H.R. 4880, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of H.R. 4880, and that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 3114 as amended be substituted in lieu thereof, that the bill be advanced to third reading and passed, that the title of S. 3114 be substituted for the title of H.R. 4880, that the Senate insist on its amendments to the bill and the title and request a conference with the House on the disagreeing votes of the two houses and the Chair be authorized to appoint conferees, that the motion to reconsider the above-mentioned votes be laid upon the table and that the foregoing occur without any intervening action or debate.

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

The PRESIDING OFFICER appointed Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. GORE, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. WARNER, Mr. THURMOND, Mr. COHEN, Mr. MCCAIN, Mr. WALLOP, Mr. LOTT, Mr. COATS, Mr. MACK, and Mr. SMITH, conferees on the part of the Senate.

WORLD WAR II 50TH ANNIVERSARY COMMEMORATIVE COINS ACT

Mr. NUNN. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 3195, the World War II 50th anniversary commemorative coins act; that the Senate proceed to its immediate consideration; and that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table.

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

The bill (S. 3195) was deemed read the third time and passed, as follows:

S. 3195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "World War II 50th Anniversary Commemorative Coins Act".

SEC. 2. FINDINGS AND SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) the period of December 7, 1991, through September 2, 1995, will mark the 50th anniversary of the involvement of the United States in World War II;

(2) over 16,000,000 people served in the Armed Forces of the United States during that conflict;

(3) over 400,000 American men and women gave their lives in defense of freedom around the world during World War II;

(4) World War II fundamentally reshaped the international geopolitical landscape, as well as the economic, political, and cultural institutions of our Nation;

(5) the War involved a clear choice between democracy and tyranny and involved our Nation as a whole in a worldwide battle against the forces of fascism and oppression;

(6) the June 6, 1944, invasion of northern France, when in one day 176,000 Allied military personnel were landed on the beaches of Normandy, was one of World War II's most celebrated achievements;

(7) the "D-Day" invasion was the largest seaborne invasion in history, and the ensuing 76-day Battle of Normandy was one of the largest land battles in history;

(8) the Battle of Normandy was a key to the Allied forces' eventual liberation of Europe; and

(9) numerous organizations and individuals across the United States have expressed interest in or are engaged in efforts to draw attention to the 50th anniversary of World War II.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress—

(1) that the 50th anniversary of the involvement of the United States in World War II, the Battle of Normandy, and its other important battles should not go unrecognized at the national level;

(2) that the United States should recognize these anniversaries by minting and issuing coins to commemorate these anniversaries; and

(3) the minting of a United States coin to commemorate the Battle of Normandy and "D-Day" would be an appropriate concomitance to the commitment by the Republic of France that it will mint a French commemorative coin in recognition of the anniversary.

SEC. 3. WORLD WAR II COMMEMORATIVE COINS.

The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue coins in accordance with this Act to commemorate the 50th anniversary of the involvement of the United States in World War II.

SEC. 4. SPECIFICATIONS OF COINS.

(a) DENOMINATIONS.—The Secretary shall mint and issue the following coins:

(1) FIVE DOLLAR GOLD COINS.—Not more than 300,000 five dollar gold coins, each of which shall—

(A) weight 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) be composed of 90 percent gold and 10 percent alloy.

(2) ONE DOLLAR SILVER COINS.—Not more than 1,000,000 one dollar silver coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) be composed of 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 2,000,000 half dollar coins, each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 5. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under existing law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act.

SEC. 6. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins authorized under this Act shall, in accordance with subsection (b), be symbolic of the participation of the United States in World War II. In addition, the design of the gold coin authorized under section 4(a)(1) shall be emblematic of the Allied victory in World War II, and the silver coin authorized under section 4(a)(2) shall be emblematic of the Battle of Normandy.

(2) DESIGNATIONS AND INSCRIPTIONS.—Each coin authorized under this Act shall bear a designation of the value of the coin, an inscription of the years "1991-1995", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum". In addition, the silver coin authorized under section 4(a)(2) may bear a designation of the date "June 6, 1944" and an inscription of the words "Battle of Normandy" or "D-Day Invasion".

(b) DESIGN COMPETITION.—The Secretary shall sponsor a nationwide open competition for the design of each coin authorized by this Act.

(c) SELECTION.—The design for each coin authorized by this Act shall be selected by the Secretary from the results of the design competition under subsection (b), after consultation with—

(1) representatives of veterans organizations of the United States whose membership includes veterans of World War II, including—

(A) the American Legion;

(B) the Veterans of Foreign Wars of the United States;

(C) AMVETS (American Veterans of World War II, Korea, and Vietnam); and

(D) the Disabled American Veterans; and

(2) in the case of the one dollar silver coin authorized under section 4(a)(2), the Battle of Normandy Foundation and individuals designated by the Foundation from among individuals who are particularly knowledgeable, by reason of their education, training, or experience, about the history of World War II.

SEC. 7. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act may be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality for the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue the coins minted under this Act beginning on January 1, 1993.

(d) TERMINATION OF AUTHORITY.—Coins may not be minted under this Act after December 31, 1993.

(e) PROMOTION CONSULTATION FOR WORLD WAR II MEMORIAL.—The Secretary shall determine the role that the American Battle Monuments Commission (hereafter referred to as the "Commission") and any entity established by the Congress to assist the Commission in erecting a World War II memorial will have in the promotion, advertising, or marketing of coins authorized under this Act. This determination shall be made in consultation with the Commission and any other such entity. The Secretary may enter into a contract involving the promotion, advertising, or marketing of such coins with the Commission and such other entity if the Secretary determines that such a contract would be beneficial in the sale of the coins.

(f) PROMOTION CONSULTATION FOR NORMANDY MEMORIAL.—In consultation with the Battle of Normandy Foundation, the Secretary shall determine the role such entity shall have in the promotion, advertising, or marketing of the coins authorized under this Act. The Secretary shall enter into a contract involving the promotion, advertising, or marketing of such coins with the Foundation if the Secretary determines that such a contract would be beneficial in the sale of the coins.

SEC. 8. SALE OF COINS.

(a) IN GENERAL.—The Secretary shall sell coins minted under this Act at a price equal to the sum of the face value of the coins, the surcharge provided in subsection (d) with respect to such coins, and the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this Act at a reasonable discount to reflect the lower costs of such sales.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted

under this Act prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $35 per coin for the five dollar coins, $8 per coin for the one dollar coins, and $2 per coin for the half dollar coins.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the Federal Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Government.

SEC. 10. USE OF SURCHARGES.

(a) SPLIT OF SURCHARGES BETWEEN BATTLE OF NORMANDY MEMORIAL AND WORLD WAR II MEMORIAL.—Surcharges received from the sale of coins minted under this Act shall be distributed by the Secretary as follows:

(1) BATTLE OF NORMANDY FOUNDATION.—The first $3,000,000 received from the sale of coins shall be transferred to the Battle of Normandy Foundation and used to create, to endow, and to dedicate, on the 50th Anniversary of D-Day, a United States D-Day and Battle of Normandy Memorial in Normandy, France, adjacent to the largest World War II Museum in the world in Caen, France, and to encourage and support visits to the memorial by United States citizens, and especially students.

(2) AMERICAN BATTLE MONUMENTS COMMISSION.—The first $7,000,000 received from the sale of coins after the $3,000,000 referred to in paragraph (1) shall be deposited by the Secretary, subject to subsection (b)(2), in the fund established in the Treasury which is available to the American Battle Monuments Commission for the expenses incurred in establishing a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who served in World War II and to commemorate the participation of the United States in that war.

(3) DISTRIBUTION OF EXCESS.—Of the amounts received from the sale of coins in excess of $10,000,000—

(A) 30 percent shall be transferred to the Battle of Normandy Foundation and used in the manner provided in paragraph (1); and

(B) 70 percent shall be deposited by the Secretary, subject to subsection (b)(2), in the fund described in paragraph (2).

(b) USE OF FUNDS IF NOT USED FOR MEMORIAL.—

(1) BATTLE OF NORMANDY MEMORIAL.—Of the amounts received by the Battle of Normandy Foundation under this section, any amount in excess of the amount spent by the Foundation for the uses described in subsection (a)(1) shall be transferred to the Secretary for deposit in the account provided for in section 8(b)(1) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" and approved November 14, 1986, in the same manner as provided by law for the World War II memorial described in subsection (a)(2).

(2) WORLD WAR II MEMORIAL.—If the World War II memorial described in subsection (a)(2) is not authorized by Congress by December 31, 1995, the amounts described in paragraph (2) and (3)(B) of subsection (a) shall be deposited by the Secretary in the account described in paragraph (1) of this subsection.

(c) AUDITS.—The Comptroller General of the United States shall conduct an annual audit of any books, records, documents, and other data—

(1) belonging to the Battle of Normandy Foundation, the American Battle Monuments Commission, and any agency or organization which receives any amount from the fund described in subsection (a); and

(2) relating to the expenditure of any amount received under subsection (a) or from the fund,

until all amounts received by the foundation, commission, agency, or organization under subsection (a) or from the fund have been spent and the expenditure of such amounts has been audited.

SEC. 11. REPORT TO CONGRESS.

Not later than March 31, 1994, the Secretary shall submit to the Congress a report regarding the activities carried out under this Act.

SEC. 12. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act relating to the minting or selling of the coins authorized by this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 13. COINAGE PROFIT FUND.

(a) DEPOSIT—All amounts received from the sale of coins issued under this Act shall be deposited in the coinage profit fund.

(b) PAYMENTS.—The Secretary shall pay the amounts authorized under section 10 from the coinage profit fund.

(c) EXPENDITURES.—The Secretary shall charge the coinage profit fund with all expenditures under this Act.

ATLANTA CENTENNIAL OLYMPIC GAMES COMMEMORATIVE COIN ACT, CIVIL WAR BATTLEFIELD COMMEMORATIVE COIN ACT, VIETNAM VETERANS COMMEMORATIVE COIN ACT

Mr. NUNN. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of: H.R. 3654, the 1996 Atlanta Centennial Olympic Games Commemorative Coin Act; H.R. 5126, the Commemorative Coin Act in honor of the 100th Anniversary of the beginning of the protection of Civil War battlefields, and S. 2707, the Vietnam Veterans Commemorative Coin Act of 1992; that the Senate proceed to the immediate consideration, en bloc, of these bills; that statements with respect to passage of these bills appear at an appropriate place in the RECORD; and that the bills be deemed read for the third time, passed, and the motion to reconsider the passage of the bills en bloc be laid upon the table.

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

The bills (H.R. 3654) and (H.R. 5126) were deemed read the third time and passed.

The bill (S. 2707) was deemed read the third time and passed as follows:

S. 2707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vietnam Veterans Commemorative Coin Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) in 1992, the people of the United States will observe the "Year of the Vietnam Veteran" and the 10th anniversary of the dedication of the Vietnam Veterans Memorial; and

(2) the minting and issuance of $1 silver coins commemorating the accomplishments of veterans who served during the Vietnam War is an appropriate method by which to observe those events.

SEC. 3. AUTHORIZATION.

(a) ISSUANCE.—The Secretary of the Treasury (hereafter referred to as the "Secretary") shall issue not more than 1,000,000 one dollar coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) DESIGN.—The design of the coins issued under subsection (a) shall be emblematic of the heroic service of veterans who served during the Vietnam War. On each coin there shall be a designation of the value of the coin, an inscription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, the coins issued under subsection (a) shall be considered to be numismatic items.

(d) LEGAL TENDER.—The coins issued under subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for the coins authorized under section 3 from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 5. SECTION OF DESIGN.

The design for each coin authorized under section 3 shall be selected by the Secretary after consultation with the Chairperson of the Vietnam Veterans of America Advisory Board and the Commission of Fine Arts.

SEC. 6. SALE OF COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the coins authorized under section 3 shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses), and the surcharge provided for in subsection (d).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins authorized under section 3 at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins authorized under section 3 prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) SURCHARGES.—All sales of the coins authorized under section 3 shall include a surcharge of $7 per coin.

SEC. 7. ISSUANCE OF COINS.

(a) IN GENERAL.—The coins authorized under section 3 may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike any particular quality.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue the coins authorized under section 3 beginning on January 1, 1992.

(c) PERIOD OF AUTHORITY.—Coins authorized under section 3 may be minted beginning 30 days after the date of enactment of this Act and for a period of not more than 1 year thereafter.

SEC. 8. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services required to carry out this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 9. DISTRIBUTION OF SURCHARGES.

Subject to section 10, all surcharges received by the Secretary pursuant to section 6(d) shall be promptly paid by the Secretary to the Vietnam Veterans Assistance Fund for the purposes of—

(1) honoring and recognizing the accomplishments of veterans of the Vietnam War;

(2) educating the people of the United States regarding the accomplishments and sacrifices of such veterans and their families;

(3) establishing programs for the purpose of improving the health and well-being of such veterans and their families, including programs to provide assistance to veterans suffering from post traumatic stress disorder and to veterans who are homeless;

(4) providing assistance to such veterans in qualifying for benefits under title 38, United States Code, and other benefits available under Federal law;

(5) providing grants to scientific and medical organizations to study the effects of and treatment for exposure to the chemical tetrachlorodibenzoparadioxin (commonly known as Agent Orange); and

(6) providing employment counseling and assistance to all veterans who served during a period of war.

SEC. 10. AUDITS.

(a) VIETNAM VETERANS ASSISTANCE FUND.—As a condition for receiving the proceeds of the surcharges pursuant to section 9, the Vietnam Veterans Assistance Fund shall allow the Comptroller General to examine such books, records, documents, and other data as may be related to the expenditure of such proceeds.

(b) GRANTS.—Any entity that receives a grant pursuant to section 9(5) shall allow the Comptroller General to examine such books, records, documents, and other data as may be related to the expenditure of any portion of such grant.

SEC. 11. COINAGE PROFIT FUND.

Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins authorized under section 3 shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized by section 9 from the coinage profit fund to the Vietnam Veterans Assistance Fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this Act.

SEC. 12. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized under section 3 shall result in no net cost to the Federal Government.

(b) PAYMENT FOR COINS.—No coins authorized under section 3 shall be issued unless the Secretary has received—

(1) full payment therefore;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution the deposits of which are insured by the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, or the Resolution Trust Corporation.

1996 OLYMPIC COIN BILL

Mr. NUNN. Mr. President, I am pleased to rise tonight with my colleague, Senator FOWLER, and offer support for H.R. 3654, the 1996 Centennial Olympic Games Commemorative Coin Act. At the outset I would like to commend my good friend, the chairman of the Senate Banking Committee, Senator RIEGLE, for the attention he has given this legislation and for expediting its consideration and its passage.

As many of my colleagues know, there has been no prouder moment for Georgians than the announcement made in September, 1990, in Japan that Atlanta would have the honor of hosting the Centennial Olympic Games. This announcement was the culmination of a long, uphill battle lead by a handfull of Georgians who had the vision to see that the 100th Olympic Games should look forward to a future of international cooperation and not backward to the past. They believed, and as the International Olympic Committee agreed, that the Olympic ideals could be represented nowhere better than Atlanta, a city that combines the best of the past and the potential of the future.

Mr. President, in short, Atlanta, and all of the South, will have an opportunity to showcase our region and our Nation to the world through the hosting of the Olympic Games. Staging games of this magnitude will not be easy, and passage of this legislation before the Senate tonight will help the Atlanta Committee for the Olympic Games [AGOC] immensely in staging this event.

This bill has already passed the House of Representatives, where it was ably shepherded through by Congressman DOUG BARNARD. As many of my colleagues may know, Congressman BARNARD is retiring this year and in tribute to his service his colleagues dedicated this coin bill in his honor. Although some medical difficulties have recently beset Congressman BARNARD. I hope our passage of this legislation tonight will help speed his recovery.

Mr. President, this legislation before us follows the tradition established when the United States last hosted an Olympics in Los Angeles in 1984. At that time, Congress approved a 2-year commemorative coin program which raised $73 million. The proceeds were split between the Los Angeles Olympic Organizing Committee and the United States Olympic Committee [USOC].

The goal set by ACOG is to raise $100 million through our commemorative coin program, which will be split evenly between ACOG and USOC. The $50 million the Atlanta Committee hopes to receive through this program represents only 4 percent of their projected budget for the games. This sum may seem like a small percentage to many of my colleagues—let me assure you that these funds are critical to this endeavor. I am sure that the same can be said of the importance of these funds to USOC. I would also like to add that if the Atlanta coin program is as successful as its Los Angeles predecessor, this legislation will be a net revenue gainer for the U.S. Treasury.

Mr. President, my colleagues who have been involved with commemorative coin programs over the last several years know that there have been few successful programs since the Los Angeles coins, and that our goal of $100 million may be ambitious. For that reason, ACOG has designed a unique and innovative approach, designed to maximize the investment value of the coins. I am hopeful that the Bureau of the Mint will work closely with ACOG in designing an overall program to allow this to occur. I believe that this legislation provides the flexibility necessary to the Mint and ACOG to accomplish this goal.

In closing, I would like to again thank Senator RIEGLE for his assistance in the passage of this legislation. I would also like to thank the many Senators who agreed to cosponsor this important legislation and have enabled its consideration tonight. Finally, I would be remiss not to mention the assistance Ted Hester and Cindy Gillespie, representatives of ACOG, provided my staff in support of this legislation.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the conference report to accompany the cable bill, S. 12 at 12:30 p.m. on Monday, September 21, and that there be 2 hours for debate, to be equally divided in the usual form; that a vote occur on adoption of the cable conference report at 2:15 p.m. on Tuesday, September 22, without any intervening action or debate, and that paragraph 4 of rule 12 be waived; that the cloture petition that was filed today on the cable conference report be withdrawn; that the Senate proceed to the consideration of the message on S. 250, the motor voter bill, at 11:30 a.m. on Monday, September, 21; that there be 1

hour for debate on the message, equally divided between Senators FORD and MCCONNELL; that at the conclusion or yielding back of time the message be laid aside with the vote on overriding the President's veto occurring on Tuesday, September 22 immediately upon the disposition of the conference report on S. 12, the cable bill; and that the Senate proceed to the consideration of the defense appropriations bill, H.R. 5504, at 2:30 p.m. on Monday, September 21; that at 3 p.m. Senator BUMPERS be recognized to offer his amendment, reducing the funding for intelligence activities.

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

PROGRAM

Mr. MITCHELL. Mr. President, pursuant to this agreement, the Senate will, from 11:30 a.m. until 12:30 p.m. on Monday, debate the veto message on the motor voter bill; from 12:30 until 2:30, the Senate will debate the conference report on the cable bill; at 2:30 the Senate will take up the defense appropriations bill; at 3 p.m., Senator BUMPERS will offer his amendment regarding funding for intelligence activities.

There will be a vote or votes on Monday, but no vote will occur prior to 6 p.m.

Mr. SARBANES. Will the leader yield for a question? When will the votes on the cable television conference report and the votes on the override of motor voter veto occur?

Mr. MITCHELL. On the cable conference report, 2:15 Tuesday; on the motor voter veto override, 2:30 Tuesday.

To repeat, so all Senators can plan their schedules accordingly, once we complete action on this bill the Senate will recess until Monday. There will be at least one vote, possibly more on Monday. But not prior to 6 p.m. Debate on the defense appropriations bill will begin at 2:30. Senator BUMPERS will be recognized to offer his amendment at 3, on Monday afternoon.

Mr. President, I thank my colleagues for their cooperation.

ORDERS FOR MONDAY, SEPTEMBER 21, 1992

Mr. NUNN. Mr. President, on behalf of the majority leader I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m., Monday, September 21; that following the prayer the Journal of proceedings be deemed approved to date, that the time for the two leaders be reserved for their use later in the day.

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

RECESS UNTIL MONDAY, SEPTEMBER 21, 1992

Mr. NUNN. Mr. President, if there is no further business to come before the Senate today I now ask unanimous consent the Senate stand in recess.

Mr. WARNER. Mr. President, I would first like to congratulate the chairman omission impossible, passing this legislation. Having done so I withdraw any objection to the Senate's recessing.

There being no objection, the Senate, at 12:35 a.m., recessed until Monday, September 21, 1992, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 1992:

DEPARTMENT OF STATE

THE FOLLOWING-NAMED PERSONS TO BE THE REPRESENTATIVE AND ALTERNATE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE 36TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY:

REPRESENTATIVE:

IVAN SELIN, OF THE DISTRICT OF COLUMBIA.

ALTERNATE REPRESENTATIVES:

RICHARD T. KENNEDY, OF THE DISTRICT OF COLUMBIA.

JANE E. BECKER, OF THE DISTRICT OF COLUMBIA.

EXTENSIONS OF REMARKS

THE CONSTITUTIONALITY OF THE INDEPENDENT COUNSEL STATUTE

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. DELAY. Mr. Speaker, on June 17 of this year the Republican study committee held a hearing on the independent counsel statute. I would like to enter for the record the invaluable testimony of Terrence O'Donnell. Mr. O'Donnell is a partner in the law firm of Williams and Connolly. Previously, he served at the appointment of the President of the United States as General Counsel of the Defense Department. He has also served two Presidents as special assistant.

From June 1966 to May 1972 he served as an officer in the Air Force. In 1977 President Ford appointed Mr. O'Donnell as the U.S. representative to the United Nations' program for the prevention of crime and the treatment of offenders. He is a graduate of the Air Force Academy and Georgetown Law School.

Mr. O'Donnell was part of the defense team who represented Lt. Colonel Oliver North.

The testimony follows:

Mr. O'DONNELL. Yes. Thank you for inviting me. A good deal has been said about the wisdom and the constitutionality of the Independent Counsel statute. What I want to do today is take you to the battlefield. I want to share with you what really goes on in the trenches and I want to tell you about some of the abuses that we've seen up close, and I want to base that on my observations as a member of the team that defended Ollie North.

And to refresh your recollection, Colonel North was compelled to testify on the Hill, was then indicted on sixteen counts. Four were thrown out before trial; twelve were tried. The jury acquitted him on nine, found him guilty on three. Those three were reversed on appeal. And I'm going to march through these points very quickly because of time.

Point one, ready, fire, aim: The IC, the Independent Counsel, is actually a corps of vigilante prosecutors formed after the targets are identified. Once the targets are identified, the search for a crime begins. This is fundamental distortion of the normal prosecution process. It turns things upside down to the great prejudice of the targets.

Point two, cost is no limit: The Walsh team is the largest prosecutorial force ever assembled in our Nation's history. It has, in essence, unlimited funds readily supplied by a contended Democrat-controlled Congress which is politically aroused by visiting this plague on Republican administrations, one after another. Essentially is it unaccountable to anyone, and it possesses a blank check. I don't know anywhere else in our Constitutional Government, that we issue a blank check to any agency.

We've spoken about the $30 million. I would suggest it is greatly in excess of that, and I would join Ted Olson and others who have called upon Congress to really get to the bottom of what it has cost the taxpayers. Most of the costs, I would suggest, are hidden. I know it's going to be well above $50 million, but God only knows where it will finally come in.

I say they are hidden because massive teams were constituted at CIA, NSA, DOD, and State merely to respond to the insatiable appetite for documents of the Independent Counsel. Consider as well, our Defense team: $1 million a year to supply a vault in which the Defense team could work, $500,000 in rent, and $250,000 times 2 for security contracts, armed guards and double-padlocked doors. This to pursue one Marine Lieutenant Colonel.

The National Security Agency was worried about the concentration of secrets in that one vault. The Government takes effort to keep secrets apart but many were concentrated in that vault. What kind of judgment is this, that brings such a case to court?

Department of Justice support for the IC—such as the DOJ management division and others—all of these costs should be compiled as part of your congressional investigation before you go forward with this statute. Find out what it really costs; don't believe the $30 million. I think it's going to be well over twice that; it could be $100 million.

There is no incentive to finish: The bureaucratic tendency, as mentioned here, to prolong and expand is given full flower by the Independent Counsel statute. Walsh long ago took on the tendencies of an independent and permanent agency. By May, 1990 he spent more than any of the 93 U.S. Attorneys Offices around the country spent in 1989, except Washington, D.C., and you all know about the enormous responsibilities of the U.S. Attorneys Offices. And, while the average cost per criminal defendant in U.S. Attorneys' offices is $9,000, the Walsh team is averaging about $3 million per defendant!

Congressman DORNAN. Terry, just one second, that's so important. Are you taking the 94th one, say the New York Office or somebody out of that?

Mr. O'DONNELL. Every office other than the District of Columbia spent less in '89 than Walsh had spent by '90.

Congressman DORNAN. If you take out D.C., he spent more than each of the other U.S. Attorneys in all the 50 states.

Mr. O'DONNELL. Yes.

Congressman DORNAN. Well since D.C. is not a State, and that's another good way to state it.

Mr. O'DONNELL. D.C. has certainly local responsibilities that other U.S. Attorneys Office do not have.

Congressman DORNAN. Because it's Federal property, they do everything down to the last rape or murder in this community.

Mr. O'DONNELL. That's right.

Congressman DORNAN. So you can effectively restate it and say all 50 states' U.S. Attorneys did not spend as much money in '89 as Lawrence Walsh. By what margin?

Mr. O'DONNELL. I don't have that margin, but I have figures. The figures have been published and they're most revealing.

Congressman DORNAN. Thank you.

Mr. O'DONNELL. Point three, the army assembles: By our count 70 lawyers have served in the Walsh Independent Counsel Office since he began 5½ years ago. On the North case alone, over 40 lawyers appeared on the pleadings—40 lawyers. More than 50 agents were massed and sent scurrying around the country, the world, for leads, including FBI, IRS, and Customs agents.

All of this heavy-handed firepower focused on a handful of people. Note that the average Assistant U.S. Attorney handles about 117 cases a year, picking his other cases with discretion; 117 cases a year for the average Assistant U.S. Attorney. This massive IC force is focused on a handful of people.

This army was and is out of control, with enormous political pressure to get their man. If the army isn't enough, they call up the reserves. Time and again they've called on former Federal judges and law professors from Harvard, Virginia, and Columbia to come in and help them because cost is not an issue, "so why not get the best."

Congressman COX. Who sets the pay scale for these people, this army reserves?

Mr. O'DONNELL. Ted Olson can address this better than I. In essence, it is indeed a blank check because Congress has provided an open appropriation.

Congressman DORNAN. And any of these Federal judges who come in, if they serve 10 years they're retired on full pay anyway. So they come in and this augments their full pay if they're retired?

Mr. O'DONNELL. A retired federal judge came in to augment the IC force and played a very significant role in the Walsh prosecution of Colonel North—a former Federal judge. In sum, enormous power with no accountability, no checks and balances equals abuse, plain and simple.

Point four, birds of a feather—and I'm going to be very blunt about this—birds of a feather flock together. The make-up of the prosecution team is very suspect. You've got an 80 year old retired lawyer surrounded by the workers. Who are the workers? They tend to be bright, liberal Democrats, with few exceptions strongly anti-Reagan, with few exceptions quite inexperienced, with few exceptions strongly anti-Reagan Central American policy. Many of them were on a crusade. The Tubin book noted that it was viewed as a crusade by these young lawyers.

Consider John Kecker, who was the prosecutor of North. He solicited the job through connections—strong anti-Reagan sentiments, extreme liberal Democrat, strong opponent of President Reagan's Central American policy. He was even so bold that his law partner said his firm would not undertake the defense of the likes of North at any time on general principles.

What happened to the notion of prosecutorial fairness? What happened to the professional prosecutors who are available to pursue these cases? They're out the window because under the statute, first, you name the target and then you form the team to prosecute the target.

Point five, salaries galore: Youngsters out of law school, who have been alluded to before, paid at the very top of the Government

scale. I just left the Department of Defense. We have hundreds of outstanding civilian lawyers who have devoted their career to the Department of Defense who will never reach these salary levels unless they get a particular break, maybe in their 20th year of service. This is a real distortion of the Government compensation standards.

Point six, don't forget the press; At the high-water point, the Walsh team had three full-time press aides. They helped to shape the story in the halls during the breaks with the press, putting a spin on the testimony and the trial.

Congressman DORNAN. Mr. O'Donnell, if you could just pause for one second here because of a reflection here. Actually, your facts and figures are stunning, all of this. I observed Kecker firsthand in those halls because I went over there for a lot of these key moments when these people came out of the courtroom. As I recall, Kecker personalized this to the point—because he was a Vietnam vet—of saying that he was personally dishonored by Colonel North.

He made it a personal cause, a vendetta, a one on one. And I watched these press people coming out to manipulate a hungry national media for every little detail, and I had no idea that there were three of them. They almost gave the impression that they were trying to stay up with events and were struggling to get the word out, and now I'm finding out this was all a very complicated and pre-arranged massive effort to discredit the Central American policy that I ran on in '84 to come back to Congress, that President Reagan ran on.

No matter how many protestations there are in mass media to the contrary, the American voters were smart enough to know that if they voted for Ronald Reagan, that there was a policy for freedom in Nicaragua that was going to be pursued. And one bottom line that just rings with clarion loud sound through all this is we won, no matter how unstable things are in Nicaragua now.

I went down to the inauguration of Violeta Chamorro, and the policy of all of these young lawyers who feverishly supported the Sandinistas as though they were God's calling to freedom, these thugs that were torturing people to death, running 16 concentration camps, the Ortega thugs that ran the whole thing—we won. That's so ironic to everything you're telling us now.

Mr. O'DONNELL. Well I think that we have to ask why the taxpayers are paying for press aides for an Independent Counsel Office and why a press aide was present all the way through the Classified Information Procedure Act hearings when the judge was trying to determine what classified information was relevant to the trial. What does that do to the time-honored principle of "need to know"?

Point seven, microscopic exam: With no limit on funds and personnel, nothing escaped the x-ray examination of the Independent Counsel. No detail was too trivial. Like the cat scan of a human body, every word, personal document, financial document, and personal and medical record, was scrutinized and analyzed by this IC.

A few examples to give the flavor: Colonel North's wife was called to the Grand Jury. Colonel North's wife's sister was called to ask how much it cost to feed his daughter's horse. A babysitter was interrogated about how much she earned babysitting for the North family. The same was true for a teenager who cut the lawn.

Colonel North's minister was asked about how much he contributed to the Church. The minister said, "don't you have something in this country called pastoral privilege;" he rejected this abusive tactic. School officials were interviewed, tuition records were collected, and even the veterinarian's records were examined to find out how Ollie's dog Chewie had died.

This is ridiculous. And it has not been publicized, but even the lead counsel, Brendan Sullivan, was subpoenaed to appear before the Grand Jury.

Point eight, find a crime to fit the target: The results of all this momentum and bias, and unlimited resources are inevitable; there are going to be indictments. This environment leads to novel theories of prosecution.

For example, most people think Colonel North was indicted for lying in his sworn testimony under oath before Congress—not so. He was charged with lying at a meeting when he was not under oath and where there was no transcript. If this theory of prosecution spreads, you won't be able to build jails large enough. And then who testified against him at trial? The Democrats who opposed the policy, came in to testify against him.

Two individuals pled guilty to a conspiracy to defraud the IRS pursuant to facts that an Assistant Attorney General found to be highly questionable, if not inappropriate grounds for prosecution. These individuals testified at trial that they still thought, even after pleading guilty, that they did not commit a crime at the time. And of course, because of the pressures placed on them, they named Colonel North as a co-conspirator in this novel theory of crime.

Others pled guilty because they couldn't afford to do otherwise. And when you talk about novel theories, what about compelling Colonel North to testify before the world and then prosecuting him based on the very same matters about which he testified. We told the IC 5 years ago that this could not be pursued in court; no one listened, millions were spent, all of it was dismissed, and the case is over. What great waste of money and resources.

Point nine, unjustified targeting: An IC force of this size reflects bad judgment or no judgment at all. Prosecutorial discretion is out the window, it's ignored. Look at a fellow like Joe Fernandez: a former policeman, 20 years at the CIA, in the secret world in jungles and other tough assignments, seven children. Then he gets thrown out of his job at CIA in the so-called "house cleaning"; then he's indicted.

Next, the prosecutors deviate from the normal procedures of the Department of Justice by not properly balancing the classified information issues before going forward with an indictment. The classified information could never be used and the indictment was dismissed. It cost $1.5 million to defend him. But for a gifted attorney Tom Wilson and a courageous law firm that backed him up, Joe Fernandez would have never been able to defend himself.

Why are the Joe Fernandez's of the world, the Dewey Claridges, and Clair Georges, and other career servants who have spent their life doing what they think is right and serving this country, being indicted. This really needs to be examined.

And my last point, Pont ten is "further abuse", and I'm going to just touch this briefly because of time. But the Walsh final report has yet to come. It will be a mammoth document, assessing and allocating blame across Government. No one knows where it will begin or end.

Like the McKay report mentioned previously, where former Attorney General Meese was charged with a crime in the report but was not prosecuted, there is no way of defending against these reports. Who can amass the funds to rebut such reports? What about grand jury secrecy? It's all out the window in these reports. This report is kind of a "final shot" for an Independent Counsel—where he can level accusations and make charges that he couldn't make in court.

I cannot finish without mentioning the IC's cavalier disregard for executive decisions regarding classified data. Walsh called them fictional secrets. He looked upon them with scorn. The institutional role of the Executive Branch in prosecuting cases and weighting national security ridiculed.

This institution, the IC, only had the role of prosecuting, and it did not care and it was not its constitutional role to worry about the secrets. And we saw this up close throughout, a mocking view of the Executive Branch secrecy and classification procedures.

So those are my thoughts on these matters and I'm happy to have an opportunity to share them with you.

Congressman COX. Thank you very much, Mr. O'Donnell.

COMMENDING THE AID ASSOCIATION FOR LUTHERANS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. ROTH. Mr. Speaker, Aid Association for Lutherans is a nationwide fraternal organization headquartered in my district in Appleton, WI. For over 90 years, Aid Association for Lutherans has been helping local communities across America and I would like to commend them for their excellent work.

Each year, their community service expands, reaching more and more people. During 1991, the members of Aid Association for Lutherans and their friends raised over $23 million for their Helping Hands Program. Last year alone, the Helping Hands Program included: 125,393 health, educational, social benevolence and service project events; 166,152 individual acts of fraternal service; 3,090,657 hours volunteered by members and friends; 8,759,132 total attendees at branch events; 360,386 participants in 4,866 "Wise Waste" recycling activities; 2,137 scholarship recipients; 226,895 participants in 731 health fairs; 90,092 participants in 1,131 "Drug Awareness Activities"; and 2,481,473 participants in 18,034 "Helping Hands Projects."

All these programs and activities are run by volunteers, with money raised by Aid Association for Lutherans at no expense to our Federal, State, or local governments.

I commend Aid Association for Lutherans for their outstanding service to our communities. It is my hope that other fraternal organizations, businesses, and corporations will follow their sterling example. Northeast Wisconsin is proud and fortunate to be the home to Aid Association for Lutherans.

A TRIBUTE TO DR. "BARNEY" CRILE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Ms. OAKAR. Mr. Speaker, I want to take this occasion to call attention to the passing of a wonderful human being and friend who was a gifted pioneer in the humane treatment of breast cancer patients. Dr. George "Barney" Crile, Jr., retired chief of surgery and consultant emeritus of the Cleveland Clinic Foundation, passed away September 10, 1992, at the age of 84. But what a wonderful life he had, what happiness he gave to others and what dignity and respect he returned to countless women who became victims of breast cancer.

Dr. Crile, son of one of the founders of the internationally renown Cleveland Clinic, was the world's first physician to criticize the once common practice of routine radical mastectomy for women diagnosed with breast cancer. Years ahead of his time, Dr. Crile, in keeping with his true character, happily and aggressively, took on the entire medical establishment in the 1950s, urging doctors to consider less radical surgery and chemotherapy for some breast cancer patients—a more humane, case-by-case approach that finally became standard practice in the late 1970's.

Dr. Crile was also an outspoken proponent of informing breast cancer patients of their treatment options prior to surgery, thus allowing women to participate in decisions about their own care. Dr. Crile's 1973 book, "What Women Should Know About the Breast Cancer Controversy," inspired thousands of women to ask questions of their physicians, including another pioneer in breast cancer activism, the late Rose Kushner.

Indeed, Dr. Barney Crile was a great inspiration to me personally and professionally. In 1984, at my urging, Dr. Crile appeared before the House Select Committee on Aging to deliver a powerful statement in support of extending mammography screening coverage to Medicare patients. This benefit was finally added to Medicare coverage in 1990, and is now standard coverage under FEHBP and CHAMPUS as well.

This is how we should remember Barney Crile. No one enjoyed life more than he. His parties were legend. His prose and poetry, his films and compositions all served to capture the wit, the wisdom, the passion of a human being who believed in living life to the fullest every single minute.

And that, I believe, Mr. Speaker, is the legacy of Barney Crile. Especially for the women who feel they are alone as they struggle with the personal agony of breast cancer. Grab hold of life and shake it for everything it is worth. Get a laugh out of the time we have and leave a little something for those who will follow.

Dr. George "Barney" Crile, Jr., was a genius. Yes; that is true. But he was also a compassionate and loving human being. He was a devoted and loving husband and father to a wife and family that adored him. And that, I think, is how he would wish us to remember him. I know that I will.

A TRIBUTE TO THE COL. CHARLES YOUNG POST NO. 16

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to honor an organization which has distinguished itself through decades of commitment to country and community. In 1930, some of the courageous men and women of Germantown who had fought in the First World War banded together to form a post for local veterans. Since then, the Col. Charles Young Post, United American War Veterans, has been a pillar of the Germantown and Mount Airy neighborhoods and a model of service for us all.

When he passed away in 1922, Col. Charles Young was the highest ranking and one of the most decorated African-American soldiers in the U.S. military. His precedent setting achievements paved the way for successful African-Americans for generations to come, and his name was a natural choice for a post which would dedicate itself to the betterment of the local Afro-American community.

In the 63 years since its founding, the Col. Charles Young Post has grown both in membership and in popularity. Unwavering and devoted members kept the post afloat during the difficult times of the Vietnam and Korean conflicts, and have worked to make it thrive in more recent times. Today, the post boasts one of the finest offices in the area, a drum and bugle corps which has earned the State's top honors, and a championship softball team. More importantly, however, are its contributions to the people of Philadelphia. Many community ventures are sponsored by the post—most significantly, a scholarship fund which allows many high school graduates the opportunity to continue their education.

Mr. Speaker, the men and women of the Col. Charles Young Post No. 628 were once willing to die to preserve our Nation. Today, they live to uplift our Nation through their community spirit and their proud dedication to the people of our city. I ask my colleagues to join me in honoring the members of the Col. Charles Young Post, United American War Veterans.

PROTECT SMALL BUSINESSES FROM FEDERAL OVER-REGULATION

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. EWING. Mr. Speaker, today I am introducing legislation to amend the Regulatory Flexibility Act [RFA], which was passed in 1980 (Pub. L. 96–354). My legislation is designed to help minimize the burden of government regulation on small businesses.

One of the most consistent concerns of small businessmen throughout the country is the crippling costs which have resulted from overzealous regulation by the Federal Government. I encourage my colleagues to cosponsor the Regulatory Flexibility Amendments Act of 1992. In doing so, my colleagues can help to provide a powerful tool in the effort to control and minimize the impact of Federal regulation on small employers.

WHAT IS THE REGULATORY FLEXIBILITY ACT?

The Regulatory Flexibility Act [RFA] was enacted in 1980 to force Federal agencies to take into consideration the costs their regulations will have on small businesses before they go into effect, and to minimize those costs.

As stated in the text of the act, "It is the purpose of this Act * * * that agencies shall endeavor * * * to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration."

Under the RFA, for proposed rules which are subject to publication in the Federal Register and public comment under the Administrative Procedure Act [APA], the rule-writing agency must also prepare an initial regulatory flexibility analysis describing the impact the rule may have on small businesses. The analysis must also outline alternatives to the proposed rule which would accomplish the same objectives at a lower economic impact on small businesses.

At the time of publication of the final rule, the RFA requires agencies to publish a final regulatory flexibility analysis, which summarizes public comments on the initial analysis, the agency response, and changes made to the rule as a result. If the agency did not adopt these less costly alternatives, an explanation must be published.

Proposed or final rules are not subject to these analyses if the head of the agency certifies that the rule will not have a significant economic impact on small business. This certification must be published in the Federal Register and include an explanation of the reasons for the certification.

In addition to these provisions, which function as part of the regular rulemaking process, the RFA requires agencies to publish regulatory flexibility agendas twice each year, outlining rules which the agency believes it may propose in the future that would significantly affect small business. The RFA requires agencies to take certain steps to afford small business the opportunity to participate in the rulemaking process. Finally, the RFA provides for the review of rules with a significant effect on small business 10 years after they have gone into effect.

The RFA charges the chief counsel for advocacy with the responsibility of monitoring agency compliance with the act.

WHY SHOULD THE REGULATORY FLEXIBILITY ACT BE AMENDED?

Section 611 of the RFA states in part "* * * any determination by an agency concerning the applicability of any of the provisions of this chapter to any action of the agency shall not be subject to judicial review."

The RFA allows agencies to certify that their rules do not have significant effects on small

business, and therefore avoid conducting regulatory flexibility analyses. The prohibition of judicial review allows no legal challenge to such a determination. The result is that compliance is voluntary and Federal regulators do not face court action for failure to comply.

Removal of section 611 is the single most important step which can be taken to force agencies to fully consider the impact of their rules on small business. Unless regulators face the possibility of court challenge to their actions they may not fully comply with the RFA.

The RFA currently does not make clear whether agencies must consider the indirect effects as well as the direct effects of their rules when preparing regulatory flexibility analyses. The Ewing legislation would require consideration of the indirect effects of rules on small business.

The RFA directs the chief counsel for advocacy of the Small Business Administration to monitor RFA compliance. However, his ability to do so has been limited. The Ewing legislation would force agencies to work more closely with the chief counsel during the rulemaking process. Agencies would be required to provide the chief counsel with copies of rules 30 days before they are proposed, and he would have the opportunity to present the concerns or opposition of small businesses to the proposed rule. The agency would then be required to respond to these concerns. This proposal would give more encouragement to regulators to minimize the impact of their rules on small businesses before the rules are proposed.

Finally, the RFA as passed in 1980 grants the chief counsel the authority to appear as amicus curiae in court cases which involve the review of Federal rules. However, when the chief counsel filed an amicus brief in 1986, the Justice Department challenged the constitutionality of this authority. After much discussion the brief was withdrawn and this question has never been resolved. The ability of the chief counsel to represent small-business views in court is critical. The Ewing legislation contains a sense of the Congress provision reaffirming the position Congress took in passing the original RFA: that the chief counsel does have the authority to file amicus briefs in court cases which involve the review of Federal rules.

THE REGULATORY FLEXIBILITY AMENDMENTS ACT OF 1992

SECTION-BY-SECTION ANALYSIS

SEC. 1. Short Title.

SEC. 2. Judicial Review. Section Two would repeal section 611 of the Regulatory Flexibility Act (RFA) which prohibits judicial review of agency compliance with the RFA. Section 611 implicitly prohibits court challenge of an agency determination of the applicability of the RFA, and prohibits court review of any regulatory flexibility analysis prepared under the Act. In practice, the prohibition on judicial challenges has allowed agencies to ignore the spirit of the RFA. Removing the barrier to judicial challenge will force agencies to comply with the RFA.

SEC. 3. Consideration of Direct and Indirect Effects of Rules. Under current practice, it is not clear whether agencies must consider the indirect effects as well as the direct effects of their rules when they are preparing Regulatory Flexibility Analyses. Section 3 would require agencies to consider the indirect effects as well as the direct effects of their rules on small businesses in their Regulatory Flexibility Analyses.

SEC. 4. Rules Opposed by SBA Chief Counsel for Advocacy. It is the intention of the authors of this legislation to strengthen agency compliance with the RFA. It is also the intention of the authors to require agencies to work more closely with the SBA Chief Counsel, who is charged with monitoring RFA compliance, during the drafting of new rules.

Section 4 would amend Section 612 of the RFA to require that when an agency is drafting a new rule, the agency must provide the SBA Chief Counsel with an advance copy of the rule 30 days before publishing a general notice of proposed rulemaking in the Federal Register. (General Notices of Proposed Rulemaking are required under the APA, 5 USC 553(b).) At that time the agency must also provide the SBA Chief Counsel with a draft of the initial regulatory flexibility analysis for the rule or, if the agency determines that a regulatory flexibility analysis will not be necessary, the agency must provide an explanation for that determination.

Following receipt of the above information, the SBA Chief Counsel may review the proposed rule and regulatory flexibility analysis. The Chief Counsel will have 15 days to transmit, in writing, to the agency, any opposition or comments on the proposed rule or regulatory flexibility analysis.

If the SBA Chief Counsel submits such a statement, the agency shall publish that statement, together with the response of the agency, in the Federal Register at the same time the general notice of proposed rulemaking for the rule is published.

SEC. 5. The RFA currently gives the Chief Counsel authority to file amicus briefs in litigation involving federal rules, which only allows him to express the views of the Chief Counsel with respect to the effect of the rule on small business. In the history of the RFA this has only been done once, in the 1986 case of Lehigh Valley Farms. At that time the Justice Department indicated that this was unconstitutional because it would impair the ability of the Executive branch to fulfill its constitutional functions. The SBA Chief Counsel countered this argument with legal arguments of his own. The DOJ also argued that Executive Order 12146, section 1-402, prevents the Chief Counsel from filing such briefs. Section 1-402 of Executive Order 12146 requires that when such a legal dispute exists between two agency heads which serve at the President's direction, such dispute shall be submitted to the Attorney General for resolution. The SBA Chief Counsel countered with case law supporting the principle that an Executive Order cannot supersede a statute, and therefore Executive Order 12146 cannot prohibit the SBA Chief Counsel from appearing as amicus curiae.

After a great deal of wrangling between the DOJ and the Chief Counsel, the Chief Counsel eventually withdrew the amicus brief filed in the Lehigh Valley Farms case. To the best of our understanding, the Chief Counsel has never attempted to file another amicus brief.

The ability to appear as amicus curiae is important to the ability of the SBA Chief Counsel to represent the interests of small businesses in the rulemaking process. Furthermore, if this bill should become law, with its provision to permit judicial review of agency compliance with the Regulatory Flexibility Act, the importance of the SBA Chief Counsel's ability to file amicus briefs will be magnified.

Section 5 of this Act is a "sense of the Congress" resolution reaffirming what the Congress has already passed into law: that the SBA Chief Counsel should be permitted to appear as amicus curiae in cases brought for the purpose of reviewing a rule. 5 U.S.C. 612(b).

Again, I urge my colleagues to cosponsor this important legislation to amend and improve the Regulatory Flexibility Act. My office can provide further information on the RFA as well as my legislation to amend the RFA.

THE 205TH ANNIVERSARY OF THE U.S. CONSTITUTION

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. ROTH. Mr. Speaker, today, we are celebrating the 205th anniversary of the Constitution of the United States. This occasion has long been honored on September 17 as Citizenship Day. More recently, the event has been expanded to Constitution Week, from September 17 to September 23.

From 1987 through 1991, this country honored the bicentennial of the writing, signing, and ratification of this historic document. Over 50 million copies of the Constitution were made available to students, civic and private organizations, Federal, State, and local governments, and various religious groups.

The bicentennial celebration spanned 5 years of scholastic and commemorative events. The 200th anniversary of drafting of our Nation's most influential document, and the subsequent birth of our legislative, executive and judicial branches, deserved no less.

Nor was the commemoration limited to the United States. Citizens in Eastern Europe, revelling in their newly found freedoms, begged to receive copies of this influential document. They desperately wanted to learn more about our wonderful system of government—how it works, why it works, and how it could work for them.

I find it tremendously impressive that our Constitution is still working for us after 205 years. Its provisions and its guarantees are as relevant today as they were when our Founding Fathers first drafted them.

Nevertheless, one of the most important provisions in our Constitution is the one which allows the document to be amended. Our forefathers did make it difficult for the Constitution to be changed, so that it would not be amended on a whim. In over 200 years, we have had but 27 amendments, including those first 10 known as the Bill of Rights.

The newest amendment was only added this year, despite the fact that James Madison first proposed it on September 25, 1789.

The 27th amendment reads as follows:

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Mr. Madison's efforts to bring runaway congressional payraises under control finally paid off when the final certifications from the requisite number of States needed to ratify it were obtained on May 18, 1992.

I salute you, Mr. Madison, and your colleagues on this anniversary.

Happy 205th birthday to the U.S. Constitution.

A TRIBUTE TO BETTY COPE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Ms. OAKAR. Mr. Speaker, I want to take this opportunity to pay tribute to a woman from my hometown of Cleveland, OH whose name has become synonymous with public television and all of the good this wonderful, educational medium offers to us all. Betty Cope announced recently that, after 27 years as the first and only general manager of WVIZ Channel 25, she is going to search for a new challenge.

By fortune and hard work and, yes, a smattering of luck, Betty Cope can be truly called a pioneer and we are all the better for it. In 1962, Betty was approached by then-mayor Anthony Celebrezze to bring public television to Cleveland. Betty was WVIZ's first paid staff member and was director of local programming when the station took to the air on February 7, 1965 as the Nation's 100th public station. Betty was named general manager just 8 months later, the first woman in the Nation to hold such a position.

Betty Cope, during her stewardship, has kept WVIZ debt-free and has embodied the credo of public television to provide innovative instructional programming. Because of her dedication, Betty Cope and WVIZ are regarded by staff and viewers to be one and the same. It is an astonishing accomplishment and a deserved compliment.

Betty Cope intends to keep busy in her new career away from WVIZ, but she will never be far from the station on Brookpark Road. Betty plans to continue her work for Project Equity, which she created to provide all Ohio schools, through technology, with equal access to information and as a board member of the Ohio Educational Broadcasting Commission.

Betty Cope has said she may seek political office and I can think of no finer addition to public life and the benefits she could bring to the people.

Betty Cope's leaving may be the end of an era at WVIZ, but really, knowing her, it is just a fresh page of a new chapter of contribution to the education and advancement of all those with whom she comes in touch. Her accomplishments are many. Our memories of Betty Cope are many and happy. It has been wonderful and productive partnership.

A TRIBUTE TO ERNIE DAVIS

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to pay tribute to a man whose efforts in Amtrak's Capitol office for the last 6 years have been unparalleled. As Ernie S. Davis retires after 43 years of service, I would like to take a moment to reflect on the career of this outstanding American.

Born on October 7, 1930, in Masury, OH, Ernie is the oldest of seven siblings. Ernie learned the value of hard work at an early age, serving as a newsboy for 12 years. Ernie would later hold employment at a steel mill in Sharon, PA. On September 23, 1949, Ernie moved to Washington and began his exceptional tenure of employment with the Washington Terminal Company. In September 1986, Ernie moved to Amtrak's Capitol ticket office where he oversaw day-to-day operations.

Mr. Speaker, I am also happy to report to you that Ernie has also served his Nation with a remarkable 39 years of service in the U.S. Army, including 2 years of active duty during the Korean conflict.

Ernie's presence in the Capitol will be sorely missed by everyone who has had the pleasure of getting to know him. He conducted his business with the utmost seriousness, yet he was always helpful, and eager to please. It is rare to find people like Ernie these days, who recognize the true meaning of hard work. It is a fact that Ernie is widely respected by all of the Members in this legislative body, on both sides of the aisle.

I would like to wish Ernie and his wife Bernice much happiness in their retirement. Ernie's plans for the future include trips to Alaska and maybe China. Ernie looks forward to learning how to fish, and watching the Redskins press on toward another Superbowl. At any rate, we all know that Ernie will enjoy himself in whatever he does.

Mr. Speaker, I would like to ask my colleagues to rise and join me in paying our greatest tribute to Ernie S. Davis. Goodbye, God bless you, and happy retirement.

BREAST CANCER AWARENESS MONTH

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. DOWNEY. Mr. Speaker, I would like to commend my colleague, Representative CARDISS COLLINS for her leadership in the fight against breast cancer in America. Her introduction of House Joint Resolution 393, a resolution to designate October 1992 as "Breast Cancer Awareness Month" further portrays the commitment she has made, and that I share, to combat this tragic and often fatal disease.

As the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I held a hearing last October in my congressional district of Suffolk County, NY, entitled, "Breast Cancer on Long Island: An Avoidable Tragedy." While the title of the hearing was self-explanatory, the truth of the matter is that in many cases, breast cancer is not avoidable. More research and more outreach is needed before the scourge of breast cancer can be totally avoided. We must focus on the methods that are available to us to aid in detecting this tragedy. Our hearing enabled the subcommittee to hear the growing and desperate concerns of Long Islanders about how breast cancer has affected their lives and that of their families, and it made me more committed to join the battle against it. In addition, key testimony was received from professionals in the community who are working hard to help the women of Long Island become more aware of this devastating disease.

Breast cancer is an epidemic in the United States. In 1966, 1 in 14 women were expected to develop breast cancer in their lifetime. In 1984, 1 in 11 American women could expect to develop breast cancer, and today, 1 in 9 women are expected to develop breast cancer.

Two years ago, of the nearly 150,000 women in this country projected to get breast cancer, close to 44,500 were expected to die. Breast cancer incidence rates have increased approximately 3 percent a year since 1990.

In New York State, of the 30,000 people expected to die in 1990 from all types of cancer, 3,800 were expected to die due to breast cancer alone. Suffolk County, as well as neighboring Nassau County, NY, have unusually high incidences of breast cancer. During the time period from 1983 to 1987, Suffolk County's breast cancer rate was 8.6 percent higher than the State average and Nassau County's was 18.9 percent higher. Currently, there is no known explanation of why these rates are so much higher than the rest of the State as well as the entire country. I am pleased that Centers for Disease Control [CDC] has commissioned a panel of experts to carefully scrutinize this troubling phenomenon. This panel, which met for the first time this week, may be able to provide us with some answers to why our communities seemed to be prime targets for this disease.

In the meantime, more Federal involvement is needed if we are to succeed in erasing breast cancer. By the end of fiscal year 1992, the National Cancer Institute will have spent approximately $133 million on research targeted to breast cancer. For fiscal year 1993, we may see an increase of close to $220 million for breast cancer research, once the appropriations legislation for the Department of Health and Human Services is completed. I am also pleased that the National Institutes on Health has been allocated a 30-percent increase over this year's level in research funding specifically earmarked for breast cancer. This would mean an increase of $44.2 million. In addition, more attention needs to be applied to detection methods, including removing the barriers that prevent women from seeking mammography. We need to improve Medicare coverage to allow for annual rather than biannual screening. We must also ensure that the mammograms that women receive are the highest quality that current technology allows. That is why I cosponsored H.R. 3462, the Breast Cancer Screening Safety Act introduced by my colleagues, Representative MARILYN LLOYD and Representative PATRICIA SCHROEDER which would establish needed Federal standards for the technology and medical care which are available to women.

Early detection is imperative if we are to save women's lives. Until a cure is found for breast cancer, we must exhaust all resources available to us in confronting it. I am optimistic that one day we will have a cure. Until that

day, early detection and regular medical checkups are essential. Because October has been designated as "Breast Cancer Awareness Month," it is our responsibility to promote detection and prevention programs throughout the month. We cannot, however, forget that breast cancer follows no calendar, and we must be watchful every day of the year.

CATERPILLAR STRIKERS FACE THE BITTER TRUTH

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. MICHEL. Mr. Speaker, today I'd like to enter the fourth in a series of articles appearing in the Chicago Tribune recently. These articles profile the strike and negotiation process that Caterpillar, Inc., based in Peoria recently underwent.

[From the Chicago Tribune, Sept. 9, 1992]

CATEPILLAR STRIKERS FACE THE BITTER TRUTH

(Peoria takes sides over Caterpillar's threat to hire replacement workers. Fourth in a series on the economic forces that pit U.S. employers, unions and workers against one another. Reported and written by Stephen Franklin, Peter Kendall and Colin McMahon.)

Dick Owens put on his New York Yankees cap and a pair of sunglasses. It was a sunny April morning, but he wasn't seeking shade so much as anonymity—protection from the glares of fellow UAW members whose picket line he was about to cross

He got into his 1977 Ford LTD wagon and made the 25-minute drive from his home in Pekin to the Caterpillar transmission plant in East Peoria.

Hundreds of men and women were gathered outside Building KK and the other plants that make up the sprawling Cat complex. They toted picket signs and chanted slogans, cheered on by leaders with bullhorns.

Owens had been on that line only a week before.

As he approached, Owens was frightened. But he also felt something of a grudge welling up inside. He knew what he was doing was right. He knew from talking to other union members that many more would eventually cross the line. He knew the line was not that strong, that somebody had to be the first.

"I'm doing all the hard work," he thought.

Owens drove right past the pickets and into the company lot. On that first day, April 6, he caught his fellow strikers by surprise. It would not happen again.

Five days earlier, Caterpillar had delivered its threat to Owens and to the 12,600 other United Auto Workers striking against the earthmoving-machinery company: Come back or be replaced.

Caterpillar had pulled out a weapon that few people thought they would ever see. Other companies had brought in replacement workers in recent years, perhaps emboldened by President Ronald Reagan's firing of striking air-traffic controllers in 1981. But no major U.S. manufacturer had ever threatened to do it. Not until now.

Caterpillar Inc., the pride of Peoria, the largest manufacturer in Illinois, an American success story, was telling workers who had toiled there an average of 22 years to move it or lose it.

The threat raised feelings of betrayal, fears of financial ruin and questions about how much loyalty the workers owned their union.

After all, they had a world to lose. Over the last several decades their union had won from Caterpillar an impressive menu of wages and benefits. The $17-an-hour factory workers had become solidly middle-class, with good homes in good neighborhoods.

Now they were forced to make a choice that could determine whether they would maintain those lifestyles or become outsiders, condemned to look in on a way of life that no longer had room for them or their families.

It was painful, too, that many in the community did not sympathize with the union.

When they looked around Peoria for moral support, Caterpillar workers more often found jealousy. Many people making the minimum $4.25-an-hour, or even $8 to $10 an hour on non-union construction or assembly jobs, were reviling the strikers, not the company.

On radio call-in shows and in letters to newspapers, the same themes were repeated.

How dare they walk away from $17-an-hour jobs when so many other people worked for so much less? How dare they balk at paying an insurance deductible if they used a doctor outside the company plan, when so many in Peoria had no health insurance at all? How dare they turn up their noses at lifelong pensions and at a furlough system that paid them 95 percent of their regular wages during layoffs, even as 15,000 Peoria-area residents were looking for work?

In the last decade, Peoria had gone from a blue-collar Caterpillar town to a white-collar Caterpillar town. Deep cuts into the hourly work force—deeper than those made to the salaried managers at headquarters—had eliminated the majority status that factory workers had held for decades around Peoria.

Voices rose on radio talk shows. WMBD's top-rated morning jock, John Williams, so infuriated union leaders that they called for boycott of his station.

Williams fielded calls from both sides. Most non-union callers took the company's side. Many union callers said, anonymously, that the wanted to return to work. Nearly all were bitter, angry, or just sad.

"People would try to explain how they feel and just break down in tears," Williams would later say.

The letters pages of the Peoria Journal-Star and other local newspapers were filled with attacks and counterattacks.

"The union proclaims loudly that it cares about the worker," one writer said. "They target every employer, whether good or bad. No wonder we have teen gangs."

Caterpiller workers should not have been surprised at the public's mood, considering what went on inside the Peoria labor market during the 1980's.

There were fewer jobs, and good-paying manufacturing jobs were scarce. Some of the city's largest employers had vanished. Household income had not kept up with inflation, even though more families had two people working.

The makeup of Peoria's work force was changing as was America's. And those changes were sweeping away expectations of a brighter future for the blue-collar worker.

As soon as he heard Caterpillar was out to hire replacements, Dennis Shaw picked up the phone.

Shaw, 37, was working at National Wheel-O-Vator Co. in Roanoke, Ill., about 25 miles northeast of Peoria. He was making $6 an hour and waiting for his six-month anniversary and the 50-cent raise that went with it.

Caterpillar newspaper ads, run in cities where the company has plants, were offering jobs to replacement workers paying from $16.12 to $17.85 an hour.

Shaw's wife, Amanda, had a grandfather who retired as a UAW worker at Cat. Shaw knew how good a Caterpillar job could be.

Ironically, Shaw had also seen what happens when a company hires replacement workers. He had been one of 45 strikers replaced by Hagerty Bros. Co. of Peoria, a Caterpillar supplier.

When Shaw and his Teamsters Local 927 struck Hagerty in 1990, the company retaliated instantly by hiring replacements, making good on a threat that more and more companies have made during the last decade. About 15 of the 60 Hagerty strikers scrambled across the lines to take back their jobs.

Shaw didn't cross. Hagerty Bros. held fast. It was a hard lesson.

The job loss sent him into a 2-year spiral of part-time and temporary jobs, from mowing grass to working in an auto-parts store. His hopes of buying a home were dashed.

"We are just getting back on our feet," Amanda Shaw said. "Last year, he had eight W-2 forms when he filled out his taxes. Eight jobs in one year."

Just before Shaw's scheduled interview with Cat, he landed a job with CDO, a company that sorts out shipped material for Caterpillar. The pay was $7 an hour, soon to be $7.50, and the benefits were better than at National Wheel-O-Vator.

He is not in a union.

"I could care less about unions," Shaw said. "If the Teamsters cared about us, they would have been helping us get jobs, instead of us finding them ourselves."

To the dismay of the UAW, there were thousands of Dennis Shaws.

The workers called April 6 "D-Day." As it neared, they sifted through their loyalties—to their union, their company, their families. Should they cross the line to keep replacement workers from taking their jobs?

As the day approached, Jim Mangan realized he didn't want to go through his time of testing alone.

"I felt physically ill all weekend, trying to decide," said Mangan, a quality analyst at Caterpillar's showcase assembly plant in East Peoria. "I'm a former union official. I know what unions have done in the past for the working man."

He had talked about the issue with his family. He had faithfully read news accounts of negotiations, attended union meetings, manned the picket lines, even talked with a high-ranking Caterpillar official, trying to get a feel for what was the truth, for what he should do.

Mangan held a meeting at his home in Pekin. More than 25 fellow workers showed up—men and women, good friends and mere acquaintances. No union officials were invited, "just regular guys and gals from the shop," Mangan said.

They gathered in the family room of Mangan's home, a typical suburban ranch with a lush front lawn, an expansive back yard and two automobiles in the garage. Sitting in a circle, drinking coffee, the workers talked about their feelings, their fears, the pressures and what they might do come Monday.

On the wood-paneled walls hung photographs of Mangan's wife and children, sharing space with a picture of Jesus Christ and the inspirational tale called "Footprints":

"During your time of trial and suffering, when you see only one set of footprints," the Lord says, "it was then that I carried you."

"Everyone pretty much understood that whoever didn't go back in a relatively short time stood a pretty good chance of being replaced and not being called back for a long, long time," Mangan said. "About half the people in that room ended up crossing."

Mangan stayed home that Monday, honoring the wishes of family members who feared he might get hurt if he crossed that first day. He was waiting for a break that would end the standoff, but he would not wait much longer.

Meanwhile, Chuck Lovingood talked with most anyone he could about what he would do.

He was only a year from retiring to Mississippi, where he hoped to open a saddle shop with his wife, Joyce. If he lost his job, those dreams would end, and the $1,800 monthly pension he was to start collecting in 1993 would not start coming in until 2004.

He sat Joyce down at her chair at the oak kitchen table, trying to decide what he should do. He told her he didn't think he could cross the line. She told him he should do what he thought best.

"What if I lose my job?" he asked her.

"Then we'll start over again," she said.

He was 50 years old and chilled at the thought of finding a new job at his age. "I don't want to start over again," he told her.

Lovingood did not know what he was going to do even as he drove to his Caterpillar plant that Monday morning. Until the last instant, at the crossroads, when Lovingood chose the union and joined the pickets, he still had not known. But once he had done so, he could not imagine having gone the other way.

As April 6 approached, Jan Firmand was thinking long and hard about what it would be like to lose her Caterpillar job, again.

Firmand had been laid off from Cat for more than six years during the 1980s, so she knew how good a Cat wage was and how hard it was on the outside. She knew that Caterpillar was serious about hiring replacements. But she also knew she could never cross the picket line.

To her, the company's threat meant the end of something. "I guess I'm no longer at Cat," she said.

Still, she talked it over time and again with friends and family.

"You're not going to cross," her son told her. She knew he was right, but she needed to hear someone else say it.

And for Jimmie Toothman, economic troubles were adding pressure some of the other strikers weren't feeling.

He had been among the first to strike on Nov. 4, 1991. His wife, Joyce, had done a remarkable job since then juggling bills and negotiating with creditors, but the $100-a-week strike pay was barely enough to feed their four kids.

When Joyce heard Caterpillar's plan to hire replacement workers, her stomach sank. Jimmie stood firm by his UAW. "If the company had its way, we'd be making $5 an hour," said Toothman, who earns $17.84. "That's what the union has done for us."

Schools near Caterpillar plants opened an hour late on April 6. Officials wanted to keep the kids away from any violence that might occur at the beginning of the first shift.

A local court ordered that the union could post only 10 pickets at each gate, but hundreds of workers showed up just after dawn to protest on the periphery.

Police and sheriff's deputies cruised up and down the lines. Caterpillar's hired guards from Vance International Protection Services were out in force, ready to videotape any violence by the workers.

Nobody knew what to expect that first morning. As it turned out, no violence occurred.

The company expected hundreds of workers to cross. The union expected a handful. The real number was somewhere in between. The union screamed victory. The company said, give it time.

The following morning, tension replaced bravado on the picket line, and Dick Owens' 1977 LTD wagon caught no one by surprise.

As Owens neared Building KK, his stomach knotted. Union members pulled their cars out in front of his, slowing him down. Pickets wandered into the street, blocking him. Someone was waving a sign with his name on it.

"Dick Owens," it said. "Scab."

Then someone began pounding on the back window and a beer can was thrown at him. He looked for police but saw none. His anger rising, he kept moving, slowly now. Toward the gate, then finally inside.

At home that afternoon, Owens parked his wife's car in the garage instead of the driveway. Then he put one of his boys' baseball bats near the back door.

All that day, the phone did not stop ringing at Caterpillar. Seventeen dollars an hour, and that much again in benefits, the help-wanted advertisements had said.

From the Peoria area, from Chicago, from southern Illinois, from Missouri and Iowa and beyond, people called to set up interviews, to try to take the jobs of workers who, it seemed, must not have known a good thing when they had it.

Thousands were calling the phone bank each hour, according to the telephone company. Cat officials said they had set up interviews with 8,400 applicants.

Publicly the union said the numbers were inflated, that hiring and training so many workers would be a logistical nightmare, that people off the street would not be able to do the highly skilled work required to keep the quality in Caterpillar machines.

Privately, the union was stunned. Management and office personnel were already working in the factories, learning the jobs. And with so many people out of work, union officials began to realize the company could find enough workers to come in and keep the factories running.

The yellow bulldozers would be built.

"I had to learn my job," is how one union member put it. "And if I could learn it, somebody on the street can learn it."

With thousands of people signing up, the number of strikers crossing had grown by Wednesday into the hundreds.

Jim Mangan, the former union steward who had stayed home Monday and Tuesday in deference to his family, was among them.

Mangan entered his assembly plant through a gate he normally does not use, away from the angry strikers who would recognize him.

It was easier that way, but it wasn't easy.

"It was a gut-wrenching decision, but I could not find any reason to give my continued allegiance to mass confusion," Mangan said.

"When I hired on at Caterpillar, I applied to them, not to the UAW," he reasoned at the time. "I know who the boss is, and they've got the hammer. I felt they were going to use the hammer."

The union did get an emotional boost that Wednesday when Arkansas Gov. Bill Clinton, then the front-runner for the Democratic presidential nomination he eventually won, visited the picket lines with Illinois Sen. Paul Simon.

Clinton voiced support for legislation to ban the hiring of replacement workers, legislation that would ultimately die in the U.S. Senate.

The pledge was just what union leaders wanted to hear, though they could hardly wait for the November election.

That same day, 700 miles away beneath the ornate chandeliers of a Hotel du Pont ballroom in Wilmington, Del., Chairman and CEO Don Fites told shareholders at the company's annual meeting that on Tuesday alone Caterpillar had logged 47,000 calls for replacement jobs. Hiring was to begin May 1.

Peoria had been watching the gathering ugliness with one eye covered and the other open wide.

Prayers for a peaceful resolution were offered at churches. Local leaders pleaded for a settlement. Law officers negotiated with both sides to keep order on the picket lines.

This is going to be a very tense weekend for many families in Peoria," said U.S. Rep. Bob Michel, the longtime Republican representative from the area. "This is a time of testing for the entire community."

Civic leaders feared that violence on the picket lines would kill outside investment for the next decade, or more.

The city had struggled back to economic health after the devastation of the nationwide recession and Caterpillar layoffs of the early 1980s. Now people feared that a decade's gains were being chipped away by daily images of strikers and guards on television news programs, and by published reports in newspapers across the nation.

It had become a national story, with out-of-town commentators making much of Peoria's historic role as touchstone for the nation. For the most part, they were not exaggerating.

Within its 43½ square miles of urban grit, suburban sprawl and open prairie, the City of Peoria contains virtually all that is grand and all that is ignoble about America in the '90s.

It has beautiful rolling parks and blighted public housing developments, glistening malls and boarded-up storefronts, a history of neighbor helping neighbor and a lingering tradition of racial intolerance.

The expression "Will it play in Peoria?" started in vaudeville days. But it still has been a valid test for politicians, marketing executives and anyone else looking for the national pulse.

The statistics that once made Peoria "average" have changed, but it's not just numbers that make it a model of the country. It's the attitudes of the people, the way they think and vote. It's the way they work and play and pray.

Driving into Peoria from the east on Interstate Highway 74, a traveler sees the city suddenly and fully through the yawning gap in the Illinois River bluffs.

From this distance, the city evokes images of churning factories and workers toting lunch buckets, of church picnics and union barbecues, of bowling leagues and high school football.

The 30-story Twin Towers residential complex is flanked by descending lines of office buildings. The Caterpillar headquarters crouches low near the river's edge.

But, up close, Peoria's blue-collar dignity quickly gives way to drabness and desperation. Many of the warehouses and factory spaces that line the river are, on closer inspection, empty.

Gone is the Palace Theater, the vaudeville house where national acts would try out new material on Peoria audiences. In its place stands the Twin Towers, whole floors vacant.

By 5:30 p.m., downtown Peoria begins losing life. By 8 p.m. it is dead.

Even during business hours there are never any true traffic jams, at least none of the head-in-hands, curse-a-lane-changer variety. Not downtown. Not by the malls. Not at the morning rush. Not at the evening rush. Never.

North of downtown are the "suburbs within the city" that blossomed as the middle class fled downtown in the 1960s and 1970s.

One is Edgewild, where one Caterpillar executive after another lives along curving streets, Peoria's version of Detroit's Grosse Pointe. Caterpillar chairman and CEO Don Fites lives there, a golf shot away from the home of retired chairman Lee Morgan.

But the analogy to Grosse Pointe and its seven-figure mansions doesn't hold up. Edgewild homes sell for $100,000 to $250,000—well above Peoria's $60,000 median, but still in a range that fits Caterpillar's low-key sensibility.

Fancier homes can be found up on a wooded bluff, where doctors, lawyers and other professionals live along Grand View Drive, a street that Theodore Roosevelt once called "the world's most beautiful drive."

But the splendor of Grand View, where houses sell for $300,000 to $600,000, is the exception. Growing more prevalent are streets like Jefferson and Adams, two main north-south thoroughfares that long ago lost their battles with weeds. Store after store is empty or boarded up. Fallen tree limbs and other debris are left on the sidewalks and in the street for weeks at a time. Working-age men, white and black, pass their weekdays sitting on front porches.

Their prospects of getting a good-paying job are few, and getting fewer. Peoria is changing, and the changes are not working in their favor.

For most of its history, Peoria had been a churning industrial town, the kind of place where people set their watches by the noon factory whistles.

Early this century it was a whiskey distiller and a transportation hub, with a hundred trains a day making the stop. It continued to develop as a hard-working, hard-living town—central Illinois' capital of industry and vice.

Until 15 years ago it was a self-assured factory town where wages went up every year, housing prices boomed, and good jobs could be had with a high school diploma and the right attitude.

"If it wasn't at Caterpillar, and it usually was, then it was at Keystone or Hiram Walker or Pabst," said Peoria native Rebekah Bourland. A good paying blue-collar job was practically a birthright for white Peoria men.

During the 1980s, all that changed. The headquarters of the Bergner department stores left for Milwaukee. Hiram Walker followed cheap labor, cheap land and tax breaks to Arkansas. Pabst Brewery closed shop to consolidate in Milwaukee. Keystone Steel and Wire laid off hundreds.

Worst of all, Caterpillar laid the town low with a combination of blue-collar and white-collar layoffs that began in 1982, the first year since the Depression that the company lost money.

More than 15,000 Caterpillar workers in the Peoria area lost their jobs from 1980 to 1984. Only a small percentage of those workers would ever be called back. Many others left the area.

From 1980 to 1983 alone, the number of manufacturing jobs in the Peoria area fell 40 percent, leaving it by far the hardest hit blue-collar town in the Midwest, according to one study.

What happened to Peoria in the 1980s also happened to Kankakee, Gary, Youngstown, Akron, Detroit, Flint and Pittsburgh: Blue-collar bases were shriveling. Then, in the 1990s, white-collar workers began losing jobs in the high-tech communities of New England and the Silicon Valley, and in the defense industry towns of Texas and California.

In Peoria, just as in other northern industrial cities, the decline in blue-collar employment has been harshest for the city's African-Americans.

"This whole decline in manufacturing in our society generally . . . has disproportionately impacted minorities," said Bashir Ali, director of the Central Illinois Private Industry Council. "That led to the phenomenon we have now of massive numbers of African-American males being unemployed and giving up hope."

Like many U.S. companies, Caterpillar hired few minorities until the mid-1960s, when the federal government began encouraging, and in some cases pressuring, them to do so.

In 1962, Caterpillar employed only about 650 minorities nationwide out of a total work force of 31,505. Under the government's Plan for Progress, the minority presence doubled by 1965 as the total work force grew to 44,000, and minority hirings continued to grow through the decade and into the 1970s.

But when Caterpillar and Keystone and other union employers laid off workers at the beginning of the last decade, a disproportionate number of those let go were minorities—simply because hiring discrimination in the past had left them with the least seniority.

Unemployment in 1983 and 1984 flirted with 20 percent in the city; bankruptcies soared, hitting a high of 2,300 in 1984; and the bottom fell out of the housing market. According to the Peoria Area Association of Realtors, the average selling price for a home dipped more than 15 percent from 1982 to 1987, dropping to $52,135 from $61,500. Some people turned in their keys to helpless real estate agents with a plea for anything they could get. Some just walked away.

Peoria's population fell during the 1980s from 126,000 to 113,500; in the metropolitan area, which comprises Peoria, Tazewell and Woodford Counties, the drop was from 366,000 to 340,000.

Gradually the city tried to fight back, working to attract new business.

Voters in 1985 elected a cheer-leading, feel good, singing mayor who promised to put the citizens back in government and Peoria back on track.

Mayor James Maloof and Peoria's other leaders began weaning the community from Caterpillar by enticing small businesses to locate there. To an extent, they were successful.

The U.S. government's agricultural sciences lab has expanded to hundreds of employees. The city has become the medical center of central Illinois, nearly doubling the number of jobs in the industry. And numerous small enterprises, from computer graphic firms to telecommunications companies, have been added in the last few years.

When the state legalized riverboat gambling in 1991, Peoria leaped at the opportunity, even though city fathers worried it would revive old images of call girls, crooked cops and con artists.

The $15 million Par-A-Dice river-boat casino opened last November and has exceeded all expectations, bringing with it some 700 jobs that average about $23,500 a year. Attendance fell off this summer after a big start, but through August the boat had pumped more than $3 million into the tax coffers of Peoria and East Peoria, not counting parking fees at the city-owned lot.

Next the city is considering expanding its convention center and even setting up a national Comedy Hall of Frame. After all, Richard Pryor is from Peoria. So were Fibber McGee and Molly.

So some of the boosterism has worked: Prior to 1991's downturn, the area had recouped 25,000 jobs lost in the 1982–83 wipeout. Bank account openings have risen dramatically. And housing prices, which headed south in the early '80s, have rebounded.

But the new jobs aren't like the old jobs. On paper they almost offset those lost of the factory closings, but the new positions tend to be lower-paying ones in the service and medical industries.

In 1979, 34 percent of all jobs in the Peoria metropolitan area were in manufacturing; by 1991, that number had sunk to 22 percent, a loss of 22,000 blue-collar jobs.

Due largely to that shift, household income dropped significantly, and for the first time in decades Peoria fell below the national average. The median for Peoria was $18,193 in 1979. To keep pace with inflation it should have risen to $31,073 by 1989. In fact, the median rose to just $26,074 by 1989, a decrease of 19 percent.

Nationally, median household income rose 6.5 percent.

Across the metropolitan area, the decrease in median income was more than 10 percent, meaning thousands of families slipped out of the middle class and into the ranks of the working poor. From 1979 to 1989, the percentage of Peoria residents living below the poverty level rose to 18.9 percent from 12.3 percent.

During the 1980s, the world was shifting. Like continental plates moving over the economic globe, vast classes were pushed into new territory.

High-paying manufacturing jobs were disappearing from the United States and reappearing as low-paying jobs in cheap labor markets overseas. Old economic borders were disappearing, pitting workers in Michigan in direct competition with workers in Mexico.

Peoria was deindustrializing right along with the rest of America. And life in the nation's quintessential blue-collar town would never be the same.

At about 11:20 Thursday night, Dick Owens was in bed, trying to sleep after putting in his fourth shift since crossing the picket line on April 6. His five children were asleep. His wife, Nancy, was in the basement doing laundry.

When she slammed the dryer door, it made a thud. That was immediately followed by another thud from upstairs. She heard glass shatter.

She ran upstairs, yelling. "They're hitting the house?" Dick came out of the bedroom. Nancy was in a panic. Glass covered the living room floor.

"Call 911," Dick yelled at her. She talked to a police dispatcher, repeating her address, staying on the line. As she spoke, she saw a figure moving outside. "There's a big guy on the back porch," she said.

Dick was behind her, wielding a baseball bat. She stood between him and the big guy on the porch.

Nancy ran down the basement stairs as Dick threw open the door. There, on the back porch, was their next-door neighbor. He had heard two crashes and had looked out his window to see three men with baseball bats walking down the alley.

They had broken out the rear window of the Owens' station wagon and broken a living-room window.

It wasn't until later that Nancy began shaking.

At about 2:30 a.m., the phone rang. A man asked Dick if he had gotten a message.

Owens wanted to say something smart, wanted to show this guy something.

"Watch for me in the morning," Owens said to the man. It didn't sound as biting as he had hoped.

"Next time," the man on the other end said, "it will be more than a window."

The next evening, Jan Firmand was watching the news and there, suddenly, was Owens' face. She had worked with him at Building KK, had stood with him on the picket lines, warming her hands over the fire barrels and talking with him about the future of Caterpillar.

Owens was telling the TV reporter about the vandalism at his house, the price some union brothers had made him pay for crossing the picket line.

Even though Firmand had always respected him, she felt a little disgusted when she saw his face. She called her son into the room.

"There he is," she told her son. "He's the one I work with."

On TV, Owens was describing the attack.

"What did he expect?" her son said.

That weekend, after several bleak weeks, there was some hope of a break in the standoff.

Caterpillar Chairman Don Fites and UAW President Owen Bieber had met in Chicago with federal mediator Bernard DeLury and agreed to send negotiating teams to the mediator's offices in the Chicago suburb of Hinsdale on Monday.

Members of the rank and file, hoping for an agreement that would let them go back to work without crossing their union, were cheered. Maybe this time the two sides could work something out. A contract extension, maybe, anything to take them back from the edge.

On the picket line, firebrand Ron Logue kept up the spirits of those who stayed and turned up the pressure on those who crossed. To him, the scabs were hurting not only the union but themselves as well.

The only chance the worker has was solidarity, Logue insisted. The only chance the country has is fostering strong unions that promote high wages and a good standard of living.

"We're trying to help everyone—farmers, minorities, not just union people," Logue said. "Our members get paid more, so they pay higher taxes. That leads to better schools, better communities."

At the Local 974 hall, officials disputed Caterpillar's claims that several hundred workers had crossed the picket lines by Friday. They insisted that Caterpillar's efforts to hire replacements would fail. They talked defiantly about Monday's session with the federal mediator.

The company had better back down, they said, because we won't.

The first day of talks in Hinsdale proved uneventful. Back in Peoria, Caterpillar began screening and testing would-be replacement workers. The number of people crossing the picket line rose.

By noon Tuesday, April 14, the talks in Hinsdale appeared to be going nowhere.

Back on the picket line, workers were getting antsy. Older strikers, who fretted about not qualifying for a pension if their jobs were wiped away, became more outspoken.

Word had it that if the talks with the mediator broke down, people would start crossing in droves.

"Don't be the first to cross," the advice had gone, "but don't be the last, either."

By late afternoon, there were hints of movement out of Hinsdale. The talks would continue beyond the original closing time.

DeLury offered both sides a deal: The union would go back to work immediately; the company would stop its efforts to hire replacements; and both sides would withdraw their latest contract offers and resume negotiations fresh for 90 days.

The two sides went to different rooms to consider the deal.

A few union committee members felt that Caterpillar's production was so low the company could not hold out much longer. Others expressed fear that by the end of the week, Good Friday, thousands of workers would cross the line and the strike would be broken.

In the end, union negotiators say, their decision to go back to work was unanimous.

Caterpillar negotiators were the first to give their decision to DeLury. They said the company would not withdraw its final contract offer. If workers came back, they would do so under the terms of that proposal.

Then the union team came into the room, and Casstevens said DeLury's deal was acceptable. The union would withdraw its offer, send its workers back to the factories and bargain for 90 more days.

When Casstevens was told that Caterpillar was, in effect, refusing DeLury's deal and sticking with its last offer, he became agitated.

"Well then," someone would later remember him saying, "we are unconditionally returning to work."

The words came as such a bolt out of the blue that somebody in the room asked him to repeat them. He did. Then he stood up and walked out.

The company was stunned. So were the workers.

In bars, at home, in the pickets' shelters thrown up in front of Caterpillar buildings, at the union hall, Caterpillar strikers listened to the radio or watched television or got on the phone of friends, trying to figure out what had happened.

At first, many believed Casstevens had a plan.

Jan Firmand, working at the nursing home where her father lived, heard the news on television and literally jumped for joy. She thought the union must have won something. Later, she realized that there was no victory at all.

At Marty's Center Tap, a hangout across the street from Caterpillar's Building JJ in East Peoria, the mood ran from defeat to betrayal.

Some rank-and-file members felt their interests had been superseded by larger union issues, and they wondered whether the agreement to end the strike had been worked out secretly the week before by Fites and Bieber.

Many workers had lost up to $20,000 in wages, and they all had watched as friends turned their backs on them and crossed the picket line. They had been forced to struggle with issues of loyalty and principle, and for what?

They were going back clear losers, and no matter how many times they tried to tell themselves that the fight was not over, they kept returning to the idea that all that time out of work, 163 days, got them nothing.

At the end of a long day at Marty's Tap, union member Dave Krueger watched the news as he finished his last beer. He looked up at the screen, then down at his drink, then muttered, "We're going back with our tails between our legs."

KILDEE URGES PEACEFUL SETTLEMENT OF CONFLICT IN BOSNIA-HERCEGOVINA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues a resolution adopted by the General Assembly of the 29th annual convention of Islamic Society of North America which met on September 6, 1992, in Kansas City, MO. The resolution expresses the fear and anguish of the people of Bosnia-Hercegovina and the dire need for immediate action to end the bloodshed and suffering in the region. The resolution is as follows:

We feel that it is our duty and right as citizens and human beings to raise our united voice and express our deepest concerns about the genocide in Bosnia-Herzegovina which is manifesting itself through the brutal killing of innocent civilians, raping of women, forceful displacement, "ethnic cleansing" of citizens, establishment of concentration death camps, destruction of properties and centuries-old cultural monuments, with the ultimate goal of annihilation of the nation, Muslims in particular. To date, as a result of the continuing criminal and terrorist activities of the aggressors, over sixty thousand innocent people have been killed with tens of thousands unaccounted for, one hundred thousand are starving in concentration camps and over two million people have become refugees and displaced persons. In addition, countless villages have been leveled to the ground and many cities are reduced to rubble.

These barbaric and sadistic atrocities deeply move all of us who love and cherish freedom, democracy and human rights to demand that our political leaders, in particular, and the leaders of the world community in general fulfill their moral responsibilities and act immediately to establish peace, security, justice and freedom for the people of the region.

In order to achieve these goals, we demand the following measures be enacted:

1. An immediate and lasting cease-fire.
2. Unconditional withdrawal of aggressors, from all the territory of the Republic of Bosnia and Herzegovina, including former JNA forces.
3. The establishment of a war-crimes tribunal to prosecute and punish the organizers and perpetrators of these crimes against humanity.
4. Ensure the secure and safe return of the refugees and displaced persons to their homes.
5. Effective enforcements of the sanctions against Serbia and Montenegro enacted by the United Nations Security Council Resolution 757.
6. The legitimate rights of the Republic of Bosnia and Herzegovina to self-defense

should be recognized through the following measures: a. Exempting Bosnia-Herzegovina from the arms embargo. b. Elimination of the aggressor's heavy weaponry and armaments.

7. Compensation for war damages and the return of stolen properties by the aggressors.

8. The establishment of a controlled area along the entire border of Bosnia and Herzegovina, in particular Serbia and Montenegro, in order to prevent the flow of new arms supplies and troop reinforcements for future aggression.

We propose these measures in the belief that, through their adoption, the world will put an end to these shameful atrocities and prevent them from being repeated in other parts of the world, in particular the areas of Sandzak and Kosovo, where the Serbs have similar designs. Therefore, all necessary measures should be taken to prevent the genocide that is currently taking place in Bosnia-Herzegovina from being repeated again in Sandzak and Kosovo.

Mr. Speaker, the situation in Bosnia-Hercegovina crystallizes the sentiment expressed in a quote by the great philosopher and legislator, Edmund Burke, who stated, "The only thing necessary for the triumph of evil is for good men to do nothing." We can no longer bear idle witness to the terrible fighting and oppression that has left tens of thousands of people dead and over 2 million people homeless. As a superpower, our Nation must be an active participant in bringing together the various parties in this tragic conflict. A just and comprehensive solution to this conflict can and must be found. But our silence will not contribute to that goal.

LOUISE M. LOCARIO RETIRES AFTER 26 YEARS OF SERVICE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, it is with pleasure that I pay tribute to a fine lady from the beautiful community of Longmeadow, MA, who has retired from the human services field after more than a quarter-century of working to enhance the lives of the physically and mentally challenged.

Louise M. Locario was born on February 14, 1922, and was raised and educated in Enfield, CT, where she met and married her high school sweetheart, Marshall Gebeau. They had two children, Reggie and Carl. When his country needed him, Marshall was quick to join the Marine Corps during World War II, and sadly, he lost his life defending his country at Iwo Jima.

Six years later, Louise met George Locario. They were married and became the proud parents of five more children, George, Philip, Nina, Louise, and Liz. Her husband became very ill and passed away in 1961, leaving Louise with seven children, one of whom was handicapped shortly after birth.

Louise began her career in human services as a volunteer, and later took a position as an aide with the Community Nursing School in 1969. In 1974, she became an employee of the Commonwealth of Massachusetts in early childhood service. In the same year she went back to school and earned an associates degree in early childhood mental health from Springfield Technical Community College. During this period of time, she worked as a developmental specialist teacher, and three times per week as a group leader for special-needs children, all the while caring for her own family. In 1985, Louise went to work with the Valley Infant Development Early Intervention Program, where she retired in July of 1992 after a total of 26 years providing vital services to those in need and their families.

In addition to all she accomplished professionally, Louise was associated with the Girl Scouts for 37 years, 33 of those as a leader, 12 as a member of the board of directors, and 6 years on the nominating committee. She has received some of the highest awards given in Scouting, the Thanks Badge I and II, as well as the Outstanding Girl Scout Leader Award. She was a member of Operation Snowflake for 11 years, and has guided many Girl Scouts to earn their Silver and Gold Awards, the highest awards a Girl Scout can receive.

Her contributions to her family, her community, and to those whose lives she has touched over the years are truly remarkable. In recognition of her legacy of caring and commitment, United Cerebral Palsy-Valley Infant Development Early Intervention Program has named an award for her, the Louise Locario Award, in recognition of and appreciation for her countless contributions.

Mr. Speaker, please join with me and the family and friends of Louise Locario in wishing her a long, happy, and healthy retirement. She certainly deserves it.

ELEANOR HOLMES NORTON PAYS TRIBUTE TO CWO CLAYTON L. BUTLER (USA-RET)

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Ms. NORTON. Mr. Speaker, on October 5, Clayton L. Butler will, once again, be retiring. His first retirement, almost 15 years ago, concluded an Army career that spanned three decades and saw him serve his country in three different conflicts. Today, however, I rise to offer a tribute to this man who has served his country long and faithfully during not one but two distinguished careers. Early next month, Mr. Butler will retire from his post as administrative assistant to the director of Government relations for the Retired Officers Association.

It is often said that the measure of accomplishment is not limited to an individual's singular deeds but extends more broadly to the impact the individual has on the environment in which he works and on those around him.

For the past 15 years, as the administrative assistant to the director of Government relations, Mr. Butler has been the steady hand on the tiller and the institutional memory for a growing association with a diversity of military retiree needs and concerns. His capacity for recalling the essence of a legislative issue and the methodology used to resolve it is unsurpassed. Numbered among his accomplishments are his efforts to secure improvements in such critical legislation as the Survivor Benefits Plan for military retirees and their surviving spouses; his efforts to preserve cost of living adjustments for military and Federal civilian retirees; and his yeoman like work in helping the Retired Officers Association and the Coalition for Affordable Health Care to gain the repeal of the Medicare Catastrophic Coverage Act with its senior-citizen-only surtax.

But, Mr. Speaker, his accomplishments at the Retired Officers Association do not fully tell the story of Mr. Butler's efforts on behalf of others. First and foremost, Mr. Butler is a citizen of his city, where he was born and raised and to which he returned upon his retirement from the U.S. Army.

As a former secretary, vice president, and then president of Washington's Lamond-Riggs Citizens Association and the recipient of a 1988 NAACP trophy for his human relations endeavors, he has been a community leader in efforts to combat crime and drug abuse. As a leader in the 19th Street Baptist Church of Washington, on a weekly basis, he records and edits, for later airing on Washington radio station WYCB, the Sunday services for those parishioners too ill to attend in person.

And, Mr. Speaker, as if his work in support of military retirees and the members of his church and those who live in his community were not enough, Mr. Butler is also active in community civic and political activities in Washington's fourth and fifth wards. He has led voter registration drives and has volunteered to work in election campaigns.

Mr. Speaker, I therefore wish to pay tribute today to an extraordinary man; a man who has devoted over 45 years of his life to the service of the county; a man who spent 30 years overseas; a man who devoted another 15 years of his life in service to his fellow military retirees and their families and survivors; and last, a man who, to this day, goes quietly about his efforts to improve his community and the human condition of those people living in his city. That man, Mr. Speaker, is CWO Clayton L. Butler, U.S. Army, retired.

THE VETERANS' JOB TRAINING ACT OF 1992

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. PERKINS. Mr. Speaker, I rise today to introduce the Veterans' Job Training Act of 1992, which amends the Job Training Partnership Act to expand services to our Nation's veterans. Today's veterans need increased job skills, whether reentering the job market from active service or as a result of job change due to layoffs. Unemployment among some sectors of the veteran community runs 2 percent above the rate for the non-veteran population. Yet veterans have proven themselves to be highly trainable, adaptable, and willing to take on responsibilities in the work force. At the same time, American businesses are looking for ways to compete against foreign rivals. The Veterans' Job Training Act would benefit both communities.

The bill requires a minimum of $75 million to be used by the Department of Labor to establish a veterans' job training program. All honorably discharged veterans of the Korean war or later would be eligible to participate in the program. Employers are strongly encouraged to establish training programs in high-skill occupations through tax incentives and wage subsidies of up to $15,000 per year for each veteran. The legislation contains language to protect existing workers from displacement by trainees.

The measure takes a long-term approach by requiring employers to provide employment to veterans who complete training if such employment is expected to be stable and permanent. Further, the bill offers the option to reenroll to those who become unemployed following training and requires the Secretary of Labor to approve training programs only where jobs are available.

Another advantage to the legislation is that it encourages coordination with other Federal programs and agencies, particularly the Department of Veterans Affairs. This continues the emphasis on coordination of services that was central to H.R. 3033, the Job Training Reform amendments, which strengthens programs under the Job Training Partnership Act and which was recently signed into law.

The Veterans' Job Training Act of 1992 is a straightforward bill that utilizes a system already in place to bring much-needed job training assistance to our veterans and to businesses. I urge my colleagues to give the bill their close attention and to sign on as cosponsors.

SECTION-BY-SECTION ANALYSIS OF THE VETERANS' JOB TRAINING ACT OF 1992

Sec. 1—Short Title.

Sec. 2—Purposes.

Sec. 3—Establishment of Veterans' Job Training Program and Employer Job Training Programs.

The bill amends the Job Training Partnership Act to require the Department of Labor and encourage interested businesses to assist qualified, unemployed veterans in obtaining long-term employment and significant training, particularly in high skill occupations. Employers would be encouraged to establish training programs for veterans through tax incentives and wage subsidies.

A newly created section 442 establishes the program within the Department of Labor and sets out eligibility requirements and the responsibilities of the Department of Labor towards veterans. Eligible participants are all honorably discharged service members who served in the Korean War or later. Interested veterans would submit applications to the Secretary of Labor (hereafter referred to as the Secretary) for participation in the veterans employment program. Upon establishing eligibility, the Secretary would issue a certificate of eligibility to the veteran to present to participating businesses. Eligibility certificates would expire either 90 or 180 days after the date of issuance but could be renewed upon re-application to the Secretary.

Under a new section 443, employers would establish programs for up to 24 months for 30 percent disabled veterans, 18 months for 10 to 20 percent disabled veterans and 12 months for all other veterans. Training programs is a growth industry, that require the use of new technological skills, or in which demand for labor exceeds supply must be at least 6 months long.

In their applications, employers must certify to the Secretary the following:

That wages and benefits for veterans will not be less than those provided to other employees participating in a comparable job training program,

That the employment of the veteran will not result in the displacement of currently employed workers or their benefits,

That the veteran will not fill a position equivalent to one held by any individual on layoff,

That the training program will provide the veteran with new skills of the opportunity to maintain old skills,

That each veteran will be employed full time in the program,

That the training program will be of sufficient duration for the job for which the veteran is in training, and

That the employer will hire the veteran upon completion of the program for a position for which the veteran has been trained and which the employer expects to be available on a stable and permanent basis.

In addition, the employer shall include in the application to the Secretary specific information about a proposed training program, such as the number of hours to be worked, the length of the program, the starting wages, the content of the program, linkages with educational institutions, and any other information the Secretary may require.

Upon approving an employer's application, the Secretary shall issue to the employer a certificate of eligibility. Programs involving employment that is seasonal, intermittent, or temporary; commissions as a primary source of income; political or religious activities; or employment with any agency of the Federal government shall be automatically disqualified.

The bill requires employers to notify the Secretary when a veteran has been accepted into a training program. The Secretary shall pay to the employer 50 percent of a veteran's wages and benefits, not to exceed $15,000 per year, throughout the training program.

The bill requires the Secretary to provide for inspections, investigations, and monitoring to guard against fraud. The measure also requires the Secretary to coordinate with similar Federal programs, to provide counseling services to veterans, and to establish an information and outreach program to veterans, private industry, public agencies, educational institutions, and labor unions.

The bill includes veterans who participate in training programs created under this bill as members of a targeted group for purposes of section 51 of the Internal Revenue Code of 1986 (the targeted jobs tax credit).

Sec. 4—Authorization of Appropriations.

The bill authorizes $75,000,000 for fiscal year 1993, and such sums as may be necessary thereafter.

Sec. 5—Technical Amendments.

Sec. 6—Effective Date.

The effective date is either the date of enactment or October 1, 1992, whichever occurs later.

AN EXEMPLARY RESPONSE TO A TERRIBLE TRAGEDY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. SOLARZ. Mr. Speaker, early on the morning of September 6, a terrible tragedy occurred in Brooklyn, NY, when a tow truck driver without a valid operator's license recklessly struck another car, killing a young Ecuadorian woman, Alicia Sanmartin, seriously injuring her husband Luis, and less severely injuring their two children.

This chilling incident has spurred serious public discussion on abuses by the tow truck industry in New York, and it is my hope that one positive result of this horrible accident will be enhanced regulation of this industry.

I wish to direct my remarks today, however, to the personal circumstances of the Sanmartin family, and especially to praise both the U.S. Government and American Airlines for their prompt efforts to provide the Sanmartins with assistance in their hour of great need.

Shortly after the accident, I learned that Dora and Vicente Sanmartin, the parents of Luis, hoped to travel to New York to be with their injured son and to care for their grandchildren, and was asked to assist in securing the visas. I was concerned that the U.S. Consulate General in Guayaquil, Ecuador, appreciate the importance of issuing visas to the Sanmartins on an urgent basis. I was also worried because I understand that applicants from developing countries are often denied visitor visas because it is assumed many intend to stay in the United States permanently.

I thus notified the State Department's Operations Center on Memorial Day, faxed a letter to the U.S. Consulate General in Guayaquil, and contacted the office of Bernard Aronson, Assistant Secretary of State for Inter-American Affairs. The response was extremely gratifying, as the Consulate General assured me that the Sanmartins' visa request would be given urgent and sympathetic consideration. I am pleased to say that the visas were in fact issued and Dora and Vicente have arrived in New York.

I was also concerned about the expense to the family of flying Alicia's body to Guayaquil, as well as the round-trip travel expense for Dora and Vicente. I therefore contacted American Airlines to inquire about the possibility of defraying these travel costs, as well as the round-trip travel costs of Carlos Cartejena, a family member who planned to accompany Alicia's body back to Ecuador. I am pleased to say that American Airlines, immediately recognizing the humanitarian urgency of this situation, promptly agreed to defray such costs. I was surprised and delighted by the company's willingness to cut through the red tape that might have delayed consideration of this matter.

In conclusion, Mr. Speaker, I would like to offer my heartfelt thanks, as well as the thanks of the Sanmartin family to American Airlines, the U.S. Consulate General in Guayaquil, and the U.S. State Department.

TED BROHL HONORED AS POET

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, I am submitting for the RECORD two articles

about Ted Brohl, the best known poet from New Jersey's First Congressional District since Walt Whitman. As one of the articles reports, his poem "The Old Wheelchair" was recently honored at the second annual International Society of Poets Symposium.

The articles follow:

BROHL'S WORK SELECTED BY SOCIETY OF POETS

WASHINGTON TOWNSHIP.—Ted Brohl, honorary Poet Laureate of Washington Township and Gloucester County, returned home with his wife, Ellie, after attending the International Society of Poets second annual Symposium in Washington, D.C.

Over 550 poets from 29 countries submitted their poems for judging, and Brohl's "The Old Wheelchair" was one of ten chosen to be read before the poets and their 250 guests. Brohl received an 'International Poet of Merit' award as well as a check.

Following a performance after the banquet, the Brohls were invited to a VIP reception for Joan Rivers, at which time Brohl presented Rivers with his new book of poetry, "In A Fine Frenzy Rolling," in which the prize-winning poem appears.

Brohl said she responded with two four-letter words, "Very nice," which he said were "about the only four-letter words she used that could be printed in a family newspaper!"

The inspiration for Brohl's award-winning poem was a visit the Brohls made to the Vietnam Veterans War Memorial last year in Washington.

He said that when he touched the impressive Memorial, he could feel the mortar shells exploding and the cries from the wounded, and he wrote the poem the same day when they returned to their hotel.

Brohl's book is in stock at Walden books, Deptford Mall, and Borders Book Shop, Route 73, Marlton.

The following is the poem written by Brohl after visiting the Memorial:

THE OLD WHEELCHAIR

The wheelchair has been put away now
For the man who used it is gone
But the memories that he left for us
Are sweet, for courage was this man's song.

I saw him last in a plaid bathrobe
And his face was wrinkled and gray;
His baritone voice was faded and
His life was ebbing away.

The aide had pushed the wheelchair
Into the corner of the room,
And the nursing home was a joyless place
For the patients were all wrapped in gloom.

But my friend still managed a smile for me
And I sat in a chair next to him;
I covered his shaking hands with my own
And noted that my eyes were dim.

This once towering man with the strength of a bull
Now weighed only one twenty-five,
And we each remembered the peak of our youth
And our struggle to stay alive;

For the Cong were hidden all over the place
And the jungles were full of rot,
And if we survived the hazards of war
Agent Orange was still there like as not.

Some of us escaped from death
And a war that was not a war,
And we married, had children, even had fun,
Agent Orange hung around like a whore

Waiting for payment, and some of us paid,
And my friend was paying the price,
For instead of tilling his Kansas wheat
He had waded in paddies of rice.

He volunteered, as a patriot would,
And the medals he got he still keeps,
And he'd do it again if his country called,
But for now he just breaks down and weeps.

It's over now and the past is the past,
And we are pushing seventy years,
And I bid goodbye to this man so proud
And we both shed the unwanted tears.

TRAVELING SALESMAN TURNS TO POETRY AFTER RETIREMENT

(By Carol Leach)

For years, Ted Brohl, traveling salesman, was up at 4:30 a.m., ready to hit the road and make another sale. Now, Ted Brohl, Gloucester County poet laureate, is often still wide awake at 4:30 a.m., busily penning another verse.

"If an idea is percolating inside of me, I'll usually get up at 3 a.m. and sit at the dining room table working on it," explains the 68-year-old Washington Township resident, who has been retired for more than four years. "If it isn't written by 6 a.m., it usually won't get written that day."

TALENTED TEEN

Brohl doesn't question where his ability to write poetry comes from; it's just something that has always been there.

He first discovered his talent as a teenager in North Jersey. He knew he liked to write poetry and that he was good at it. Yet for over 40 years he wrote only a handful of poems, devoting his time instead to his career and to his family which includes his wife, Ellie, two daughters, one son, and two grandchildren.

As soon as he retired, however, Brohl began writing in earnest.

"I think I was trying to vent all the creative energy bottled up in me for years," he explains.

He also met with extraordinary success extraordinarily quickly. After all, some writers struggle for years just to get one poem published. Brohl's work has not only appeared in 35 poetry anthologies, he also has two volumes of his own poetry in publication.

SURPRISED AT SUCCESS

For Brohl, the writing was part of a calculated plan; the success came as a pleasant surprise.

"I think people plan financially for retirement, but they don't plan what they're going to do with their lives," says Brohl. "I'd heard of too many people dying soon after retirement because they had no plans and no interests. I was darned if that was going to happen to me."

At first, Brohl's primary concern was writing.

"At the beginning I never thought I'd be published, so I wasn't worrying about it," he says simply.

Then, inspired by the gargoyles (those whimsical and/or grotesque carved waterspouts on castles and cathedrals) he saw while on a trip to Europe several years ago, Brohl found gargoyle poems flowing out of him. Suddenly, he knew he had the makings of an anthology.

SENT OUT QUERIES

Armed with a copy of the "Writer's Market," a book that lists book and magazine publishers, Brohl began sending out queries on his own. Vantage Press, Inc., of New York, responded with the coverted acceptance letter and "Gargoyles and Other Muses" was published in 1990.

"In A Fine Frenzy Rolling," a line borrowed from Shakespeare's definition of a poet in "A Midsummer Night's Dream," is the title of Brohl's second anthology, which was published in April. Vantage Press says it "firmly estabishes Ted Brohl as a poet and storyteller for the people."

Like "Gargoyles," his new anthology covers a wide range of subjects—from sex and religion to peanut butter and earthworms. It also includes a fair amount of prose.

RECEIVES ATTENTION

And, like his first anthology—which generated acclaim and honors, such as being named Poet of Merit by the International Society of Poets last August—this new volume is already bringing more attention to Brohl.

Perhaps most exciting and flattering was his appearance at a book signing last month at the Borders Book Shop in Marlton.

Brohl's newfound prominence in the literary world has also brought him some requests to speak to schoolchildren.

"Even though I'm not a teacher or a public speaker, my visits to the classroom are fun," says Brohl, "and I consider it important because we need to reawaken an interest in poetry in youngsters.

STUDENTS INVOLVED

Brohl usually reads a few of his poems and answers the students' questions. Guided by the teachers he suggests a topic to the students and asks them to write their own poems. (At a seventh grade class in the Chestnut Ridge Middle School in Washington Township, for instance, he asked the students to write about whales.)

"I emphasize to the kids that they can't do anything without imagination," he says.

After reading the poems and making positive comments on all of them, Brohl selects the four or five that "mesh" with his own imagination and returns to the class at a later date to read them.

"It's been a pleasure to see the interest of the students and it has renewed my faith in the future of our country and its leaders," says Brohl.

REALITY AND FANTASY

As for his own imagination, Brohl says that he grounds his poems in reality—in a person, place, or thing that really exists—and then creates some fantasy to go with it.

"I might look up a word in the dictionary and then let my eyes wander around the page to see if another word will inspire me," he explains.

Or, as recently happened when a rufous-sided towhee flew into his yard, he might encounter something so different that he is inspired to write about it.

"It was a large sparrow with a black cape and a white underbelly. In 30 years of living here I had never seen one," explains Brohl. "I looked it up in a bird book and wrote about it a few days later."

ONE MORE ANTHOLOGY

As for the future, Brohl says he would like to do at least one more poetry anthology. That would complete a trilogy, but the third volume hasn't been kicked off as yet.

"It's all very eclectic," he says. "I write about whatever turns me on. I just ride with the tide and I can't do it unless something draws me out of bed to the dining room table.

"But, I do know," continues Brohl, "that I'll be a poet for the rest of my life, as long as the poems come to me.

THE 354TH CIVIL AFFAIRS BRIGADE: MULTIPLE MISSIONS IN THE PERSIAN GULF WAR

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. ROYBAL. Mr. Speaker, today, the 354th Civil Affairs Brigade is holding its first formal military "Dining-Out" since returning from Operation Desert Shield, Desert Storm, and Provide Comfort. I bring this event to your attention because this unit is located in the shadow of our Nation's Capitol in Riverdale, MD. Members of the unit come from the surrounding metropolitan area and include our own staffs and the Congressional Research Service.

The outstanding accomplishments of the 354th Civil Affairs Brigade in the gulf war earned them the coveted Joint Meritorious Unit Citation and numerous other commendations.

The brigade had major roles and responsibilities during the defense of Saudi Arabia in Operation Desert Shield and the liberation and restoration of Kuwait during Operation Desert Storm, and in providing humanitarian assistance to Kurdish refugees in Iraq and Turkey during Operation Provide Comfort.

Beginning in December 1, 1990, brigade members began working with Kuwaiti ministry officials in Washington, DC, as part of the Kuwait Task Force in planning for the provision of emergency and restoration services following the liberation Kuwait. On December 11 an advance party was deployed to Riyadh, Saudi Arabia, in support of HQ, Central Command Air Forces. On January 20, 1991 the main body arrived in Dhahran, Saudi Arabia, to support the VII Corps. Within hours of the allied sweep through Kuwait, members of the Kuwait Task Force began arriving with convoys of relief supplies to begin relief and restoration activities. On April 28, 1991 the Brigade began to redeploy to Incirlik, Turkey, in support of the Kurdish refugees in Operation Provide Comfort.

The brigade performed a full range of civil-military operations activities throughout the theater: minimizing civilian interference with military operations; providing host nation support and purchasing of goods and services from the local economy; functioning as local government liaison while negotiating for local water sources; planning for and stockpiling humanitarian relief supplies; planning for and administering dislocated civilian [DC] camps in southern Iraq and Saudi Arabia, including camp construction, food distribution, and medical care of DC's; assisting military police in enemy prisoner of war [EPW] screening, intelligence gathering and analysis; targeting and overlay development; reestablishing security and public services in allied occupied areas; directing port support activities, including coordination of the off-loading of cargo vessels and forwarding of equipment and supplies to the VII Corps beddown location in Dhahran and Al Khobar, Saudi Arabia.

In Turkey and northern Iraq the brigade worked directly with the United Nations High Commissioner for Refugees [UNHCR], USAID Disaster Assistance Response Teams, allied forces and many private voluntary relief organizations, in bringing refugees out of their high mountain retreats where they could be provided with access to humanitarian relief and security arrangements in temporary camps, and eventually returned to their homes. The brigade engaged in developing an infrastructure for forward bases and distribution of relief supplies and in establishing security arrangements in coordination with local Iraqi and Turkish military commanders and governmental authorities.

The men and women of the 354th Civil Affairs Brigade can justifiably take great pride in their gulf war accomplishments.

SSG Alston, Patricia.
SPC Andrew, Benita.
SGT Arroyo, Nancy.
SPC Baines, Regina.
SFC Brindza, Robert.
SSG Burnett, Jay.
SGT Bryant, Karen.
SGT Cameron, Bridgett.
SPC Carey-Vick, Reba.
SSG Carroll, Gerald.
SGT Chambers, Irvin.
SPC Coates, Barbara.
SGT Cooper, Eleanor.
SGT Cooper-DeLoatch, Sharon.
SPC Delgado, Donna.
SPC Eden, Roxanna.
SSG Epps, Victor.
SSG Falby, Sharon.
SGT. Gaisor, Amy.
SGT Hamilton, Christine.
PFC Hanna, Willie.
SPC Harris, Wynora.
SGT Hartridge, Karen.
SPC Holman, Keith.
PFC Hopkins, Vincent.
PFC Hutcheson, Mark.
MSG Jackson, Eunice.
SGT. Kelly, Maureen.
SGT Kirk, Rose.
SFC Lane, Robert.
SGT Lawrence, Francis.
SFC Leonard, Willie.
SPC Martinez, Ernesto.
SGT McCrary, Roxanna.
SSG McDonald, Walter.
SGT Meade, Timothy.
SFC Miles, Ronald.
SPC Morgan, Jerome.
SPC Muse, Timothy.
SPC Mushala-Fields, Jocelyn.
SFC Owens, Bridget.
SFC Parker, Lloyd.
1SG Partlow, Joyce.
SGT Phillips, Theresa A.
SPC Pittard, Debbie N.
SFC Rivera, Alfredo.
SFC Schulert, Mark.
SSG Siler, Wade.
SGT Smith-Wiggins, Constance.
SGT Snodgrass, Benjamin.
CSM Staten, Harold.
SGT Sutton, Darylvin.
SFC Truxon, William.
SFC Venson, Sheila.
SGT Walls, Joseph.
LTC Agosti, William.
MAJ Alcan, Bruce.
LTC Baker, Wilson.
COL Beahm, Robert.
MAJ Becker, Howard.
MAJ Blair, James.
MAJ Brune, Louie.
MAJ Burger, Jeffrey.
MAJ Carney, Richie.
LTC Carr, James.
MAJ Castro, Dale.
LTC Childs, James.
MAJ Clark, Eugene.
COL Dandar, Edward.
COL Blount, Lawrence.
LTC Deegan, Michael.
LTC Dunn, Richard.
LTC Fiedler, Robert.
LTC Flaak, Robert.
MAJ Gardner, George.
LTC Gatrell, Jacob.
LTC George, Edward.
MAJ Gibmeyer, John.
LTC Guerrieri, Vincent.
LTC Halvorsen, John.
COL Hayuk, Hlib.
LTC Hoffman, John.
LTC Jones, Charles.
COL Jones, George.
LTC Jordan, Robert.
CPT Kennedy, Paul.
MAJ Kessel, Alan.
LTC Lambrinos, Jorge.
CW2 Lanier, Gary.
MAJ Lee, John.
CPT Maxey, Beatrice.
LTC McKinney, Donald.
MAJ McNabb, Kenneth.
LTC Meyers, John.
LTC Mitchell, David.
COL Moran, Clarence.
LTC Paternoster, Peter.
MAJ Perry, Sarah.
MAJ Pettit, Thomas.
LTC Polk, Artie.
MAJ Redding, Joseph.
COL Rostron, Ira.
MAJ Rowson, David.
MAJ Salters, Roscoe.
LTC Sculley, James.
LTC Setzer, David.
LTC Saitro, Raymond.
LTC Schmidt, Douglas.
LTC Shannon, George.
LTC Simmons, Michael.
LTC Spinelli, David.
1LT Stewart, Stephen.
MAJ Thomas, Vincent.
MAJ Thorsen, Robert.
LTC Vecchiarello, Frank.
MAJ Warren, Tom.
LTC Webber, David.
MAJ Weipert, Dennis.
LTC Williams, John.
MAJ Winder, Coulbourne.
LTC Windmiller, David.
MAJ Zimmerman, Lawrence.

IT'S TIME TO HELP THE CONSUMER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. ANDERSON. Mr. Speaker, in the 5 years since cable companies were deregulated, they have increased rates over 60 percent, three times the rate of inflation. Despite these increases, service to the consumer has declined. The mood of the American public is very clear. They are fed up with high rates and poor service. The question is, will Congress do something to help?

I do not believe that regulation is the long-term solution to cable companies' abuses. Deregulation has had positive effects on the cable industry by bringing many new programs and channels to our television screen. But, while programs have proliferated, cable rates have skyrocketed. A recent Government Ac-

counting Office [GAO] report found that most rate increases were not economically justifiable and that a minority of cable operators had abused their monopoly position by unreasonably raising prices. This price gouging cannot continue.

Congress passed the 1984 cable deregulation bill with the expectation that increased competition would create an efficient market. Unfortunately, competition has not taken hold in much of the country. Only 3 percent of all communities have access to more than one cable provider. The Justice Department found that recent cable rate increases were 50 percent more than they would have been in a competitive marketplace. Where competition exists, rates are 20 percent lower and service is better. There is no doubt that our first priority should be to increase competition in the marketplace.

The bill we have before us today, S. 12, the Cable Television Consumer Protection Act, reigns in cable's abuses through increased competition. Under current law, a cable company can be guaranteed local monopoly power and exempted from local regulation. Any cable company in this position is immune from competition and can charge more and keep more profits. To foster effective competition, this bill prevents local authorities from unreasonably refusing to award competitive cable franchises.

This bill also promotes new technologies, such as wireless cable or direct satellite broadcasting, to create a more competitive market. Currently, only 5 percent of the American public subscribe to these alternative systems largely because cable companies are actively preventing them from purchasing such popular channels as CNN, TNT, or The Discovery Channel at reasonable rates. The cable bill addresses this problem by prohibiting vertically integrated programmers, companies which own both cable systems and program producers, from discriminating against these new technologies. This measure will level the playing field between cable and its competitors.

While competition is obviously the most efficient method of controlling prices and enhancing service, competition will not materialize overnight. To protect consumers in the meantime, S. 12 re-regulates those cable companies which do not face effective competition. This bill requires the Federal Communication Commission [FCC] to set guidelines for a number of basic services including monthly cable rates, installation costs, and rental charges. These guidelines do not set a maximum price for these services, but only require the FCC to ensure that rates do not exceed what would be charged in a competitive market. For services above these basic levels, including premium channels and pay-per-view, the FCC is allowed to challenge "unreasonable" prices on a case-by-case basis.

A provision was added to S. 12 in conference that requires cable operators to obtain the consent of local broadcasters before carrying their signals. During cable's infancy, Congress forced local broadcasters to give cable companies their signal at no charge under the theory that cable was to be used simply as a better antenna. Since that time cable has grown into a multibillion-dollar industry. Cable operators now take local signals and sell them to cable subscribers at huge profit. Cable companies either keep these profits or turn around and fund other cable channels. Requiring cable companies to bargain for the right to re-transmit local channels rightfully returns the television business to the free market.

I am sure everyone has seen cable industry's last ditch multimillion-dollar ad campaign to prevent passage of this proconsumer legislation. They have warned that passage of this bill will raise, not lower, monthly rates. In their ads they quote a Department of Commerce estimate of an increase of $23 to $51 per year if this bill passes. However, a congressional inquiry found that this estimate came directly out of cable industries' own study. What does an independent group say about the cable bill? The Consumer Federation of America estimates that passage of this bill could result in a savings of up to $6 billion for cable consumers.

The cable industry has also tried to present this bill as beholden to special interest groups. I have to admit they are right. In fact, here are some of the special interest groups supporting the bill: Consumer Federation of America, National League of Cities, and U.S. Conference of Mayors. And who is opposed to this bill? The National Cable Television Association and the Motion Picture Association. I think it is obvious where the special interests in this bill lie; with the America public.

We have seen the results of 5 years of cable deregulation. The American public has been saddled with huge price increases and deteriorating service. Competition, with responsible regulation, with help the consumer by lowering rates and bringing better service. Ultimately, it will be our constituents at home, and not the special interest groups in Washington, who will benefit if this bill passes.

TRIBUTE TO OMEKA REED

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. BLACKWELL. Mr. Speaker, I rise to pay tribute to one of my most hard-working and fun-loving interns, Omeka Reed. Throughout her young life, Omeka has worked to uplift the African-American community and has consistently been one of many young black people who give us hope for our culture and our future.

Omeka's efforts on behalf of her community began at the age of 13 when she began volunteering at WDAS AM and FM Radio station for the sales and promotions departments, as well as assisting disc jockeys. More recently, she has been given the unique opportunity to co-host a weekly teen talk show called The Way It Is. She has served as a volunteer for the United Negro College Fund Telethon, and she helped recruit high school volunteers for Jesse Jackson's historic Presidential campaign. She also participated in the Urban Journalism Workshop, sponsored by the Philadelphia Daily News.

For her efforts, Omeka was one of 100 young people chosen out of 15,000 for the Incentive Award for outstanding performance in the Mayor's Phil-A-Job program. She also earned first runner up in the 1990 Miss Young America Beauty Pageant for the State of Pennsylvania, and has been nominated for this year's Ebony magazine's Young Leaders of America Award.

This fall, Omeka will begin her sophomore year at Spelman College in Atlanta, GA. Though we will miss her hard work and lively spirit in the office, I wish her the best of luck as she pursues her academic career in Georgia. Mr. Speaker, I ask my colleagues to join me in praising this fine young woman, Ms. Omeka Reed.

TRIBUTE TO LT. COL. CLYDE CLEVELAND

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. JAMES. Mr. Speaker, America is filled with great people. They range from those who make the national news, who discover new medicines, and who make this world a better place in their own quiet way. Mr. Speaker, the Veterans Service Office in Volusia County, FL is run by a man who quietly makes this world a better place to live. He does what he does not to seek notoriety, praise, or congratulations; he does it because it is right.

Lt. Col. Clyde Cleveland, runs this veterans' office on a shoestring budget. His leadership and dedication is apparent in every aspect of a veteran's life in Volusia County. From early in the morning to late at night, Clyde Cleveland does, to the best of his abilities, what he can for our veterans. As you know Mr. Speaker, getting what is deserved from the Government is not always an easy task.

The bureaucracy is big, the details immense, and most veterans just don't know how to receive their benefits. That's why Clyde Cleveland is there. Not for a paycheck, not for something to do, but because he believes in the United States and he believes in veterans. On Colonel Cleveland's wall is a reprint of General MacArthur's farewell address to the cadets at West Point. It was one of the first things I noticed in his office and it will be one of the lasting memories I take with me as I leave the Congress: There is such a thing as a hero.

Clyde Cleveland, who fought and was wounded in our country's wars, who spearheaded the effort to send gifts to soldiers in Beirut, who raised money for the purchase of a veterans van, who created innovative outreach veteran programs, who helps Vietnam veterans live a normal life, who has received dozens of recognition awards, and who has been a friend to me, is the kind of leader all of us should ascribe to be.

Yes, Mr. Speaker, there is someone in the United States who lives his life through, "duty, honor, country." He is retiring soon, and his name is Lt. Col. Clyde Cleveland.

TRIBUTE TO THE GREATER CHINATOWN COMMUNITY ASSOCIATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. GREEN of New York. Mr. Speaker, I rise today to mark the occasion of the 20th anniversary of the Greater Chinatown Community Association, which is to be celebrated at a dinner on Thursday, October 15, 1992, in Manhattan.

The Greater Chinatown Community Association is a nonprofit, community based and directed human services organization committed to improving the quality of life for senior citizens, immigrants, and other people in need in the greater Chinatown area. Without a doubt, that organization has been a pioneer and innovator in the provision of resources and services.

In cooperation with over 4,000 senior citizens who are members of the Lo Wei Club, the Greater Chinatown Community Association's extensive outreach program attempts to solve problems regarding health, housing, Medicare, and SSI. Other benefits offered by the association include escort services, translation services, and recreational services.

At this time, I should like to join my colleagues in commending the Greater Chinatown Community Association for its outstanding work. I hold great admiration for the association and so I should also like to extend my best wishes on its 20th anniversary and for more many more years of success.

THE SEXUAL ASSAULT PREVENTION ACT OF 1992

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. KYL. Mr. Speaker, there is a pervasive sense among Americans that criminals are being protected by our criminal justice system at the expense of victims and society in general. It is true that we do protect the rights of the accused. This is so primarily because of the basic tenant of our criminal justice system that all individuals are innocent until proven guilty. We view with abhorrence the prospect of convicting and punishing an individual for a crime he or she did not commit.

But in our zeal to safeguard the rights of the accused, we often ignore and even trample upon the rights of the victim. Nowhere is this more apparent than in cases of sexual violence. In many States, victims of stalkers are forced to wait until they are attacked before they have any recourse. The right of victims of sexual violence to participate in the criminal justice process is often limited, particularly at sentencing and early release proceedings, and when they do participate, they frequently are subject to courtroom intimidation and harassment. This must no longer be tolerated.

The day before yesterday, Congresswoman MOLINARI and I introduced legislation, the Sexual Assault Prevention Act of 1992, which recognizes that the victim of sexual violence is entitled to respect, protection, and empowerment within our criminal justice system. The bill accomplishes this task by increasing penalties for sex offenses, allowing for pretrial detention in serious sex offense cases, providing for HIV testing of accused sex offenders, strengthening the victim's right to restitution and to address the court at sentencing, broadening the admissibility of evidence in sex offense cases, expanding the rape victim shield law, creating new offenses pertaining to interstate stalking and refusal to comply with child support obligations, and imposing new standards of attorney conduct to protect victims from abuse in legal proceedings.

I urge my colleagues to join Congresswoman MOLINARI and me in our fight to combat sexual and domestic violence and level the playing field for victims of such crimes.

SEND PALAU A POSITIVE SIGNAL

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. DE LUGO. Mr. Speaker, the government of the trust territory of Palau has scheduled a referendum in November on eliminating the requirement in its constitution that has prevented the future political status of the islands from being resolved.

The Bush administration should seize the opportunity Palau is creating to try to fulfill our Nation's basic obligation to the territory: developing it into a self-governing status based on the aspirations of its people.

The requirement that the referendum could eliminate is that a proposed free association compact that we have already approved receive 75-percent support in a plebiscite to be approved locally. This requirement has prevented the compact from being approved in seven plebiscites to date.

The call for the referendum also calls for an eighth plebiscite. It could, presumably, finally approve the compact since only a simple majority would be required if the constitution is amended. That final vote would not take place, however, until representatives of the United States indicate a willingness to support modifications to the compact that Palau's leaders have said for over a year now are essential to its approval.

They have not, though, asked the Federal Government to formally approve these modifications before their people approve the compact. Instead, Palau's leaders have asked only that Federal officials agree to recommend approval of the modifications if Palauans finally approve the compact.

The bipartisan leadership of the Interior and Insular Affairs Committee has felt that their proposal is reasonable. But, unfortunately, the administration has failed to respond positively to it.

It has, instead, tried to pressure Palau into accepting the compact as is. Its approach has contradicted our Nation's basic obligation in Palau as well as the administration's own international statements.

This negative position prompted the distinguished chairman of our committee, GEORGE MILLER, and me, as subcommittee chairman, into introducing a bill, H.R. 5583, that would modify the compact as suggested by Palau. We introduced it to send Palau the positive signal that it had asked for . . . if only from this House.

The Delegate from Guam—the closest United States territory to Palau—has since joined Chairman MILLER and me in sponsoring this legislation, further demonstrating bipartisan support. And the Palau law calling the constitutional amendment referendum specifically embraced our bill, demonstrating that the process proposed by Palau's leaders has the potential to finally resolve Palau's status.

Our initiative does not, of course, mean that the administration no longer has a responsibility to take the lead on this matter. After all, it can act more expeditiously than the legislative process enables us to act. Further, since enactment of legislation would constitute formal United States approval of the modifications, enactment should probably come after Palauans approve a modified compact . . . as Palauan leaders have suggested.

So, the administration should respond to Palau's action—as well as to our initiative—by indicating its willingness to recommend compact modifications that will enable the compact to finally be approved as soon as possible if Palau's constitution is amended in November.

WE CANNOT GIVE UP ON OUR POW'S AND MIA'S

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise in commemoration of National POW/MIA Recognition Day. For almost two decades, the cases of thousands of American service personnel listed as missing-in-action or prisoner-of-war have gone unresolved. We should not forget those brave soldiers who served our Nation proudly and whose fate is still unknown. The lack of knowledge over many years has been a source of bitter pain for their families.

No man or woman who served our Nation in war should be forgotten. To do so would be a miscarriage of justice and a cruel slap at all who have served our Nation and the families of those who are missing. It would also understandably raise serious doubts among the men and women currently in our Armed Forces about our commitment to them. These individuals have made tremendous sacrifices to protect our rights and freedoms. We owe them a tremendous debt which we must never forget. We have an obligation to do everything possible to come to a resolution on every case.

We must demonstrate to the government of Vietnam that we have not forgotten the 2,300 soldiers whose fate is still unknown and that we will not write them off. Vietnam should immediately turn over all information that bears on the fate of missing American service personnel and should work with American officials

to bring the cases to a satisfactory resolution. The Vietnamese Government has allowed the United States to open an office to continue the search for information pertaining to these cases, but this is not enough. That office needs the full cooperation of the Government of Vietnam to quickly resolve all of these cases.

Until that cooperation is forthcoming, our pressure on the Vietnamese Government should not let up. Until we are fully satisfied, there should be no action to lift the embargo on Vietnamese-produced goods or to normalize relations with the People's Republic of Vietnam. Until this gross violation of human rights and international decency is ended, Vietnam cannot be accepted into the community of nations.

I know that my colleagues and the people of this country join me in remembering the many Americans who remain listed as missing-in-action or prisoner-of-war on this important day. Their sacrifices will never be forgotten.

HONORING JOSEPH L. RAUH, JR.

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. EDWARDS of California. Mr. Speaker, on Tuesday, September 15 a number of us gathered here in the House Chamber for a special order to honor the life's work of Joseph L. Rauh, Jr. As my colleagues know, Joe Rauh was for 50 years one of the Nation's foremost champions of civil rights, civil liberties and social justice. While we mourn his death, the accomplishments of his lifetime will continue to inspire us.

Mr. Speaker, I thought my colleagues would be interested in the very moving remarks offered by Judge Henry F. Greene of the Superior Court for the District of Columbia, which adjourned on September 8 in honor of Joe Rauh. I would like to insert those remarks at this time:

REMARKS BY JUDGE HENRY F. GREENE

Over the past weekend, after my wife and I had been out of the city for two weeks, I was distressed upon returning to learn of the death of an extraordinarily distinguished member of the Bar, both of the District of Columbia and of the United States, Joseph L. Rauh, Jr.

Mr. Rauh died of a heart attack last Thursday evening at the age of 81. He lived as full and productive a life as any person with whom I have ever had the honor of being acquainted during my life. He was a champion of racial integration, of the rights of minorities and labor unions, union reform, and the interests of citizens of the District of Columbia over many many years.

To meet Mr. Rauh personally was to meet a gentleman who was always optimistic, who always hoped for and expected the best from other human beings, who had a marvelous sense of humor and who believed passionately and fought courageously for the issues in which he was so involved. Joseph Rauh was one of my heroes.

In May 1979, Mr. Rauh lectured at the University of Minnesota Law School on Law Day. I had occasion to refer to his remarks once when I was addressing the Bar, and last night looked back on the speech he made. I think it reflects the standards to which we should hold our profession and how Mr. Rauh represented the very best in our profession. He thought—and I quote from him—that "the legal profession should be one that places public interest above private gain, that puts the use of legal tools for progress and equality above the defense of the status quo, that treats legal services for the have nots on a par with those for the haves, that utilizes law as an instrument for helping the powerless and not for protecting the powerful, and above all that makes the law a vehicle for righting social wrongs and not perpetuating them."

He alluded in his remarks to a statement by Mr. Justice Holmes, who said, "I always have thought that not place or power or popularity makes the success that one desires, but a trembling hope that one has come near to an ideal."

It is ironic, I think, that in quoting Mr. Justice Homes, Mr. Rauh might have well written his own epitaph, for if there is anyone who in my life time has come nearest to the ideal of being what a lawyer in our society should be, it is Joseph Rauh.

During his distinguished legal career, Mr. Rauh was more particular than most of his more financially productive colleagues of the Bar in terms of what he devoted his time and his enormous energy and his very substantial intellect to. As a lawyer, he took only those cases he believed in, and he suggested that no lawyer ever should do otherwise. He thought that our profession stands in a unique position, that it has a special duty to the people of this country, to the interests' of the public at large, and ultimately to the preservation of our Democratic system of government based on the law. He suspected, and I think accurately, that the basis of widespread public contempt for the legal profession is based on a widely held belief that lawyers are mercenaries, concerned only with making money and obtaining power, recklessly pleading their clients' cases without sight of the public good. And he observed—again, unfortunately, quite accurately—that the perception too often conforms to the reality.

In a wry but perceptive way, he said a lawyer should not do anything for a client that he would not do in a tennis match, at the bridge table or in any other walk of his own life. He should not do or say anything for a client he knows is wrong any more than he would do or say it on his own behalf. He thought that a lawyer should no more give an opinion which he could not believe to be correct than he would give such an opinion to his bank on his own behalf when seeking a personal loan. A lawyer, he stated, should no more knowingly miscall a legal opinion than a tennis player should deliberately miscall a line decision; a lawyer should no more assist a client in covering up misdeeds that a doubles player should allow his partner to cheat. In short, he asserted that the interests of a client—any client—are not sufficient to justify actions which a lawyer would not take in other walks of life with a clear conscience. A conscientious lawyer does something because it is right, not only because the client wants him or her to do it. In essence, he did not feel that a lawyer should be a hired gun for any cause.

Mr. Rauh exemplified what he believed in by the actions he took. And, indeed, when we talk about a distinguished member of the Bar, if we mean by that a lawyer who over a long period of time acts as he professes to think lawyers should act, and does it with intellect and ability and energy and dedication and courage, it is fair to say that Joseph Rauh is the most distinguished lawyer that I have ever known.

Among his numerous accomplishments at the Bar, after he clerked for Mr. Justice Cardozo and Mr. Justice Frankfurter, was his representation of artists and government employees accused of being security risks during the red scares of the 1950's, his representation of the Brotherhood of the Sleeping Car Porters, and his founding of the Americans for Democratic Action with Eleanor Roosevelt, Walter Reuther and Reinhold Niebuhr.

In 1947, well before the Civil Rights movement became a national cause or, indeed, a became a national cause or, indeed, a popular cause, Mr. Rauh marched on picket lines outside the National Theatre to protest the exclusion of black persons from the audience, and over the years he became a leading figure in opposition to racial segregation in Washington. In the summer of 1964, he represented the Mississippi Freedom Democratic Party in a challenge to the seating of the all-white Mississippi Democratic Organization at the Democratic National Convention. And as counsel to the NAACP legal defense fund, he instituted a lawsuit in 1972 that during the next ten years brought about a series of federal ultimatums for dismantling racially segregated school systems throughout the southern and border states of the United States.

More recently, Mr. Rauh was eloquent in support of legislation requiring redress for Japanese Americans who had been interned during World War II. And during the relatively short period of his life I had the good fortune to be acquainted with him, I repeatedly was present on occasions in the District of Columbia when he was a forthright and articulate spokesman for the interests of its citizens.

Joseph Rauh stood out because, more than any man I have known, he spoke for things that were right at times that it took courage to do so; I believe that is among the highest tributes one can make to any member of our profession—or, indeed, to any citizen.

This court adjourns today in honor and memory of Joseph L. Rauh, Jr., and expresses on behalf of all of the judges of the Court its deepest condolences to this wife, Mrs. Olie W. Rauh, and his two sons, both themselves among the most distinguished members of our Bar, B. Michael Rauh and Carl S. Ruah.

Mr. Speaker, Washington Post columnist Colman McCarthy authored an article which I think captures very well the qualities that made Joe Rauh such a special person. I think my colleagues will enjoy reading that piece, entitled "Joseph Rauh and the Public Interest." The article follows:

[From the Washington Post, September 15, 1992]

JOSEPH RAUH AND THE PUBLIC INTEREST

(By Colman McCarthy)

With George Bush on his hind legs barking at lawyers for wearing tasseled loafers and bringing "crazy lawsuits," it's worth a moment, in the cause of balance, to think about the life and ideals of Joseph L. Rauh Jr. He died recently at 81, a Washington lawyer with a national caseload over a half-century involving civil rights and civil liberties. Few lawyers had as deep a passion for justice.

Rauh's taste was for representing clients whose claims were legally strong and morally sound, from antiwar Quakers and union

auto workers to minorities kept on the margins because of race. He was among those lawyers—a few in the profession, for sure—who rejected the view that attorneys should be unconcerned about the ethics of those they represent. The public interest came before the private interest. Rauh was the opposite of the kind of hired-gun lawyer once instructed by J.P. Morgan, the buccaneer banker: "Your job is to help me do what I want to do."

In Washington, a city dense with one lawyer per 40 people, Rauh never stitched a loophole for a corporation, fronted for a bank or cut a corner for a trade association. No one bought him, in other words. Instead of billing his time out at $200 an hour, Rauh believed—with evidence on his side—that the monied clients could well get along without him but that the marginalized citizens could not.

Few were further on the political fringes than his own fellow District of Columbians. As general counsel for the Leadership Conference on Civil Rights, Rauh came early to the fight for D.C. home rule. In 1982, which was about halfway into the seven years Congress gave as a ratification period for states to approve the constitutional amendment to grant District citizens full voting rights. Rauh argued: "So why don't [we] have the right to vote? . . . Because we might send two black, liberal urban Democrats to the Senate. But that's an immoral argument, and everybody using it knows it is immoral to deny the franchise because of how it might be exercised."

Because of what Rauh called "the combination of racism, reaction and regionalism," the District's citizens have remained unrepresented.

Rauh had a briefcase full of other seemingly lost causes. In August 1980, he was the only major Democrat at the national convention to argue that the renomination of President Jimmy Carter was not worth it. Instead, Rauh, a founder of the liberal Americans for Democratic Action in the late 1940s, endorsed John B. Anderson, the Illinois independent. Rauh explained: "I am 70 years old and I have never voted for anyone but a Democrat in a presidential election. I'm a little tired of Democrats and Republicans. I think Anderson is simply the best candidate. I'd rather support a man who is moving to the left than a man who moves in circles."

Rauh, married for 57 years and the father of two lawyers, lived near a playground in Northwest Washington. For years, he and Alan Barth, a Washington Post editorial writer who died in 1979, presided over springtime Sunday afternoon softball games for neighborhood families. Women and girls were included at Rauh's insistence. Why else, he would ask, did we work so hard to get Title IX—the anti-sex-discrimination law—passed if the playground cannot be opened to all? Teammates of Rauh—male Cabinet secretaries, judges and politicians—often found themselves benched in favor of an 8-year-old girl who could peg it hard from the outfield.

My family and I played in those games for about 10 years. After the final out, it was open house for lemonade, fruit and cookies at the Barths' across the street. Then the children, and a fair number of adults smart enough to listen, could learn something about current events, as well as charm and wit, from the stories and comments of Rauh and Barth. Had C-SPAN been around then, these back patio seminars, led by Rauh the activist and Barth the thinker, would have equaled any offering of public affairs programming.

Was Joe Rauh the last of the liberals, the breed said now to be nearing extinction? Hardly. Ask the clients and groups he served pro bono, or the powerless he stood with. They're firmly on the left, and as patient as Rauh always was in knowing that no liberal cause is lost as long as it is just. Few are not.

HOUSE RESOLUTION 572

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. MICHEL. Mr. Speaker, today is a sad day for the House as an institution and for the American people. By a party-line vote of 216–150, the Democratic Members of the House voted to adopt without debate their leadership's stonewalling tactics to prevent any debate on a privileged resolution raising a very serious issue facing the House. That serious issue is the repeated unauthorized disclosure of classified information by a senior Democratic Member, the chairman of the House Banking Committee.

It is a sad thing to have to raise this matter on the House floor. However, the conduct of a Member of this body, who has repeatedly and willfully engaged in the unauthorized disclosure of sensitive classified information in this Chamber and in the CONGRESSIONAL RECORD, is plainly inconsistent with the letter and spirit of the rules of the House. On May 15, 1992, in an effort to keep this above politics, I quietly wrote Speaker FOLEY about my serious concerns over these unauthorized disclosures, urging prompt and decisive action. I got no response. Then, on July 24, 1992, I again wrote to the Speaker. I reemphasized my concerns, and noted that since my previous letter, there had been more unauthorized disclosures, and those were drawn from very sensitive and highly classified CIA documents. Those disclosures prompted letters to House leaders from the Director of Central Intelligence, Robert Gates, and Adm. William Studeman, who was temporarily serving as the Acting Director of Central Intelligence. Again I got no response, and still the Democratic leadership took no apparent action to address this worsening problem. We and the American people have been patient too long. Action on this privileged resolution was regrettably necessary, and I strongly support its sponsor, the gentleman from Texas [Mr. COMBEST] for calling it up on the floor today.

The Banking Committee chairman's actions damage the ability of our Nation to conduct sensitive diplomatic and intelligence activities abroad. The American people understand that, even if the Democratic majority in the House tries silently to ignore that fact. The American people witnessed how, with the aid of sensitive diplomatic and intelligence cooperation between the United States and other countries, an international coalition was built to halt and redress Iraq's naked, armed aggression against Kuwait. Americans also understand how interdependent we are with other nations and the consequent need for secret, cooperative diplomatic and intelligence activities in the fight against the seamless web of international terrorism.

The irresponsible conduct of the chairman of the Banking Committee in unilaterally disclosing classified information on U.S. diplomatic relations and intelligence collection has a dangerously chilling effect on our Government's ability to get other governments to share intelligence information and cooperate in sensitive diplomatic and intelligence activities. It also gives those hostile to U.S. interests candid insights into our sensitive internal counsels and the extent of our knowledge of some of the secrets of those who wish us ill.

When we countenance a Member of this House, time and again, improperly disclosing classified information despite the House rules for handing such information, in executive session, in committee, or in secret session on the House floor, other countries must weigh the risk to their equities of diplomatic and intelligence cooperation with us. If intelligence shared with us may be made available to hundreds of Members of this body, anyone of whom may unilaterally insert it in the CONGRESSIONAL RECORD whenever he pleases, our allies will be forced to conclude that the risks to the lives and safety of their intelligence officers and agents in place are simply too great.

More importantly, this conduct gravely undermines the public reputation and dignity of the House and the integrity of our legislative oversight proceedings. In the wake of the House Bank and Post Office scandals, when public respect for the House as an institution is at an alltime low, the majority's parliamentary shenanigans in tabling this resolution without debate is perhaps the worst example yet of their efforts to cover up their leadership ignoring serious improper conduct in the House.

Debating United States policy on Iraq is perfectly legitimate, but no individual Member has the right to unilaterally disclose classified information in an attempt, and a frankly unconvincing one in this instance, to make his case. If a Member truly needs to draw on classified information for legitimate legislative oversight and debate, there are rules and procedures for doing so while taking into account the important national interest in protecting classified information.

First, a committee of jurisdiction may go into executive session to use classified information for a full and free debate of a policy issue. Based on the outcome of those executive session proceedings, the committee may decide what legislative action, if any, should be taken. The gentleman from Texas apparently either chose not to utilize this procedure in the Banking Committee or was unsatisfied with the outcome.

If a Member believes it important to draw on classified information to debate an issue on the House floor, he can seek declassification of the information by the originating agency. It appears that the gentleman from Texas has rarely made such requests, and on those two or three occasions, has either disclosed the classified information involved almost contemporaneously with the request, or well before declassification occurred. More often than not, classified information was apparently disclosed with no effort having been made to seek its declassification.

Ultimately, if a Member truly believes an issue is important enough that the House

should consider it, and any of the information he deems necessary for debate remains classified, the Member can invoke rule XXIX. The House can then consider the matter, and the classified information involved, fully and freely in a secret session. Pursuant to this rule, the House may vote to make all or part of the transcript of those secret proceedings public.

When a Member willfully takes it upon himself to be the sole arbiter of whether to disclose sensitive classified information provided by various executive branch agencies to a committee of the House in the good faith expectation that it would be protected from unauthorized disclosure, that Member flaunts the rules of the House and undermines the integrity of our legislative oversight functions.

FRANK MENDEZ RECEIVES COMMISSIONER'S CITATION

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. SWIFT. Mr. Speaker, each day we hear from folks in our districts who have gotten caught up in the redtape of the Federal Government. By the time they call us, they are often quite frustrated and have lost some faith in the government's ability to deal effectively with their problems. I'm here today to tell you about an individual who has done a tremendous job assisting people with some of the challenges they face with the Social Security Administration.

Frank Mendez with the Social Security Administration in Everett, WA, is in Baltimore today to receive the Commissioner's Citation for superior service. Frank has been with the Social Security Administration for 20 years and he still displays enthusiasm, vitality, vigor, and spirit in his approach to public service.

Among his other duties, Frank serves as a liaison to my office in Everett. In addition, Frank spends a good deal of time at the senior centers and human service agencies in my district answering questions and helping folks with their Social Security claims. He also voluntarily serves as a spanish translator for Social Security in the Puget Sound region. And last year when the office was shorthanded, Frank helped process medical claims to reduce the backlog of 250 cases.

It is fitting that Commissioner King and the Social Security Administration recognize the outstanding service that Frank Mendez has provided these past 20 years. I and my staff very much appreciate all that he has done for us and, most importantly, the people of the Second Congressional District. All too often, we hear what is wrong with government. Mr. Speaker, Frank Mendez is a living example of what is right with government.

CARDIAC RESEARCH MOVES FORWARD; DR. MARK L. SPANO HONORED

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mrs. MORELLA. Mr. Speaker, I am proud to salute one of our Government scientists, Dr. Mark L. Spano, from the Naval Surface Warfare Center in Silver Spring, MD, for his contribution toward the treatment of cardiac disorders. Dr. Spano's research, with three other scientists, has produced a major potential breakthrough in the treatment of heart disease by applying the theory of chaos to a medical situation that has baffled the research world for many years.

Science magazine, on August 28, 1992, announced the development of a process called "proportional perturbation feedback" [PPF], by which a piece of an arrhythmic heart is nudged into returning to a regular heartbeat pattern. After using a computer to monitor the heart's dynamics in real time, the scientists then quantified the beats mathematically according to chaos theory. Having accomplished this, they set up a response, at calculated intervals, with stimuli that delivered antichaotic pulses. The result of this experiment in a slice of rabbit's heart tissue was to establish a nearly regular heartbeat. As Time magazine theorized in its September 7, 1992 issue, "smart pacemakers might one day correct cardiac problems that are now largely intractable."

I have recently learned that the work done by Dr. Spano on this project has been selected as the outstanding independent research program of the Department of the Navy for 1992. He and his fellow researchers; Dr. William L. Ditto, formerly a colleague at the White Oak Naval Surface Warfare Center but now at the College of Wooster in Ohio, and Dr. Alan Garfinkel and Dr. James N. Weiss, both at the University of California at Los Angeles, are to be commended for their ingenuity in using chaos to control a system, rather than trying to take the system out of chaos. This approach has much promise for future medical advancement.

FINANCIAL DISCLOSURE FOR 1991

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. MAZZOLI. Mr. Speaker, it has been my custom to submit a statement of financial disclosure every year in which I have served in the House of Representatives. While the law now dictates that Members of Congress submit financial disclosure statements in May of each year, I also continue to file this more detailed family financial report as I have since 1971. In this way, my constituents are kept fully and completely informed concerning my financial status and that of my family.

ROMANO L. AND HELEN D. MAZZOLI INCOME—CALENDAR YEAR 1991

Salaries and fees:	*Amounts in dollars*
U.S. House of Representatives (R. L. Mazzoli)	116,588.75
Alexandria Drafting Co. (Helen Mazzoli)	28,489.97
Weichert-Mt. Vernon Real Estate Company (spouse referral fees less expenses)	1,760.00
Total salaries and fees	146,838.72
Interest, dividends, rents and distributions:	
Congressional Federal Credit Union:	
#62976–0 (member/savings)	6.06
#62976–1 (member/checking)	333.58
#84720–0 (spouse/savings)	136.78
#84720–1 (spouse/checking)	291.11
Congressional Federal Credit Union certificates of deposit (spouse):	
#21128	195.83
#23973	47.03
#25778	23.47
#25779	38.28
Interest on matured certificates of deposit (spouse):	
#16541	52.60
#20744	170.47
#22956	156.45
The Cumberland Savings Bank #01–000–001–00610155499 (spouse/savings)	12.98
First National Bank and Trust Co. #427–5518–4 (joint/checking)	75.91
Liberty National Bank and Trust Co. #00922668 (member/checking)	26.64
Liberty National Bank and Trust Co. Certificate #010090063046 (spouse)	429.50
U.S. Savings Bonds Series E (member)	244.51
U.S. Treasury bills (spouse):	
#912794WS9	317.50
#912794WV2	292.70
#912794XM1	283.60
Interest on matured U.S. Treasury bills:	
#912794WF7	362.00
#912794WH3	356.40
#912794VT8	372.60
Liberty National Bank & Trust Co.	
IRA #01527329 (spouse)	1,709.23
IRA #2905081232 (member)	1,576.80
Massachusetts Mutual Life Ins. Co. profit sharing plan (spouse)	279.76
Federal Employee Thrift Savings Plan (401–k) (member)	1,801.03
Rental property (jointly held):	
929 Parkway Drive, Louisville, KY 40217, rent and interest less expenses	–386.02

	Amounts in dollars
U.S. Treasury—interest on overpayment of 1991 Federal income taxes	20.01
Total: interest, dividends, rents, distributions	9,226.81
Total income	156,065.53

STATEMENT OF FINANCIAL WORTH DEC. 31, 1991

Cash, stock, bonds, and certificates of deposit:	
Congressional Federal Credit Union:	
#62976-0 (member/savings)	26.74
#62976-1 (member/checking)	9,444.39
#84720-0 (spouse/savings)	1,564.86
#84720-1 (spouse/checking)	7,852.21
Certificates of deposit (spouse):	
#21128	2,555.44
#23973	1,400.80
#25778	2,572.10
#25779	4,194.73
The Cumberland Savings Bank #01-000-001-00610155499 (spouse/savings)	272.88
First National Bank and Trust Company #427-5518-4 (joint/checking)	1,103.86
Liberty National Bank & Trust Co. #00922668 (member/checking)	11,748.39
Liberty National Bank & Trust Co. Certificate #010090063046 (spouse)	6,101.72
U.S. Savings Bonds Series E (member)	2,828.43
U.S. Treasury bills (spouse):	
#912794WS9	10,000
#912794WV2	10,000
#912794XM1	10,000
Massachusetts Mutual Life Insurance Co. profit sharing plan (spouse)	2,700,000
Total cash, stock, bonds, and certificates of deposit	84,366.55
Retirement funds/individual retirement accounts:	
Liberty National Bank & Trust Co. IRA #01527329 (spouse)	21,302.38
Liberty National Bank & Trust, IRA #2905081232	19,001.56
Civil Service Retirement System Contributions Since 1971 (member)	78,424.06
Federal Employee (401-k) Thrift Savings Plan (member)	28,801.46
Total retirement/individual retirement accounts	147,529.46
Real estate:	
Rental/Investment (jointly held), 929 Parkway Drive, Louisville, KY 40217:	
Assessed value	44,660.00
Less mortgage (Mrs. Brad Valla):	34,144.57
Net value	10,515.43
Personal (jointly held), 939 Ardmore Drive, Louisville, KY 40217:	
Assessed value	58,700
Less mortgage	2,394.82
Net value	56,305.18
1030 Anderson Street, Alexandria, VA 22312 (jointly held):	
Assessed value	190,300.00
Less mortgages	34,140.75
Net value	156,159.25
Total real estate	222,979.86
Automobiles:	
1965 Rambler (Assessed value)	242.00
1973 Chevrolet (Assessed value)	1,049.00
1985 Chevrolet (Assessed value)	2,878.00
Total automobiles	4,169.00
Household goods and miscellaneous personal property	7,000.00
Net assets	466,044.87
Transactions:	
Sergeant-At-Arms, House of Representatives:	
#5384 (Member/checking) Closed 11/91. Ending balance	992.00
12/7/90 Loan to R.L. Mazzoli Campaign Fund, Repaid in full 2/1/91	1,900.00
Massachusetts Mutual Life Insurance Company:	
Spouse paid insurer to re-enter employer (Alexandria Drafting Company) profit sharing plan	2,700.00

1991 INCOME TAX RECAPITULATION

Total income	151,587.00
Deductions and exemptions	33,470.00
Taxable income	118,117.00
Federal:	
Tax withheld	33,039.00
Tax due	30,009.00
Refund	3,030.00
Kentucky:	
Tax withheld	5,615.00
Tax due	6,196.00
Tax paid	581.00
Virginia:	
Tax withheld	1,203.00
Tax due	953.00
Refund	250.00
Occupational tax, Louisville and Jefferson County, Kentucky:	
Tax paid	1,174.00