SENATE—*Thursday, September 30, 1993*

(Legislative day of Monday, September 27, 1993)

The Senate met at 9 a.m., on the expiration of recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

This morning we want to remember Mrs. Alice Koutsoumpass, who is recovering from surgery yesterday.

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths. Proverbs 3:5–6.

Eternal God, Lord of Heaven and Earth, Ruler of nations, You know the world in macrocosm and microcosm. You know where we are in history and what the future holds. You know the mind and heart of each servant in the Senate, and You know the issues they face and the enormity of the problems confronting them. May the wisdom of Proverbs be understood in its relevance to this situation, to each of our lives.

We pray in the name of Jesus, the Way, the Truth, and the Life. 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 30, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

In my capacity as a Senator from the State of Pennsylvania, I suggest 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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.

FOREIGN OPERATIONS APPROPRIATIONS ACT FOR 1994—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2295, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2295) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 29, 1993.)

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. I do not seek recognition, Mr. President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. A parliamentary inquiry, Mr. President.

The ACTING PRESIDENT pro tempore. What is the inquiry?

Mr. HELMS. My inquiry is, is the information I received just 2 minutes ago accurate—that another one of these sleazy unanimous-consent requests has been granted, in this case eliminating any possibility of a rollcall vote on this conference report?

The ACTING PRESIDENT pro tempore. The unanimous consent provides that, upon the yielding back of time, the conference report will be agreed to.

Mr. HELMS. I will not use my allotted time yet. But, as a result of this unanimous consent—unless it is reversed and I am permitted to request the yeas and nays and thereby get a rollcall vote on this conference report, the Senate has had its last unanimous-consent request, as far as I am concerned.

The night before last, the same sort of thing was done in a different way. And the possibility of any recorded vote on this matter has been eliminated.

Now, I ask unanimous consent that, notwithstanding the unanimous-consent request granted last night, I be permitted to ask for the yeas and nays and that there be a rollcall vote on the pending conference report.

Mr. LEAHY. Mr. President, reserving the right to object, I would tell my distinguished colleague that for the moment I will object. I will explain why. It is because the unanimous-consent request was entered into by the Democratic and Republican leadership. This was not my request. I know, or at least I understand, it was hot lined to all offices.

I am perfectly happy, as one individual Senator, to have a rollcall on this. I did not ask that it not be a rollcall. But insofar as the Republican side and Democratic side have agreed to this unanimous-consent request last night, I do not think, absent consultation with both the Democratic and Republican leadership, that it would be appropriate for me to agree to a unanimous-consent request of the Senator from North Carolina.

He may do whatever he wishes with the request. But he may want to consider renewing the request after there has been consultation with both the Republican and Democratic leader.

I would not personally have any objection to that but I think we should discuss it with the leadership, so I will interpose an objection for the moment.

Mr. HELMS. If the Senator will yield, I can understand his position. I am not irritated with him because although he and I do not agree on a lot of things, he always plays fair, and I am sure he is playing fair on this.

It was just suggested to me by a staff member, I think for Senator MCCONNELL, that a rollcall vote may be permitted if it is stacked, with the vote to occur at 10:30 or some later time this morning. I am perfectly agreeable to that.

Mr. President, I believe I am allotted 30 minutes of time after 9 o'clock, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HELMS. What time do I have remaining as of now?

The ACTING PRESIDENT pro tempore. The Senator has 26 minutes remaining.

Mr. HELMS. I am going to yield the floor for now. I ask to be notified when

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I can begin my 26 minutes. I do not want to begin now.

Mr. LEAHY. Mr. President, the plan was to have this finished by 10 o'clock. I will use a couple of minutes but then I am going to put in a quorum call under the usual understanding that time runs, unless there are other Senators seeking recognition.

Mr. HELMS. I object to that. I would like the full 26 minutes. The Senator does not want to deprive me of everything. I know my colleague does not want that.

The ACTING PRESIDENT pro tempore. Who yields time?

If no Senator yields time, the time must be deducted proportionally from both sides.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself 4 minutes.

Mr. President, I am pleased to present the conference report on H.R. 2295, the foreign operations, export financing, and related programs appropriations for fiscal 1994.

The most important good news about this conference report is that it is a reduction of about $1 billion below the fiscal 1993 foreign aid appropriation, and it is $1.4 billion below the President's request for fiscal 1994. I could not agree with the administration's request that foreign aid should be exempted from the budget cuts everyone else is having to make.

As Senators, Senator MCCONNELL and I have been working hard to get this bill to the President because it contains the President's full request, including a fiscal 1993 supplemental appropriation, for assistance to support democratic and free market reform in the new Independent States of the former Soviet Union. That was the central priority of this foreign aid bill. It is why so many Senators worked closely with us, and gave full cooperation to speed the bill along its path. The Senate, in getting the bill off the floor in record time last week, demonstrated its support for the NIS aid package. We are giving the President the tools to respond to a historic opportunity to help shape democracy and an open society in our former adversary.

As I predicted in my statement on the bill during Senate consideration last week, we did receive some further help from the committee. Due to a reallocation of outlays by the Appropriations Committee, the conferees were able to adjust some accounts up to the House levels.

As Senators know, the Senate-passed bill decreased the international disaster assistance account by $100 million below the President's request. This cut was entirely because my subcommittee's outlay allocation was $97 million below that of the House. There was certainly no policy reason for it. I and several other Members expressed our concern about this reduction when H.R. 2295 was on the Senate floor. At the time I said that my top priority for conference, should the subcommittee's allocation be revised upward, was to restore the full disaster assistance request.

My colleagues and those interested in this account will be pleased to know that the conferees were able to adjust that account back to the House level and the President's request of $145,985,000. This level will go further toward enabling the United States to respond to disaster-related problems around the world.

I am pleased that the conferees also were able to go to the House level for the U.S. contribution to the World Bank, the International Development Association, and the Enterprise for the Americas Multilateral Investment Fund. While I have major policy concerns with the World Bank and IDA, the cuts I was forced to recommend to the Senate in our contributions to those institutions went deeper than I felt wise. Budget allocation realities left me no choice in the matter.

Nevertheless, both accounts are substantially below request levels. The cuts are a signal to the World Bank and IDA that they had better respond to our clearly stated policy and management problems if congressional support for U.S. contributions is to be rebuilt.

The conference agreement also gives the President more resources in the economic support fund to deal with the Middle East peace accord. I told the President that we would seek to build in some additional flexibility to support the Middle East peace process. There is sufficient funding to permit assistance for the West Bank and Gaza at the levels recommended by both House and Senate. There are funds to enable the United States to participate in multilateral efforts to help implement the peace accords. The higher level of ESF now in the bill gives the President some flexibility to respond to the upcoming international donors conference.

Mr. President, many, many people made invaluable contributions to getting this conference report, and NIS aid, to this point. I want once again to thank the distinguished full committee chairman, the President pro tempore, for his leadership and extraordinary efforts to help us overcome monumental problems. I also thank the chairman and ranking member of the Senate Budget Committee, Senator SASSER and Senator DOMENICI, for their support and advice in handling difficult problems. Senators INOUYE and STEVENS responded to President Clinton's appeal by agreeing to a reallocation of nearly $1 billion in defense subcommittee allocation to the Foreign Operations Subcommittee for NIS aid.

I want to pay special thanks to my good friend and ranking member of the Foreign Operations Subcommittee, the Senator from Kentucky. His cooperation and support in shaping and guiding this bill through an extraordinarily difficult process was invaluable. I look forward to future years of constructive cooperation on the Foreign Operations Subcommittee with the distinguished Senator from Kentucky.

Let me also again thank the many staff members whose hard work and dedication was so essential. All Members know that behind a bill of this complexity there is a mountain of expert staff work, and never more so than in this conference report. The majority clerk, Eric Newsom, and majority staff members, Tim Rieser and Fred Kenney, worked tirelessly. I appreciate the support and cooperation of the minority staff, the minority clerk, Jim Bond, minority staff member, Juanita Rilling, and Senator MCCONNELL'S staff member, Robin Cleveland. I also wish to thank Doug Olin and Charles Flickner of the Budget Committee for helping us solve many problems.

The executive branch also participates in the legislative process, with its representatives constantly hovering in the background, peering over our shoulders, and offering us ceaseless bits of advice. Their contributions are also invaluable, and help us to avoid many mistakes or misjudgments. Let me give special thanks and recognition to Wendy Sherman, who is proving to be everything I predicted she would be—a superb Assistant Secretary of State for Legislative Affairs. President Clinton owes her much in achieving his full Russia and NIS aid program, which I will certainly make clear to him personally.

It has been a great pleasure working with the new AID administrator, Brian Atwood. His expertise make our job easier.

Bob Lester and Carol Schwab, counsels from AID and the State Department, once again generously provided their legal expertise and advise.

I also wish to thank Will Davis, of the Bureau of Legislative Affairs at State, Marianne O'Sullivan, of the AID Bureau for Legislative Affairs, George Tyler and Robert Baker of Treasury, Michael Friend of the Defense Security Assistance Agency, Bill Hellert of Eximbank, and many others who contributed to getting this bill done.

We are actually at an interesting spot with the conference report of the foreign operations bill. I believe we have set an all-time record, certainly a speed record since I have been in the Senate, for the least amount of debate time on the floor to get a foreign aid bill passed through the U.S. Senate. We did that last week. The conference started this week around 11 o'clock at night on Monday. Some of us were delayed because of the bad weather. I was delayed getting out of Vermont. It took me a little bit longer to fly down than it would have to drive down.

We started the conference at 11 o'clock at night on Monday, and we finished about 3 o'clock Tuesday morning. That also was a record. It was the least amount of time taken for a conference on a foreign aid bill—at least that I can remember in 19 years here. I say that to compliment the Members of the House, especially the chairman, Mr. OBEY, and the ranking member, Mr. LIVINGSTON, on the House side and their colleagues.

I also compliment Senators on both sides of the aisle, the Republican side, led by Senator MCCONNELL, and those on the Democratic side, who worked so hard to move through that.

We have a reduction of about $1 billion below the fiscal year 1993 foreign aid appropriation. It is actually $1.4 billion below the President's request for fiscal year 1994. I mention these figures, when people ask if we are actually going to cut Federal spending, this is an appropriations bill that will pass today, will go to the President today, will be signed into law today and makes very, very significant cuts.

I said to the people in Vermont that I was absolutely convinced that we were going to be cutting spending and that I intended to, in any committee I chaired. We have done so here. We are not going to exempt foreign aid from budget cuts, and we are going to make budget cuts in every area of domestic spending.

The central priority of this foreign aid bill was support for the new Independent States of the former Soviet Union, and I will speak further on that later.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. The Senator from Pennsylvania wants to speak first.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if my distinguished colleague from North Carolina will yield for just a moment, I have a very brief exchange which I would like to have with the distinguished managers.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. I ask for 2 minutes. May I direct that to my distinguished colleague from Kentucky?

The ACTING PRESIDENT pro tempore. Who yields time? Does the Senator from Kentucky yield time?

Mr. MCCONNELL. I yield 2 minutes to the Senator.

Mr. HELMS. Wait, I object. I ask unanimous consent that the Senator from Pennsylvania be allowed to proceed for 2 minutes with the time to be charged to both sides.

Mr. MCCONNELL. How much time do I have under my control?

The ACTING PRESIDENT pro tempore. Fourteen minutes.

Mr. MCCONNELL. I will be happy to give him 2 minutes of my time, I say to the Senator from North Carolina. Is that a problem?

Mr. HELMS. Very well.

Mr. MCCONNELL. I yield 2 minutes of my 14 minutes to the Senator from Pennsylvania.

Mr. SPECTER. I thank both my colleagues from North Carolina and Kentucky.

Mr. President, I know that earmarks were a major problem when this bill got to conference. After considerable discussion with the distinguished chairman, Senator LEAHY, and the distinguished ranking member, Senator MCCONNELL, we had arrived at a figure of $3 million earmarked for investigation for the war crimes tribunal, because of the necessity to have immediate funding to proceed with the gathering of evidence so that prosecutions could be initiated on the war crimes atrocities in the fighting in the former Yugoslavia.

That investigation has been brought to a standstill because of the absence of any funds. When you gather evidence for a criminal proceeding, it is very important to gather it immediately or as promptly as possible. I regret to say that a great deal of evidence has already probably evaporated.

I had discussed this matter with a number of members of the administration, including the Secretary of State, Warren Christopher, and the U.N. Ambassador, Madeleine Albright and the Secretary General of the United Nations, Boutros Boutros-Ghali. Of course, he is very interested in the funds so they can proceed. I believe the administration is in accord.

I will ask the distinguished chairman at this time to summarize with me the private discussions which we have had which I think ought to be on the record; and that is to encourage the State Department to advance the funding, up to $3 million, for the investigations as promptly as possible, and at the same time to do our utmost through the administration to get other countries to contribute funds as well for the investigation. I know that people at the State Department have or I have reason to believe that people at the State Department are watching our conference report. I think this kind of emphasis is very important.

The ACTING PRESIDENT pro tempore. The Senator's 2 minutes have expired.

Mr. LEAHY. I yield myself 1 minute to respond. I am assured by the State Department in a letter from Wendy Sherman, Assistant Secretary of State, that they are aware of this and will make their best efforts to get the money for the war crimes tribunal.

As the Senator from Pennsylvania knows, I strongly support the efforts to get this up and underway, and do the kind of investigative work necessary to gather the evidence before it disappears. He also knows that I want, as I believe he does, to have other countries involved, too, so that this is not seen as a solely U.S.-sponsored, U.S.-funded, U.S. operation. If it is to have an effect, it has to be truly multilateral. I have every intention to work to assure that the money at the level recommended is available and we will work with the State Department to see that is done.

Mr. SPECTER. Mr. President, I ask for an additional 1 minute from my colleague from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator may proceed for 1 minute.

Mr. SPECTER. Mr. President, I thank my colleague. I am pleased to hear the comments by Senator LEAHY. We first met at the National District Attorneys Association in 1969. Senator LEAHY used to be just Attorney Leahy, from Burlington. I had a similar position in Philadelphia. We had a lot of experience in the importance of gathering evidence. I am glad to have those reassurances.

When this bill is signed later today, I hope that tomorrow we will see initiatives by the State Department to start advancing funds so that evidence can be collected.

I thank the Chair, and I thank my colleagues.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Please advise the Senator from North Carolina the time situation with respect to the two managers of the bill and the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina has 24 minutes.

Mr. HELMS. Pardon me?

The ACTING PRESIDENT pro tempore. The Senator from North Carolina has 24 minutes.

Mr. HELMS. Twenty-four minutes.

The ACTING PRESIDENT pro tempore. The Senator from Vermont has 8 minutes, and the Senator from Kentucky has 10 minutes.

Mr. HELMS. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HELMS. I yield myself such time as I may require, Mr. President.

Perhaps a word of explanation is in order as to why I am indignant about the current parliamentary situation. I knew nothing about a unanimous consent foreclosing the right of Senators to cast recorded votes and be on public record on a piece of foreign aid legislation that proposes to spend $14.5 billion of the American taxpayers' money. Moreover, it is money that will be

given to foreign countries and foreign interests. I think somebody may be trying to avoid exposure on this vote. I regret sincerely that this unanimous-consent request was granted last night. I was not advised about it, and I do not know anybody else who was, except the manager of the bill.

Now I am not indignant about JESSE HELMS. I do not like foreign aid. I do not vote for foreign aid. I wish that we could go back and recapture the enormous expenditures for foreign aid since its inception in 1946.

About 10 years ago, Mr. President, I had a careful study made of how much foreign aid had cost the American taxpayers as of that time. I instructed my assistants take care to factor in the interest on the borrowed money that was sent to foreign countries.

There was no balanced Federal budget, so it was fair to assume that Congress was giving away borrowed money.

I was amazed when I got my report from the Library of Congress, whose computers we had to use because our office computers could not handle arithmetic of that size. Up to that time, the cost to the American taxpayers for foreign aid was $2 trillion. Perhaps that in part explains why I do not vote for foreign aid. Perhaps that explains why my distinguished predecessor from North Carolina, Sam Ervin often said that he had never voted for a penny of it.

And yet we have a unanimous consent that provides that Senators will not even have to take a stand on this matter. Yes, I resent it, but not because of JESSE HELMS. I will give you an example of why I resent it.

Down in Texas, there is a young widow whose husband was intentionally killed by the Peruvian Government. I offered an amendment to force the State Department to get cracking on obtaining some compensation for that young widow. But, the State Department is silent in seven languages with the Peruvians. Yet, the State Department went to the House of Representatives and lobbied the conferees to drop the amendment—that this Senate had approved—to withhold foreign aid to the Peruvian Government unless and until the Peruvian Government compensates this young widow down in Texas.

The State Department opposed that amendment even though the State Department bureaucrats have been sitting on their hands about helping that young woman. I resent it, and as the father of two daughters and the grandfather of five, I hope the U.S. Government never does anything like that to them.

Last week, Mr. President, this Senate also voted overwhelmingly in a rollcall vote, 92 to 4, to close some loopholes in current law regarding the expropriation of U.S. citizens' property by foreign governments which receive foreign aid from the American taxpayers.

Now, many Senators did not dare vote against that. There were four who did vote no—and none of them was a surprise. But the other 94 Senators agreed. They are on record. They will not be on record today, as matters now stand on this foreign aid conference report.

The original Helms amendment regarding expropriation of property of American citizens would have cut off foreign aid to any government if, within 3 years, that Government fails to return the property confiscated from American citizens or fairly compensates the rightful owners. This amendment was carefully crafted to make allowances for new democracies, and the President was given a 6-month country-by-country national interest waiver.

That amendment passed the Senate 92 to 4 last week. But then came the State Department lobbying in conference. The conferees began meeting at 10 o'clock at night and met until 4 o'clock in the morning. I am not sure that any of the conferees were wide awake enough to know what they were doing.

The emasculated version of the amendment that emerged from the conferees was worse, Mr. President, than current law. Not only did the conferees emasculate the amendment passed by the Senate, 92 to 4, they made current law worse with the conferees' proposed substitute amendment.

Obviously, I did not want that to happen so I requested that the conference drop the amendment I had offered because it had been so mutilated by the conferees.

Now, Mr. President, the point is this on that amendment. At least 900 American citizens have come to my associates and me asking for help. These Americans are from every State of the Union.

For example, one of my constituents in North Carolina had a large amount of his property confiscated by the Costa Rican Government 18 years ago, at a time when Jerry Ford was President of the United States. This citizen still has not been compensated. Yet, the State Department sits on its hands. It does not represent the American people. But the United States taxpayers have been forced to send an uninterrupted flood of their tax money to Costa Rica—via a United States Government that refuses to do anything for the American citizens who have been so abused by the Costa Rican Government.

What did the American citizens get from the State Department? They got deaf ears and closed doors. The bureaucrats at the U.S. State Department could not care less about these American citizens. I do not know about any other Senator, but I for one am fed up with the U.S. State Department.

Mr. President, the Senate took a step forward last week on the expropriation matter, but the second Helms amendment to be dropped in conference, to which I alluded earlier, required the Government of Peru to compensate the 31-year-old widow of a U.S. serviceman killed 18 months ago by the Peruvian military. The amendment was accepted by the managers of this bill and went to conference, but that did not matter. The State Department lobbied the conferees late at night and had the amendment killed.

Mr. President, a word or so about that tragic episode involving the husband of the young widow in Texas. That young American died when a U.S. Air Force C–130 was deliberately and intentionally shot down by the Peruvians. The C–130 was in international airspace. It was 60 miles from the Peruvian coast. Visibility was unlimited. The United States plane had clear markings, and a Department of Defense investigation concluded that the Peruvians knew that they were attacking a United States military aircraft.

On the third pass, the Peruvian fighters blew a hole in the United States C–130. Sergeant Beard was sucked out and fell 20,000 feet to his death. The Peruvians knew well what they were doing when they fired on that United States airplane.

Well, with such respect as I can muster, I cannot understand why the conferees succumbed to the blandishments of the U.S. State Department on this one. After all, there is $67 million of the American taxpayers' money in the foreign aid pipeline for Peru, and if Peru had simply faced up to its responsibility and paid just a tiny fraction of that amount to Sergeant Beard's widow, I would never have offered the amendment. The matter would have been moot.

Nevertheless, the amendment was dropped at the behest of the U.S. State Department lobbyists, and Mrs. Beard is not likely to be given another thought down at Foggy Bottom. That is why I am indignant.

Good Lord, Mr. President, even Saddam Hussein's Iraq paid compensation to the victims of the U.S.S. *Stark*. But the U.S. State Department is unwilling to require that compensation be paid for an American serviceman killed intentionally by one of the largest recipients of U.S. foreign aid.

And this bill, I remind you, will take $14.5 billion out of the pockets of the U.S. taxpayers to send to foreign countries.

Mr. President, I could repeat what I have said many times, what so many of us have said, including former Senator Herman Talmadge of Georgia, who stood right over there in this Chamber on countless occasions and remarked how the State Department has an

Asian desk, a Latin American desk, a European desk, but Senator Talmadge always said what the State Department needs is an American desk. And he was right.

Secretary of State Warren Christopher testified at his confirmation hearing in January that there was going to be an American desk. Well, if there is an American desk down at the State Department, it is in some storeroom down the hall that nobody ever sees.

The Congress and the State Department have a duty to protect and defend American citizens. I regret that these two commonsense amendments were dropped in conference, but the Senate did the best it could. It voted on them. And I did the best I could by offering them. But was I snookered in the bottom half of the ninth inning? No, Jesse Helms did not get snookered; the American people got snookered.

That is what happened, and the U.S. State Department's lobbyists went away chuckling because they had once again preserved their little bureaucracy.

I want this to be understood by the U.S. State Department. I have tried to cooperate. This very week a whole list of ambassadorial nominees was on the agenda of the Foreign Relations Committee. The Democrats could not get a quorum. Only three or four Democrat Senators came to the business meeting. Seven or eight Republican Senators came, and we bailed out the Democrats. We bailed out the crowd at the State Department, who wanted these nominees confirmed by the Senate.

Unless there is a change of heart down at Foggy Bottom, there will be no more bailouts. My cooperation with the State Department will be a thing of the past. If the State Department cannot look after that young widow down in Texas who lost her husband to the Peruvians, I do not want anything further to do with the State Department.

There is no way I can support this foreign aid bill. Other Senators may feel differently. I respect that. But I wish there could be a rollcall vote so that Senators would be on record and have to take a stand for the public to know how they voted on giving away $14.5 billion to foreign countries.

If I have any time remaining, Mr. President, I reserve it.

Mr. MCCONNELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky [Mr. MCCONNELL] is recognized.

Mr. MCCONNELL. Mr. President, it is not my goal here to enter into a debate with the Senator from North Carolina. There are a couple of observations I want to make that I hope will make him feel a little better.

First of all, the Senator from North Carolina did better in conference than anybody else I am aware of either on or off the committee. Three of his five amendments were included in the conference report. One was dropped at his request and one put in the report. The three that the Senator from North Carolina was concerned about that are in short waiver on the Palestinian Liberation Organization; a ban on aid to supporters of terrorists; and, with regard to the parking fine provision, we made it stronger than the Senator's original amendment. We increased the penalty by 10 percent.

So I am sorry that the Senator from North Carolina feels he did not do well in conference. If he did not do well, imagine how everybody else feels. It was a pretty difficult conference.

Let me say with regard to a rollcall vote, I have no idea how the UC agreement came about for no rollcall vote. I was thinking of calling for a rollcall vote myself. I think we ought to have a vote on this. This is a historic bill. Only 10 Senators voted against it last week. Clearly this bill is not particularly controversial, and this Senator has absolutely no objection to having a rollcall vote on it. I am proud to vote for this measure. I think it is a measure of historic importance. This is a measure that is geared to America's national interests. This year we are passing a foreign aid bill that is $1.8 billion below last year's bill. So we are cutting the overall foreign aid portion of our budget, which was already less than 1 percent, even further.

In addition, what we have done this year is we have focused this bill on America's priorities. This bill is largely about the Camp David accords and the new Independent States of the former Soviet Union. That is what this bill is largely about. So what we have done with the diminishing resources we have, we have focused them on the most important countries.

So I think this is a bill to be proud of. I hope we will have a rollcall vote. I look forward to seeing the results of it. I predict only a small number of Senators will oppose it.

In addition, Mr. President, some other observations about the foreign aid bill this year: Last year there were 90 earmarks in the bill. This year we only have seven. That is for the Camp David countries. And the other three are related to the NIS. While we had limited resources, I just indicated, we moved foreign assistance in the right direction. We focused on our highest priorities as we advanced U.S. economic security and political interests.

This bill is about U.S. interests. Make no mistake about it. The heart and soul of this bill are the support we provide to the Camp David countries and the strong commitment we make to democracy and economic reform in the new Independent States. This bill recognizes it is in our security interests to see the former Soviet Republics dismantle their nuclear weapons; it is in our economic interest to open markets of several hundred million consumers; and it is in our political interest to strengthen democracy.

After a great deal of discussion, I am pleased that the House agreed to the Senate's approach in structuring aid to the new Independent States. We define here in the Senate broad categories of assistance, which offered the President maximum flexibility to fund emerging priorities and opportunities. Instead of a blank check, we offered a blueprint, not a blank check but a blueprint, and I am satisfied that virtually all of the funds in this bill will go either to or through the private sector.

We support private sector development, trade and investment, a special multilateral privatization and restructure fund, and we make a sizable commitment to our Export-Import Bank which advances U.S. commercial interests. The Export-Import Bank is about our commercial interests, Mr. President. That is in this bill. I repeat, this bill is about U.S. interests.

This bill also includes an earmark for Ukraine, which I personally felt was essential. With 52 million people, a great deal of economic promise, and nuclear weapons, I believe Ukraine deserves independent recognition in our bill. And that independent recognition is in here. I am satisfied our blueprint funds the right priorities.

But that is not enough. The public needs to know that there are conditions to our aid. In two amendments I offered, joined by Senator LEAHY and the committee chairman, Senator BYRD, we linked aid to performance. Aid must be suspended if any nation violates the territorial integrity or national sovereignty of another nation. As we have watched events unfold in Georgia, this condition has particular importance.

Aid is also linked to progress on economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable tax treatment of U.S. companies.

Mr. President, I believe the private sector is the key to securing change in the new Independent States. But companies are cautious, given the unpredictability of the facts and commercial code over there. U.S. aid can only ease some of the economic and social transition pains. Ultimately, only the private sector can generate jobs, revenue, and growth. Our aid should be linked to advancing those interests. I think we have done an excellent job in this bill of promoting our interests. That is what this bill is about.

I also want to acknowledge, Mr. President, the outstanding support of Senator LEAHY. I have enjoyed working with him; with Senator BYRD, chairman of our committee; Senator INOUYE; and Senator STEVENS, who really made it possible; I enjoyed working with Erik Newsom and his whole team on

the other side; and, of course, Jim Bond and Juanita Rilling, as well as my own Robin Cleveland. It is a pleasure to work with all of these individuals. This is truly a historic bill. I hope we will have a rollcall vote on it.

I reserve the remainder of my time.

THE UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I note the presence of the Senator from North Carolina on the floor. I have been advised and have been provided a transcript of his remarks earlier this morning with respect to the unanimous-consent agreement. I feel that it is necessary and appropriate to set the record straight with respect to this agreement.

The distinguished Senator from North Carolina stated, and I am now reading from his earlier remarks:

> My inquiry is, is the information I have just received 2 minutes ago that another one of these sleazy unanimous-consent requests has been granted, in this case eliminating any possibility of a rollcall vote on this conference report?

Mr. President, I do not know what the Senator meant by using the word "sleazy," but it carries a connotation of impropriety, underhanded, or inappropriate activity. I merely want to state for the record that this unanimous-consent agreement, like all others, was discussed between the majority and the minority staffs, and when agreement is reached, in the normal practice, each side—the Republican leader and his staff, and the majority leader and his staff—is responsible for gaining the approval of each of the Members in their respective parties.

We proceeded, as we always do, to notify all Democratic Senators of the agreement, requesting their approval; that approval was granted. We were then notified by the Republican leader's staff that comparable approval had been granted by all Republican Senators. Therefore, I presented the agreement here on the floor of the Senate, as I have hundreds of other times, and as Senator DOLE, Senator BAKER, and Senator BYRD all did when they were majority leader.

With respect to the question of a rollcall vote, it is a common and standard practice in the Senate that in the absence of a request for a rollcall vote, a vote occurs by voice. Many, many bills, some important, some not, are approved by voice vote in the Senate, when there is no request for a rollcall vote. In this case, I am advised by majority staff that the Republican staff specifically stated and acknowledged and agreed that there was no request for a rollcall vote. Therefore, we agreed to proceed by voice vote.

I am going to, in a moment, seek consent to vitiate that and have a rollcall vote, because I believe if any Senator wants a rollcall vote, we ought to do so. Had I known that any Senator wanted a rollcall vote, I would not have put the request in this fashion. But I must say, I do not believe there is anything sleazy about this practice. If the Senator from North Carolina has a complaint, I submit that it is with his own colleagues, because we deal with the Republican leadership in good faith. It is not within my area of activity or my responsibility to personally solicit each Republican Senator. That is up to the Republican leader and his staff. When I am told by the Republican leader or his staff that this has been approved by all Republicans, I accept that. I take it in good faith, and I act upon that representation. That is what occurred here.

If there was a misunderstanding between the Senator from North Carolina and the Republican leader and his staff, that is regrettable, but that does not make this agreement or this practice sleazy or in any other way inappropriate.

Obviously, it is possible, given 100 Senators and the constant press of business, that there can be misunderstandings. And all staff members, like Senators, are human and therefore fallible, and the possibility of error exists. But I just want the record to reflect the reality of what occurred here. There was nothing underhanded, devious, secretive, inappropriate, or sleazy about it. It was in the normal course of business, and the practice followed was the practice that we have followed consistently on such matters, without which it would be very difficult for the Senate to conduct its business, certainly on the schedule we now have.

Therefore, Mr. President, I would be pleased to yield to the Senator from North Carolina, if he wishes to make any comment, following which I am going to ask that we notify Senators on both sides, as in the normal practice, and I will shortly put a request to vitiate the prior agreement and request a rollcall vote on this measure.

I would be pleased to yield to the Senator from North Carolina.

Mr. HELMS. I appreciate the distinguished and able majority leader's lecture. But the fact remains that it has been pretty well known on both sides of the aisle that I want a rollcall vote on every spending bill. That has been my position for at least 2 years.

I have not had a chance to talk with the Republican staff, because they were caught this morning in traffic, and I happened to see one who just now arrived.

In any case, the majority leader does not have to absolve himself with me. I do resent the fact that these kinds of arrangements are made. What time was it, if I may ask the majority leader, that this unanimous consent was agreed to?

Mr. MITCHELL. I do not recall that offhand, but I will ask the clerk to check. It was at 6:47 p.m.

Mr. HELMS. The distinguished occupant of the chair does not happen to know how many people were on the floor at this time, does he?

Mr. MITCHELL. They do not count the number of people on the floor.

Mr. HELMS. Forgive me, if the Senator will let me finish.

I will be perfectly satisfied with the Senator's proposition to vitiate that portion of the unanimous consent so that we can have a rollcall vote either now or later in the morning. But I think it has been well known on this side of the aisle that I believe—as one Senator—that there should never again be a costly spending bill passed by the Senate on a voice vote. I will be glad to have the majority leader inquire about that.

What the breakdown in this instance was, I do not know. But the breakdown was not with me. I was not asked about it. I received no word.

Mr. MITCHELL. If I might respond, I do not wish to get involved in any communication controversy between the Senator from North Carolina and the Republican leader or the Republican leader's staff. That is nothing with which I have anything to do. I merely want to make it clear that our regular practice is that the staffs discuss the contents of these agreements, and then each leader is responsible for gaining clearance from all of the Senators of the respective parties to the agreement.

I am sure the Senator from North Carolina understands and agrees that I must necessarily rely on the representations of the Republican leader and his staff.

I presented this agreement at 6:47 p.m. yesterday, and I am advised that the manager of the then-pending legislation, Senator JOHNSTON, announced sometime before that we were attempting to gain approval of this agreement. So an announcement had been made prior to that in the afternoon.

But I presented the agreement after I was advised by my staff that they had been advised by the Republican leader's staff that this had the approval of all Republican Senators. Had I been aware of any Senator—not just the Senator from North Carolina—who objected, I would not have put the request, or I would have requested the presence of that Senator to state his objection personally.

Second, I merely want to state that the number of Senators present on the Senate floor is not an indication that the matter has not been cleared by the parties. Most of the clearance is done when Senators are engaged in other activities, and it is the responsibility of each Senator to establish whatever communications he or she chooses within his or her office to receive and act upon requests for clearance of unanimous-consent agreements.

That is something in which I do not want to get involved. My concern is that the use of the word "sleazy" by

the Senator from North Carolina creates a clear implication of inappropriate or secretive or wrongdoing activity, which I just wanted the RECORD to reflect simply is not the case.

This was a normal course of business, and we relied completely upon the Republican leader's staff, the confirmation of the fact that no Republican Senator objected to this practice, no Republican Senator requested a rollcall vote.

Now that the Senator has made clear that he wants a rollcall vote, I am perfectly pleased to put the request. I will momentarily.

Mr. President, I ask unanimous consent that the time used in this colloquy not be charged against the time previously set for debate on the pending bill.

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

Mr. MITCHELL. After checking with staff to see if there is any objection now to the current request to vitiate the order and request the rollcall vote, I will put that request shortly.

I thank my colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair will note that the hour of 10 o'clock has arrived.

Who yields time?

On the pending question, the Senator from Kentucky has 1 minute.

Mr. DOMENICI. Mr. President, I commend the managers for providing President Clinton with funding and authority he requested for economic cooperation with Russia, Ukraine, and other former Soviet Republics.

The Senate bill and this conference report greatly improve the chances of success for President Clinton's plan for Russia, but this is no blank check.

Explicit congressional guidance on the use of these funds in Ukraine and Armenia, as well as in Russia, is included here. That has been the practice for many years in foreign assistance appropriations bills.

The detailed guidance in this bill doesn't tie the President's hands. If conditions continue to change, and he wants to do something different, he can do so as long as he notifies the Appropriations Committees under the usual procedure.

Ambassador Strobe Talbott, Tom Dine, when he is confirmed, and other officials charged with implementing American assistance efforts in Russia and Ukraine have a heavy burden. No one has tried to do anything like this since Herbert Hoover's efforts to limit famine in Ukraine, Russia, and the Baltic nations after World War I.

I appreciate Ambassador Talbott's efforts to keep in touch with me and other Members, and I look forward to working with him and his staff in the future.

UKRAINE-RUSSIA STABILIZATION PARTNERSHIPS

The Ukraine-Russia Stabilization Partnership Program, section 575, is the outcome of many discussions I have had at our national laboratories and universities over the past 3 years with American business and former Soviet scientists and engineers. It was discussed with Ambassador Talbott and the adroit Assistant Secretary, Wendy Sherman. It was improved during conference by the new ranking Republican on the House side, my friend from Louisiana.

We now realize that Russia and Ukraine will not move overnight toward a market economy. Until that transition is further along, I am convinced that one of the most useful things we can do is to help them preserve key defense-related scientific and engineering assets. If they fade away during the transition, the role of these institutions in a civilian economy can never be determined, and years of work are lost.

The Senate report on page 106 gives a detailed explanation of what we hope to accomplish with the stabilization partnership program. I anticipate that Ambassador Talbott and the Secretary of Energy will move quickly to mobilize American businesses and former Soviet institutions in stabilization partnerships, using the national laboratories as catalysts. When that happens, Americans, as well as Ukrainians and Russians, will benefit.

NO GUARANTEES IN RUSSIA AND UKRAINE

There is no guarantee that the program of cooperation funded today will affect the outcome in Russia, Ukraine, and the other countries. The best we can do is to make sure that we keep hope alive over there that better days are ahead, and that we are ready to help.

The worst we can do is to repeat errors made in earlier foreign aid programs that failed through arrogance, incompetence, or corruption.

Mr. President, I do not agree with all of the sentiments expressed by the conferees in section 579 regarding the struggle between President Yeltsin and the Supreme Soviet.

Russians are a proud people, and I am not sure that they care what labels we attach to their President and parliament. As I just suggested, they are looking to us and to their own Government for something to give them renewed hope for a better future, if not for them, at least for their children.

Renewed hope among the Russian and Ukrainian people will require confidence that they possess effective governments and productive economies. That will not necessarily happen when results of another national election interrupt another difficult winter.

Unless Russia finds a legitimate and effective executive and legislature that can focus on governance and every day concerns of Russian people far from Moscow, events in Moscow matter little. Russians will continue to look to local and regional governments for solutions, and the Kremlin's masters will matter less and less.

COMMENDATION OF MANAGERS

In closing, I commend the Senate and House chairmen, Senator LEAHY and Congressman OBEY, for their tireless commitment to help the survivors of the Soviet experience without increasing the overall budget for foreign aid.

In his first months on the Appropriations Committee, Senator MCCONNELL has proved to be an effective ranking Republican member on the Foreign Operations Subcommittee. He did an excellent job representing the Senate position during the conference, building on his active participation in the Foreign Relations Committee in prior years.

I commend the conferees, also, for conditioning half of AID's operating expenses on rapid implementation of Vice President GORE's recommendations for foreign aid reform that are included in his National Performance Review.

EXPORT INITIATIVE SUPPORTED BY BILL

On Wednesday morning, the administration announced a major export initiative at a Banking Committee hearing. The Export-Import Bank will be able to implement a major component of this export initiative, a new program of tied aid, because this conference agreement includes sufficient authority for the Eximbank.

Much of the credit for the tied aid program goes to Eximbank's new president, Ken Brody, who overcame longstanding resistance from the State Department and the Agency for International Development.

Mr. President, I thank the managers for their consideration.

Mr. NICKLES. Mr. President, may I take a moment to point out the significant achievements realized in Egypt in the area of telecommunications. Under the auspices of USAID, Egypt now boasts a telecommunications system and network which, in lines per 100 persons, far surpasses many other developing countries.

The history of AID telecommunications projects in Egypt is long and impressive. That commitment began as early as 1978 with projects to rationalize the Egyptian telecommunications sector. Later, in 1981, Telecom projects I, II and III were initiated by AID. This effort was continued in 1988 with the commencement of Telecom IV and now, the fifth stage known as TSSP/Telecom V, is scheduled to move forward and receive funding.

Throughout the process, companies like AT&T have been integral partners, introducing new, state-of-the-art United States equipment to the Egyptian market. AT&T's activities have led to expanded United States exports and jobs here at home, while simultaneously helping to develop a key sector of the Egyptian economy.

Mr. MCCONNELL. Does the Senator think that this partnership has been so

successful that it should be used for models elsewhere?

Mr. NICKLES. The Senator from Kentucky is absolutely correct in noting what has proven to be a showcase project for AID, and for cooperation with U.S. companies like AT&T. Continued United States Government and Congressional support for AID capital projects in the Egyptian telecommunications sector is essential. Similarly, it is essential that the TSSP be implemented expeditiously and without delay. Any delays in fully implementing TSSP could result in a significant loss of U.S. market share.

Mr. MCCONNELL. Under the original timetable, was TSSP to be implemented this year? Wouldn't delays set back the significant progress made to date in Egypt, and jeopardize the continued expansion and improvement of the Egyptian telecommunications sector?

Mr. NICKLES. Mr. MCCONNELL is correct. AID should not delay implementation of TSSP, and I urge the Cairo AID mission to move forward quickly. AID should immediately demonstrate a continued, full commitment and fully fund the TSSP program at the originally agreed upon level. The TSSP is the capstone of a project lasting well over 10 years and should be implemented in a timely fashion. The Telecom V/TSSP final stage will integrate previous accomplishments to date, creating a unified, reliable telecommunications network. Unless this TSSP program is fully and promptly funded, the substantial United States investment in providing leading edge technology to Egypt will fall substantially short of its goals.

Mr. President, the Congress expects that the United States AID mission and the Government of Egypt will move promptly to complete the Telecom IV activities and expedite grants under the Telecom V/TSSP program. We commend recent initiatives by the AID Mission to make monies from the cash transfer program available to support continued improvements in the telecommunications sector, and hope that similar efforts will be forthcoming to move TSSP forward.

TUNISIA

Mr. LEAHY. Mr. President, during the Conference on the fiscal year 1994 Foreign Operations appropriations bill, language regarding Tunisia was misplaced and was never offered to the conferees and did not appear in the joint statement of managers. I, therefore, want to associate myself with Senator INOUYE's language on Tunisia, which expresses support for relations between the United States and Tunisia and its contribution to Middle East peace.

Mr. President, in the committee report accompanying the Senate Foreign Operations appropriations bill, the committee expressed concerns about human rights in Tunisia based on information in the State Department's country report on human rights practices and from international human rights organizations.

Shortly after publication of the committee report, information was brought to the committee's attention by the State Department and Senator INOUYE which I believe should have been included with the original language. Senator INOUYE pointed out that the report did not mention efforts by the Tunisian Government to correct human rights problems and to assist the United States in advancing the Middle East peace process. Just hours after the Washington signing of the Israel-PLO Declaration of Principles, the Tunisian Government hosted a delegation of high-ranking Israeli Government officials.

I agreed with Senator INOUYE that the report should have mentioned these points. Although it was my intention to offer his language for inclusion in the joint statement of managers, it was inadvertently misplaced during the confusion which often reigns during a conference. This conference concluded at 2:30 am in the morning of September 28. Therefore, on behalf of myself and Senator INOUYE, I ask unanimous consent that the language that we had agreed upon be printed in the RECORD at the end of our remarks.

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

(See exhibit 1.)

Again, I regret that this language was accidently omitted. Tunisia is an important country, and while there are human rights problems there the Tunisians deserve credit for steps they are taking, both to reform their economy and their justice system. There may be ways that the United States can assist them in these efforts.

Mr. INOUYE. I want to thank Senator LEAHY for his comments. I do believe that the committee report language should have mentioned the progress Tunisia is making in the area of human rights and the important role they are playing in the peace process. The language we agreed to offer in the conference should have been included in the joint statement of managers of the conference report, and I am pleased that you have offered to join me in placing it in the CONGRESSIONAL RECORD. I trust that the administration will consider these remarks when developing policy toward Tunisia.

EXHIBIT 1

TUNISIA

The conferees express their support for Tunisia's efforts at promoting peace in the Middle East, as evidenced by their recent meetings with representatives of the Israeli Government. These meetings offer tangible proof that the signing of the Washington accords have contributed to the momentum toward peace in the region.

The conferees also are encouraged by the steady progress made by Tunisia in instituting a strong program of economic reform.

The conferees remained concerned by reports of human rights violations in Tunisia, in particular, the incommunicado detention and mistreatment of detainees. The conferees believe the Tunisian Government recognizes that these problems exist and is making efforts to reform its police and judicial system. The conferees will continue to monitor these efforts. The conferees recommend that the administration consider making funds available under the Administration of Justice Police Training Program to assist Tunisia in addressing a broad range of human rights problems.

WOMENCARE INTERNATIONAL PROJECT

Mr. SPECTER. Mr. President, I would like to ask my colleague, the senior Senator from Vermont, to join me in clarifying the meaning of the Senate report language addressing prenatal care and birthing programs in the new Independent States [NIS]. It is my understanding that Magee Womens Hospital in Pittsburgh, PA, has assumed the leadership role in the development of a model prenatal care program in the NIS.

Mr. LEAHY. I would like to compliment the senior Senator from Pennsylvania for his leadership in recognizing the need to address the serious issue of infant mortality in Russia and the NIS. Without adequate prenatal care and birthing facilities in these countries it will be difficult to improve child survival rates. The report accompanying this bill acknowledges the work of the Womencare International Project, which I understand was established by Magee Womens Hospital. This program provides a model obstetrical and educational training program for economical prenatal care throughout Russia and the NIS.

NUCLEAR REACTOR SAFETY IN THE NIS

Mr. LIEBERMAN. Mr. President, I want to bring to my colleagues' attention a very important provision in the foreign operations conference report. This provision, which I fully support, strongly encourages qualified American businesses to assist the newly independent states of the former Soviet Union in improving the safety of their nuclear powerplants. In particular, the provision encourages that program funds for this purpose be awarded to qualified small businesses, especially those which are located in areas affected by the decline in defense-related industries.

Mr. President, I applaud the conferees for including such a provision in their report because it addresses two major concerns: the safe operation of nuclear reactors in the NIS and the economic health of communities dependent on a shrinking defense sector. This is an excellent example of maximizing the benefits of our foreign aid dollars. In doing so, we are promoting small businesses here at home while also helping our new partners abroad. I urge my colleagues to support the conferees' efforts in this regard.

The PRESIDING OFFICER. Under the previous order, the Senator from

Vermont controls the last 5 minutes of debate and the Senator from North Carolina should be recognized.

Mr. LEAHY. I am not sure I understand that, Mr. President. Could you repeat, please?

The PRESIDING OFFICER. There remains 10 minutes for the debate, 5 minutes controlled by the Senator from Vermont, 5 minutes by the Senator from North Carolina.

Mr. LEAHY. Under the unanimous consent, it is the last 5 minutes that is to go to the Senator from Vermont; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Then I would understand by that the time is running now. It is running on the time of the Senator from North Carolina.

The PRESIDING OFFICER. The Senator is correct.

The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time between now and 10:15 a.m. be for debate on the foreign operations bill with the time to be controlled equally between Senators LEAHY and MCCONNELL; that the time between 10:15 a.m. and 10:45 a.m. be for debate only on the Bumpers amendment to the energy and water appropriations bill, with that time be equally divided and controlled between Senators JOHNSTON and BUMPERS; that at 10:45 a.m. the vote occur on or in relation to the Bumpers amendment; and that immediately following disposition of the Bumpers amendment a vote occur on the foreign operations appropriations conference report.

Mr. LEAHY. Mr. President, reserving the right to object, is there any reason not to do the job on the foreign operations now?

Mr. MCCONNELL. Mr. President, reserving the right to object, we have to check.

Mr. MITCHELL. Yes, there is the reason, for the convenience of both Senators.

Mr. JOHNSTON. Mr. President, reserving the right to object, and I shall not.

Mr. President, I shall not object, but in last night's unanimous consent we followed after disposition of the Bumpers vote and now the foreign operations vote. We had the Kerry amendment on the integral fast reactor with 4-hour time limit with a vote to occur on or relation to that at the end of 4 hours, if we could have that added to the request.

Mr. MITCHELL. It was my intention that that part of the agreement not be changed by this here, and I will simply state so there can be no misunderstanding.

Mr. LEAHY. Mr. President, I reserve the right to object, and I shall not.

Do I understand the distinguished majority leader's request to still have the provision of the earlier one which gives the last 5 minutes of the debate on the foreign operations bill to the sole control of the Senator from Vermont?

Mr. MITCHELL. Yes.

Mr. President, I intended to modify the prior agreements only to the extent that they were modified by the changes that I proposed. In all other respects the prior agreements are to remain in effect.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MITCHELL. Mr. President, I renew my request.

Mr. MCCONNELL. I have no objection.

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

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the second vote in the sequence just agreed to be a 10-minute vote.

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

Who yields time?

Mr. MITCHELL. Mr. President, I thank my colleague.

The PRESIDING OFFICER. The Senator from Kentucky has 4½ minutes; the Senator from Vermont has the last 4½ minutes.

Mr. LEAHY. The last 5 minutes.

The PRESIDING OFFICER. That was modified in the last agreement.

The Chair will note that the time is being charged to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, may I ask why the time is being charged to the Senator from Kentucky?

The PRESIDING OFFICER. The order provided for the time between 16 minutes after and 10:15 be divided equally between the two parties. It was further determined that the Senator from Vermont will be granted the latter part of that time period. At 10:15 the time is up.

Mr. MCCONNELL. Mr. President, I am happy to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky yields back his time.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, there has been a great deal of confusion this morning about whether we order a rollcall vote or not, and I would hope that anybody watching this not lose sight about what we are doing.

Mr. President, I would hope that no one would lose sight of what is being done here. The Senate has moved with remarkable speed on the question of foreign aid. I do not know of a time in 19 years when a major foreign aid bill has gone through the Senate with this speed or through conference with this speed.

Earlier I mentioned my compliments not only to the distinguished Senator from Kentucky [Mr. MCCONNELL], and those on his side as well as those on the Democratic side making this possible, Senator BYRD, Senator INOUYE, Senator SASSER, Senator DOMENICI, and others, who worked on that, but also our distinguished counterparts in the other body, Mr. OBEY, Mr. LIVINGSTON, and others, as well as the State Department, the administration and others.

We did this because we at least had one major part of this foreign aid bill that reflected national security interests and national economic interests of the United States, the part involving the new Independent States, the former Soviet Union.

I have said over and over again, Mr. President, that I do not intend to bring any more foreign aid bills to the floor of the Senate that reflect basically the way we did foreign aid during the cold war, that do not reflect the changes that should be made.

Most of this bill began, at least its genesis was in the inertia of a cold war time, not in the realities of today, with one area of exception: the aid for the New Independent States.

It is not done to aid Boris Yeltsin as an individual. That would be a mistake. And I am more and more convinced it would be a mistake if we simply put all of our foreign policy based on the success or failure of one person, Boris Yeltsin. I think it would be a very serious mistake, just as it was a mistake to put all of our foreign policy goals on the successor failure of Mikhail Gorbachev.

But it is in our best interests to put our hope and faith on democracy in Russia and an economic system that allows it to compete with the rest of the world; not on the number of warheads or ships or airplanes or armies, but rather on its ability to enter into true economic competition with the rest of the world.

And that is what we have done in this bill. We have designed one that says that it is in the United States interest to foster democracy in Russia and the other New Independent States; it is in the United States interest to improve the economic conditions. That is where our competition will be in the future. Now, that is post-cold war foreign policy.

I hope that next year, when we stand here with a foreign aid bill, the whole bill will reflect a post-cold-war period that we will look at every single part of our foreign aid bill and say, "Is this in our best interest?" And, if it is, keep it; and if it is not, get rid of it, and have the United States, the one superpower in the world, using this part of its diplomatic and economic arsenal to direct democracy and help democracy flourish around the world, help improve human rights, improve the economic conditions of people, as well our own people here in the United States, and turn the United States from being

the largest debtor nation in the world to one where, once again, we can proudly export "Made in the United States of America" products around the world, creating hundreds and thousands and millions of jobs here in the United States.

That is what we must do in our foreign aid bill. That is what we can do in our next year's foreign aid bill. And I hope the administration and the leaders in Congress would come together to shape that for next year.

We have demonstrated that Republicans and Democrats alike would join together in creating a good foreign aid bill this time in the area of the former Soviet Union. We can do it in all other areas.

We have also shown that we respect the realities of what is happening in the Middle East; that the United States will stand as the one solid partner to bring together the parties and help this newly and very fragile peace between the State of Israel and the PLO to actually work.

We have written in here something extraordinary, Mr. President. We have set aside those laws that denied the United States the ability to deal with multilaterals and working with the PLO. And we have given an opening so that we can do that so we can direct and work with other countries as they try to come together, because other countries have a stake in the Middle East as well as the United States—the Europeans, the Gulf States, the Arab States, Japan, and others. They must also come forward and help this so the U.S. taxpayer is not asked to solely support this. Everybody has a stake.

Again, reflecting the realities of today not the inertia of the past, we have at least within this foreign aid bill the seeds of what could be a whole new policy in foreign aid.

I hope that the administration, I hope the Congress, I hope others would come together, allow us to do that so that this will be the last foreign aid bill that even has the remnants of the cold war and next time will be one that points us toward the next century.

• Mr. PRYOR. Mr. President, last week, I offered an amendment to the Foreign Operations appropriations bill, which I believed would help to eliminate waste and mismanagement at the World Bank. I was pleased that my amendment was adopted, and felt that the Senate was moving in the right direction in its handling of international financial institutions.

I was not the only Senator outraged at the clear excesses of this institution. My colleague, Senator BROWN, proposed that the Congress withhold funding to the World Bank until it established an independent office of inspector general. My amendment, however, while demanding greater accountability, also sought to recognize what seemed to be real progress at the World Bank. Last week, the World Bank established an inspection panel to review projects. My amendment called for the Secretary of the Treasury to urge the independent panel to look into fraud and waste and, to the extent possible, prepare its own independent review of allegations of fraud and abuse at the World Bank.

Mr. President, today I learned of the changes made to my amendment in conference. Some changes are positive. Instead of singling out the World Bank, the revised language refers to all international financial institutions. Also, the new amendment calls for the establishment of a full-fledged office of inspector general at all these institutions. This is important because our view of what a tough inspector general should do is not within the purview of the World Bank's current inspection panel.

Unfortunately, Mr. President, if the World Bank decides not to heed the urgings of the Treasury Secretary and create an inspector general office, then the report next spring will not provide Congress with all the information we are seeking. As a backup, my original amendment sought a report by the Treasury Department that would have included an independent analysis by the Department relating to allegations of waste and abuse at the World Bank.

Mr. President, I am simply not convinced that the World Bank is going to be very forthcoming on this issue. That being the case, I believe that the Treasury Department should aggressively pursue its own review of problems at the World Bank. This should include seeking to obtain documents and other items important to a legitimate review of the operations and management of the World Bank through voluntary disclosures by the World Bank.

I have discussed this with the committee and want to join with the committee in urging the Treasury Department to embrace this task. I also intend to begin my own review and will look for help from other agencies of this government in my effort.

Mr. President, ultimately Congress is itself like a bank. We give money to projects we judge to be worthy. In this case—the World Bank. Just like a bank, Congress should expect and, if necessary, demand a look at the books of the lendee.

This is simply good business.

Like a bank, if Congress is denied access to the books or if independent auditing is refused by the lendee, then Congress is justified in questioning the wisdom of funding the project.

More to the point, Mr. President, if changes do not occur at the World Bank and if Congress does not begin to get a clear picture of what is going on there, this Senator, and I believe many others, will be back with much stronger medicine on this bill next year, or on other legislation in the interim.•

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I understand we are under an order as to when that will be done.

The PRESIDING OFFICER. All time has expired.

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2445, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2445) making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 983, to reduce funds for General Science and Research Activities and terminate the Superconducting Super Collider Program for the purposes of reducing the deficit in the Federal budget.

AMENDMENT NO. 983

The PRESIDING OFFICER. Under the previous order, the hour of 10:15 having arrived, there remains 30 minutes for debate on the Bumpers amendment numbered 983, with the time equally divided and controlled in the usual manner.

Mr. JOHNSTON. Mr. President, I yield 5 minutes to the distinguished Senator from California [Mrs. FEINSTEIN].

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the committee chairman for the 5 minutes.

I would like to present my position as a Senator from California, and that position is to rise in opposition to the Bumpers amendment to terminate the superconducting super collider.

Now, what is the super collider, and why is it important?

As we know, what it essentially is is a particle accelerator. It will accelerate protons to incredible velocities, close to the speed of light, around a 54-mile tunnel in rings in the opposite direction so that, at specific points, they can be steered into a head-on collision. And the protons rotate at about a rate of 10 million times an hour.

The point is that, by generating streams of new particles, the collision energy is released. Just as atomic bombs convert matter into energy, the collider will convert energy of proton collisions into new particles of matter. So it is a major step forward and it is the top priority of high-energy physicists, because it helps us understand the nature of the world around us.

It is my basic belief that we should do what Americans do best—we should work to our strong suit, not our short suit. We have developed the telephone and the airplane. We have pioneered computer technology. We have landed on the Moon. Nuclear energy, transistors, lasers, radar, genetic engineering all were born in this country. If we wish to remain a great power, we must support the basic research from which the breakthrough results will come.

Breakthroughs do not come often, but when they do, they can alter the course of life. And I believe we have that opportunity with the superconducting super collider. It is a major attempt at another generation of scientific advances.

The project is, to date, 20 percent complete. We should not turn tail and run. Let us finish it. Let us do the job.

"Since 1989, contracts on the SSC total more than $1.2 billion for domestic firms," according to an August 1993 report of Perryman consultants. "Over 98 percent of all funds have been awarded to United States entities. The aggregate impact of these expenditures on national business activity is estimated to be $7.6 billion in total expenditures, $2.8 billion in gross domestic product, $1.8 billion in personal income, $660 million in retail sales, and 337,828 jobs."

It sounds to me like this is a program that helps and not hinders our economy:

California has been a key player in the SSC initiative from its inception. Ten universities and three major laboratories within the State have been actively involved in research related to the project. Several Californian firms have received substantial awards to date, including a magnet contract with General Dynamics that already exceeds $140 million in production. More than 700 companies from the State have received 2,200 awards and grants totaling almost $240 million. Over the life of the project, direct awards to California facilities should be well over $1.0 billion.

The cumulative impact of the contracts to date on the California economy is found to be: $1,037.5 million in total expenditures; $528.2 million in gross domestic product; $336.1 million in personal income; $125.2 million in retail sales; and 14,912 jobs (person years).

In pushing the field of superconductivity, we will undoubtedly reap long-term benefits and the SSC undoubtedly will lead to opportunities for future superconducting industries in California. It is likely this research will reduce the cost of superconducting magnets, increase the ability to store power thus avoiding peak power overloads, improve magnetic levitation vehicles, and improve thrusters for propelling ships.

Superconducting wire produced for the SSC already is improving the efficiency and lowering the costs of magnetic resonance imaging.

The international market for superconducting materials is expected to be billions of dollars by the year 2000 because of the transportation and power storage potential.

The SSC's technological breakthroughs will provide opportunities for high-technology business and high-skilled work force currently in defense-related activities.

Finally, the ideas and challenges represented by the SSC attract students to enter the field of physics. One of my constituents, James Kelly, recently wrote me:

I am a graduate student at U.C. Davis and my research focuses on predicting what will be seen at the SSC, and designing experiments to be carried out there. Like other young physicists in the field, I felt lucky to be starting research at the time the SSC was under construction. I studied all that I have in anticipation of discoveries waiting to be made at the SSC. If the government decides not to fund the completion of the project there will be no future for me in the career I have spent my life preparing for; my research cannot continue without the possibility of testing it in the near or distant future.

Mr. President, we need to follow through on our commitment to the SSC and do it right. I urge my colleagues to vote against this amendment and for continuation of the super collider.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I sometimes think we are just sitting around in the United States Senate waiting for the economic apocalypse. The place is out of control. You cannot cut spending. As you know, I have been trying for the last 2 weeks, just as I did last year and the year before, with absolutely no success. Here is a project that started in 1987 with $4.4 billion; 6 short years later, it is $13 billion, a tripling. That is a doubling of the cost every 2 years. Yet, the Senate does not seem to really care.

Where are we now, after we get up to the $13 billion figure? A project that over the 35-year life of it is going to cost $38 billion, even if those figures hold up. Bear in mind, the $13 billion cost we are talking about right now—this project is not going to be finished for 10 years. You know, you have to be smoking something pretty tough to believe that the $13 billion figure is the last figure, when the cost has tripled in 6 years. We have 10 years to go before we complete it. This thing is endless.

Here is a Washington Post article dated September 6, a little over 20 days ago. It is talking about the super collider:

Their omissions and miscalculations from the start obscured more than half the true cost of the mammoth project, generating enough new estimates to emboss a whole rack of tee shirts. The latest estimate by the CBO, Congress' investigating arm, is that it will cost more than $11 billion, more than twice the number 5 years ago. Even that number is not certain.

What kind of management do we have? University research associates that work for free; that is about what they are worth. Here is what they say:

The Department's contract or on the job, a nonprofit group of physicists called the University Research Association, further confused the picture by failing to properly track costs. For much of the past year, according to project employees and officials, URA had to struggle to determine how much money had been spent, let alone how much was needed to finish the job.

Listen to this:

A January computer message from one employee read—

This is just a small division, his division.

We have probably spent $6 to $8 million since fiscal year 1993 began, but who knows? We will take coffee-stained computer runs, old cocktail napkins, 10-key tapes, anything. Just get us any kind of cost information, please.

He signed it, "still flying blind."

Do you think the Senate is impressed by that? No. There are a lot of people here to whom there is not one thing you can say. I could stand right here today and say, "They say that this project is one-fifth completed. I say not one spade of dirt has been turned." I could say that, and even if that were true, I promise you Senators would come in here and still vote for it. They do not care. The politics is always on the side of spending. It is not on cutting.

I hear a lot of lamentations around here about pork. There has never been a piece of pork come through here like this. And for what? What do we get out of it? Here is what some Nobel laureates say.

Philip Anderson, Nobel Prize winner at Princeton:

To me, the saddest sight of all is to see officials of the department responsible for our energy supply, deliberately misleading Congress—

Think about that; a Nobel laureate says the Department of Energy has deliberately misled Congress:

with these false claims; and to see my particle physics colleagues, many of whom I admire and respect, sitting by and acquiescing in them.

Nobel Prof. Nicolas Bloembergen at Harvard:

To say that "magnetic resonance imaging is a spinoff of Fermilab and SSC" is unwarranted and ill-advised. It completely ignores the essential contributions by a very large number of physicists who have brought MRI to fruition. MRI would be alive and well today even if Fermilab had never existed.

And those are the claims we are listening to for spending $38 to $40 billion.

Nobel Prize winner A. Penzias, vice President of the Bell Laboratories.

Let us not pretend that what we experiment with in particle physics is, in fact, going to illuminate what happens in that part of the arena of our knowledge and experience that's useful to us.

I could go on. Nobel Prize winner Philip Anderson again:

It is worth reiterating that particle physics has not led to many technical breakthroughs. If you want to solve technical problems, the best way to spend your money is on the sciences which are relevant to your technical problems.

I heard the distinguished floor manager of this bill say the other day that this thing was on time and on budget. You think about that.

Asking for coffee-stained napkins to justify expenditures of $4.4 billion in the original estimate, now $13 billion, and to have the gall to say this thing is on budget and on time? I will tell you what is on time. I have seen it happen here 100 times.

Mr. President, I have been here 19 years and I have seen one project killed. We could not kill the B-2; the same arguments. The B-1; same arguments. You go through them all. Here is the way it works: $4.4 billion to find the origin of matter, to find the Higgs Boson, which may or may not exist.

For $4.4 billion, the way we spend money around here, maybe it is worth spending $4.4 billion to find out the origin of matter. I am not curious about it. It ain't going away. If the Higgs Boson exists, it will be here 20 years from now when hopefully there will be some sanity and fiscal responsibility in this body. They say, "Somebody is going to get ahead of us."

I say let them get ahead of us on this one. But for $4 billion, $4.4 billion, we say OK, maybe it is worth a try. Then in 1990 we come back and say we made a slight error; the cost is $5.89 billion. But that is it.

But that is it. I sat in the committee and heard Admiral Watkins, Secretary of Energy, say: "If it goes one dime above that, count me out."

He came back 1 year later and said: "I made a slight mistake. It is really 8.2." One year later, and he was not counting himself out.

So people began to say, look—that is when I brought it up the first time; kill this sucker right now before it bankrupts the country. I did not get enough votes to count that year. But everybody says we have it under control now; we have all those cost overruns fixed.

So in 1992, they come back. We are up to about $10 or $11 billion last year and, again, they say we have whole new management in place and so on and so on; it is all fixed now. This year they come back and say: "We are firing University Research Associates. It is true they are incompetent, but we are firing them, so everything is going to be hunky-dory."

If we lose today, I will come back next year trying to kill it again. Next year the argument will be, we have gone too far; we cannot turn back now. That is what is on time. That is the 5-year cycle I have witnessed here time and time again until we get to the point: "We have gone too far; we cannot turn back now."

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Louisiana controls 9 minutes 4 seconds; Senator BUMPERS controls 5 minutes 16 seconds.

Mr. JOHNSTON. Mr. President, we have heard a lot of rhetorical pyrotechnics on the floor of the Senate. But let me tell my colleagues that the statement of somebody on the floor of the Senate does not make it fact and does not make it correct. Much of what we have heard against the SSC is not fact and not correct.

Let me begin with the question of cost. I have stated repeatedly on the floor, there have been no cost overruns on the SSC. There have been adjustments of cost, redesign of the magnets before construction ever started, and that was a substantial increase in cost. But it was not a cost overrun.

What we do have is a potential for exceeding the baseline cost which was developed by the Secretary of Energy in her baseline validation cost study, and based on that study, she has undertaken a management initiative.

We adopted the Brown amendment which states that until and unless she fully implements that management initiative and certifies that that deals with the question of cost overrun potential, then 90 days after the start of the fiscal year, funding must stop.

Mr. President, we have a scientific project here that by every estimate, by critics and by proponents alike, has met every scientific milestone, is scientifically sound. We have a project here, Mr. President, that is well managed and that will produce what it is supposed to produce.

Item 2: Scientific support. We have heard that 98 percent of the members of the scientific community oppose this project. Not so, Mr. President. Sigma Xi, a scientific research society, did a poll. And based on that poll, they were asked to state what their highest priorities were. But John F. Ahearne, executive director of Sigma Xi, said in a letter to me on September 29, 1993, as follows:

Among many questions, the questionnaire asked for a ranking of the top three best uses of public funds for scientific research [in 1988]. The top three were grants to individual researchers, biosphere/geosphere systems, and AIDS. Even if this poll had received enough responses to be useful, we did not ask whether the researchers were for or against any specific project. Therefore, the responses should not be used, for example, to indicate a position for or against the SSC.

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

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

SIGMA XI,
THE SCIENTIFIC RESEARCH SOCIETY,
Research Triangle Park, NC, Sept. 29, 1993.

Senator J. BENNETT JOHNSTON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR JOHNSTON: There may be some misunderstanding concerning a questionnaire used by Sigma Xi in 1988. This was an early attempt to measure the attitudes of U.S. researchers. Unfortunately, this first attempt received too low a response rate (about 33%) to be useful.

Among many questions, the questionnaire asked for a ranking of the top three best uses of public funds for scientific research [in 1988]. These top three were grants to individual researchers, biosphere/geosphere systems, and AIDS. Even if this poll had received enough responses to be useful, we did not ask whether the researchers were for or against any specific project. Therefore, the responses should not be used, for example, to indicate a position for or against the SSC.

I hope this clarifies the matter.

Sincerely,

JOHN F. AHEARNE,
Executive Director.

Mr. JOHNSTON. Mr. President, that is the kind of opposition we have had to this project. When you examine it, there is nothing there. It is nothing but fog, and beneath the fog, there is no substance. We are told that Philip Anderson, who was brought to the committee at the behest of Senator BUMPERS, as the leading opponent, when he gets to the committee, what does he say? He says:

I well understand that the questions the SSC is designed to answer are deep, fundamental and interesting and also that if the scientists were allowed to carry out their job without interference, they would probably do so very efficiently.

He goes on to say that "the point of my testimony is that of priorities."

We do not fault him for differing on priorities. He is a solid state physicist, in a different field of physics. He is entitled to his opinion. But, Mr. President, he has not criticized this project for its science, for its worthiness or for the excellence of its management.

We are told that there are these other Nobel laureates who oppose the project. Yet we were told that Sheldon Lee Glashow, a Nobel laureate from Harvard University, opposed the project. Sheldon Lee Glashow wrote me a handwritten note by fax last night. I would like to read it to my colleagues:

DEAR SENATOR JOHNSTON: Today, Senator BUMPERS intimated that I oppose the SSC. Nothing could be further from the truth. American triumphs in basic science inspire our youth and give pride to all Americans. The SSC will make a giant step to understanding and the world we are born to. To cancel it is to cut the root, kill the science and leave our Nation shamed and scientifically impoverished. I am 100 percent behind the SSC.

Signed, Sheldon Lee Glashow, Nobel laureate, Harvard University.

Mr. President, so much for the scientists who oppose this project.

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

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

SEPTEMBER 29, 1993.

Senator BENNETT JOHNSTON,
Hart Senate Office Building.

DEAR SENATOR JOHNSTON: Today, Sen. Bumpers intimated that I oppose the SSC. Nothing could be further from the truth. American triumphs in Basic Science inspire our youth and give pride to all Americans. The SSC will make a giant step to understanding the world we are born to. To cancel it is to cut the root, kill the science, and leave our nation shamed and scientifically impoverished. I am 100% behind the SSC.

Respectfully,

SHELDON LEE GLASLOW,
Nobel Laureate,
Harvard University.

Mr. JOHNSTON. Mr. President, the real measure of scientific support for this is the American Physical Society whose 42,000 members have endorsed and this month on September 11, reendorsed this project, strongly supporting the project.

This is not a nation of scientific or intellectual Yahoos. We are not members of the Flat Earth Society. This Nation is the leader of science in the world, an inspiration to scientists everywhere in this universe. We have here a project on the very cutting edge of knowledge.

Mr. President, it is designed to tell us what has been called the final theory. Dr. Steven Weinberg, Nobel laureate, says this:

It is a simple set of principles from which flow all arrows of explanation, final physical principles that have no explanation in terms of deeper principles.

They are, in effect, the deepest principles.

He goes on to say:

If history is any guide at all, it seems to me to suggest that there is a final theory. In this century we have seen a convergence of the arrows of explanation like the convergence of meridians toward the North Pole.

Mr. President, this Nation is on the verge, if we follow through with this project, of finding out about the origins of mass, about why things have weight, about how it all fits together, about what the basic pattern of this universe is, about how we are put together, where the universe is going from here and we dare not turn our back on this, our finest and most profound scientific project.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. I yield the Senator from Virginia 3 minutes.

Mr. WARNER. Mr. President, if I could respectfully ask both managers of this bill the following question: This body had a very thorough and lengthy debate on the question of the reconciliation bill, and at the heart of that bill was a whole new tax structure placed upon the American worker.

My examination of the record is both managers voted against those tax increases. Nevertheless, as I voted with them, our side of this bipartisan debate lost. It is now law.

Subsequent to that, the President, the Vice President, and others in positions of authority have committed to seek further cuts because the argument was made to the taxpayers this new tax will help reduce the annual deficit and then in turn the national debt.

I ask both managers if they are willing to, at this time, indicate what are those additional cuts that are likely to come forward, and why is it that responsible people like our two former colleagues who devised the zero deficit plan just released a week or 10 days ago, come up with one of the number one cuts the Super Collider Program. I have to believe that this bipartisan, objective analysis, this bipartisan objective analysis selected this program among the top 10 to be cut.

So if we are not to cut the space station, and not cut the superconducting super collider, could the managers indicate how, when, and where we are going to fulfill the commitment made by the President, the Vice President, and many in this Chamber to begin to make reductions in Government spending such that the taxes imposed on the American people by this recent piece of legislation are not to be expended for new programs? I pose the question.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS addressed the Chair.

Mr. GRAMM. Is the Senator going to yield the time to answer the question? If he does, I would be happy to answer.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. On the Senator's time.

Mr. GRAMM. No, on the Senator's time. I do not have any time.

Mr. BUMPERS. I do not have any time either.

Mr. President, the Senator from Virginia has posed the question. I remember Ronald Reagan used to say, if not now, when? If not us, who? I ask the managers, where, when are we going to start cutting?

That was everything in the reconciliation, and we have not cut one dime since then. You saw the list I put up here of the things that I have offered and intend to offer, and I will not win any of them.

So far as Professor Glashow is concerned, let me tell you I did not say he was opposed to the SSC. I put it in perspective to say what he is saying is, this is such an infinitesimal part of the journey to finding the origin of matter. It is just that. He said we probably can, but do not hold out the proposition that this is going to find the origin of matter. He said "not even the SSC or its successors will approach the ultimate quest of the origin of the universe." That is what he said.

Now, Mr. President, all those debates 45 days ago about how we are going to cut spending, it is all rhetorical, all rhetorical. Nobody was really serious about it. I do not see, for the life of me, how anybody can keep a straight face and talk about spending cuts and walk on this floor and vote for the super collider and the space station and the advanced solid rocket, on all the rest of those things we do not need, which will not do a thing for the country.

The Senator from Louisiana is always talking about the Flat Earth Society. I wish to reiterate, I am not a member of the Flat Earth Society, but I am a member of the flat broke society and going more broke every day.

Here is the GAO report of August of this year. You think this project is on time and on budget?

1. Progress to date is generally accurately reported but it is very difficult to track with the limited capabilities.

Mr. JOHNSTON. Mr. President, will the Senator yield to correct his statement?

That is the report of last year.

Mr. BUMPERS. This is August, 1993. GAO report.

I am sorry, DOE report. This is the DOE's own review of this project. They identified a $1.5 billion cost——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. Mr. President, I plead with my opponents to vote with me and show a little fiscal responsibility.

Mr. WARNER. Mr. President, I rise today to join with my distinguished colleague Senator BUMPERS to urge the full Senate to support our amendment to terminate funding for the Superconducting Super Collider Program.

Mr. President, on June 24, 1993, the House of Representatives overwhelmingly agreed to eliminate funding for the SSC by a vote of 280 to 150. The SSC Program on which the Senate will vote is vastly different from that which was considered last year. At that time, the Senate believed that it was an $8.2 billion program, and that the total Federal portion of funding would not exceed $5.5 billion. Since then the situation has changed dramatically.

Information released by the Department of Energy reveals that the SSC will probably cost at least $11 billion for construction alone. The Department of Energy admits there is at least a $1.4 billion shortfall in foreign contributions. The Federal share of funding will now be $11.6 billion—more than twice what we believed last year.

Terminating the SSC now would save the American taxpayer $500 million in fiscal year 1994 and $3.1 billion through fiscal year 1998. The total savings, including direct costs and interest amounts to almost $40 million over the next 35 years.

Mr. President, my concern regarding cost increases, questionable value and

schedule delays of this project, prompted me to request that the General Accounting Office prepare a detailed analysis of the program, specifically the direct national security benefits, if any, that might be derived from the project. The answer: very little to none.

Mr. President, the central question the Congress must resolve is: Do the potential benefits of the SSC justify the cost of $11 billion to build the project?

Mr. President, There are no guarantees of fundamental new discoveries if the SSC works as planned. If there are any discoveries, they will have little if any applications to the major technological problems facing the world today. SSC technologies and potential discoveries are in a different domain from solving environmental pollution, curing AIDS, improving mass transit, lowering the cost of medical care, and many other domestic problems which need more funds.

The economic survival of this Nation demands that we spend our hard-earned tax money to solve real problems in this country. Why should we invest billions of dollars on the chance that we might slightly expand our philosophical understanding of the universe, when we have so many urgent problems and critical needs.

Mr. President, this is a time when we must carefully prioritize the allocation of every Federal dollar. Mr. President, since the Congress has already voted to raise taxes in a number of areas, and I for one voted not to raise any new taxes, then we have to consider with equal seriousness major cuts in spending.

We all agree that the spending cuts in the President's deficit reduction plan are not substantial enough. Terminating the SSC would allow many Members who argued for deeper budget cuts to prove we were serious.

Mr. LAUTENBERG. Mr. President, I rise in support of the Bumpers amendment. This amendment will terminate funding for the superconducting super collider. Terminating this project now will save the American people at least $9 billion over the life of this project.

Mr. President, each year the Appropriations Committee analyzes funding requests for certain programs and projects. Since we have limited resources, we must freeze, cut, or terminate many programs. While reviewing these budget requests, we must look at the merits of a project and the costs because we simply cannot afford to fund every program, even though almost every program has at least some value. As we respond to increasing deficits by reducing spending, a program has to have more merit and fewer costs if it is going to get my support.

In my judgment, the superconducting super collider [SSC] has little value and its costs have spun out of control. Therefore, I will soon cast my third vote to terminate funding for the SSC.

Let's start by looking at the issue of costs.

Mr. President, the projected cost of the SSC has grown 200 percent over the last 6 years.

The Reagan administration originally projected that the SSC would cost $4.4 billion to build. We have probably spent that $4.4 billion doing reestimates of what the project will cost. Every year the Department of Energy has to look at the program and tell us that it will cost more than they told us it would last year. Look at the record. In 1988 they told us it would cost $5.3 billion; in 1989 it was $5.9 billion; in 1991 it was $8.2 billion; in 1992 it went up to $10.0 billion; and this year we reached $11.0 billion. And while we haven't gotten to an official reestimate for 1994, the figure of $13 billion has already started to circulate.

Mr. President, this cost escalation is a broken promise to the American people. And it isn't just promises that are being broken: I suspect a few laws about what we can spend Federal dollars on have been broken, too.

The inspector general for the Department of Energy took a look at how some of the money was spent. Here is the conclusion the report reached:

> There was a pattern of unreasonable costs that went unchallenged and cost growth that was not adequately dealt with. We concluded that $216 million, or about 40 percent of the $508 million in subcontractor expenses we examined, were unreasonable. * * * We also found out that $174 million in planned expenditures were not adequately supported to ensure that they were reasonable.

But that was just the general conclusion. Take a look at some of the specifics: $56,000 for decorating potted plants; $35,000 for a holiday party; $18,000 for coffee supplies; $16,000 for a Christmas party; $2,400 for liquor.

So that is what we are spending. What are we getting? Well, Mr. President, that is hard to say. The kind of questions the SSC is designed to answer, the sort of problems it may help us solve, are far from trivial. They are fundamental questions which might tell us something about the nature of matter and the forces operating at the time of creation. They are real questions, Mr. President. They deserve answers.

But we have lived without those answers for thousands of years. I am not convinced that now—with a massive deficit, with massive needs for other kinds of scientific research, with a similar facility being built in Europe—is the time to spend all of this money on the SSC.

Look at it objectively, Mr. President. There is a growing consensus among the scientific community that the cost of the SSC is growing so rapidly that it is threatening to squeeze out many other worthwhile, smaller science projects. Because of its escalating costs, the SSC is taking up approximately 6 percent of Federal spending on basic science.

Those other projects could yield valuable questions to less global questions than the SSC seeks to address. And those questions may yield products and processes which have practical applications. I know that the proponents of the SSC claim that there will be commercial spinoffs from that project, but I am not sure that the person responsible for the project—the Secretary of Energy—agrees. In a letter that I received from her on September 20, 1993, she said that—

> The SSC is the next step in our quest to understand the fundamental nature of matter and energy.

I interpret this to mean that there will be very few commercial spinoffs.

Mr. President, I am not antiscience. I respect the men and women who have devoted their lives to the effort to understand the fundamental forces of nature. I salute the men and women whose research has made America a leader in the scientific world in general and high energy physics in particular. I applaud basic research and am proud of the contribution my State has made to that enterprise.

But the SSC, Mr. President, simply does not meet the contemporary test of budgeting: Its costs continue to increase, it crowds out other valuable research programs, and it simply does not promise enough benefits. I hope there will be a day when we can afford a program like the SSC. But this is not that day. As a result, I will support the Bumpers amendment and urge my colleagues to do the same.

Mr. WOFFORD. Mr. President, since I arrived in the Senate, I have voted to support the super collider. I have long believed that efforts like this deserve support. Such efforts challenge the boundaries of science and the imagination. And I have long believed that a Nation like ours, that has the wherewithall to expand its knowledge, can overcome other challenges such as poverty, homelessness, infant mortality, and insecurity of health care.

But times have changed. The Federal deficit has limited our ability to do all the things that are valuable to do. I don't like this fact—but it is the truth. Now, the American people expect us to make the hard choices necessary to reduce the deficit. I am prepared to make those choices.

Today I will vote for eliminating further spending for the super collider. This decision does not come easily. I recognize the sacrifices that will result. But the fact is that if we are serious about cutting Federal spending and reducing the deficit, we simply cannot now afford this effort.

Mr. President, I am not singling out the super collider for elimination. Earlier this year, I announced a package of spending cuts totaling $65 billion above those proposed by the President. My vote today is another step toward making those cuts a reality.

Mr. MATHEWS. Mr. President, I rise today to add my voice in support of the superconducting super collider.

Obviously, this program is one which has generated much debate and discussion in this body.

The question occurs, whether at this particular time, as our Nation faces some difficult economic choices, we should continue this technological research program.

It's clear, that in an era of growing technological advance, our Nation must make those difficult choices necessary to maintain our competitive edge.

In the past, we became complacent in our dedication to scientific advancement and lost our preeminent leadership role in technology. Mr. President, we dropped the ball, becoming a major purchaser of electronic equipment. We found ourselves sitting on the bench in the microchip industry, and lagging in the aeronautics and automobile industries.

The SSC holds the promise of advances in a wide range of fields from medicine to electronics and computing systems, to transportation. As players in the ever expanding global marketplace of the 21st century, these advances in cutting edge technologies could very well be the keys to our economic future.

Mr. President, our economic climate dictates that we make hard financial choices. In the measures we have considered to date, I have joined with my colleagues in making many such decisions. There is a difference however, in putting our heads in the sand and ignoring opportunity, and in making informed choices.

I believe it is incumbent upon us to create opportunities for our Nation to grow in the future.

In weighing all the aspects of this project, and listening to what informed Tennesseans have to say, I have come to believe in the positive long-term benefits of the SSC. Mr. President, we should not let this program die.

Mr. President, as further testimony of the importance of the SSC, I would ask that an editorial which appeared yesterday in the Nashville Banner, entitled "Don't Abandon the SSC" be included in the RECORD following my remarks.

I thank the Chair.

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

[From the Nashville Banner, Sept. 28, 1993]

DON'T ABANDON THE SSC

Congress is at a decision point on whether to continue development of the $10 billion SSC—the Superconducting Super Collider—under construction beneath a Texas prairie. Such a big-ticket item offers budget-cutters a tempting target.

But despite the need to bring down the federal deficit, shutting down the SSC project at this point, with $2 billion already invested or appropriated, would be foolish. It would be killing, for largely symbolic reasons, a project that could play a major role in creating the knowledge needed to keep the United States in the forefront of new technology.

If and when it is completed, the collider will be the largest scientific instrument in the world, and one of the most important. Its purpose is to help physicists discover the fundamental nature of matter and energy. Its size and power leave no doubt that important discoveries will be made with it, even though no one can predict in advance, as some critics seem to expect, what those discoveries may be or what practical applications may come from them.

Obviously, canceling the collider would "save" money. But Sen. J. Bennett Johnston, D-La., notes that "if you kill this project and 22 others like it, you have saved the munificent sum of 1 percent of the budget. * * * The next day (after the vote), the budget deficit will be just the same * * * and the symbol that would endure is that the United States no longer wants to be a leader of the world in science."

That decision would undoubtedly be cheered in Berlin and Tokyo. President Clinton is right in contending that the SSC project, "will stimulate technologies in many areas critical for the health of the U.S. economy." This project was worth pursuing when the Reagan administration proposed it and Congress approved. It still is.

Despite Clinton's affirmation of support for continuing the project, the strength of his resolve is yet to be determined. The SSC deserves his firm backing.

There is a determined effort in Congress to kill the collider. The House of Representatives voted 280–150 this summer to end funding. But the Senate saved the project last year, and there's hope that it will again.

There are innumerable places and programs in which Congress can—and should—save money. But it would be irresponsible and misguided to sacrifice in the name of deficit cutting a project of this importance to science and potential for the nation's technological future—one that can reasonably be expected to pay major dividends.

Mr. BRADLEY. Mr. President, I rise today to support the Bumpers amendment, as I have done every time my distinguished colleague has introduced it.

Less than 3 weeks ago, I spoke in this Chamber about the need for principles to guide our attempts to cut Federal spending. Without a set of principles to guide our actions, we will just continue to argue in circles about the merits of every program on the chopping block, yet eliminating none of them. Mr. President, this is precisely the kind of business as usual politicking that has caused the American people to become cynical of our system of government, and frankly, I don't blame them.

That is why I've asked myself two simple questions each time I've set out to cut spending in the appropriations bills that the Senate has been considering over the past few weeks. The first question: "Does it provide something that is in the general interest, and is essential to American public life?" The second: "Is the taxpayer funding the only and most cost-effective way that this specific important public purpose will be met?" These two principles, I believe, reflect basic American values, and take into account the obvious limitations we have on Federal spending.

The Senator from Arkansas has pointed out time and time again, here on the Senate floor and in Energy Committee hearings, the weaknesses of this project. Does it provide something in the general interest, essential to American public life? That is a fair question. Proponents of this program believe that the SSC will be the linchpin to our technological progress into the 21st century. In 1990, however, the Federal Government spent over $60 billion in research and development that was not related to SSC. Industry spent nearly $78 billion on R&D. From the standpoint of R&D, the SSC program is far from the be-all and end-all that its supporters would claim.

In our present circumstances, I cannot blindly support a program that asks so much of us. In a perfect world, where governments don't run budget deficits into the hundreds of billions of dollars I agree that the SSC could be a valuable part of the R&D picture. But as we know, Mr. President, this is not a perfect world. For the past 2 years, the deficit has been greater than the defense budget. Less than 2 months ago, we passed a budget that would reduce the deficit $490 million over 5 years. We did so, and we all talked about the need for additional spending cuts and special sessions of Congress devoted to deficit reduction. But for all that rhetoric, we've been unable to cut much more than a study for extraterrestrial life.

Now, I have stated repeatedly that I am committed to technological advancement, to research and development. I myself have consistently supported funding for R&D that is cost effective, goal oriented, and focused. But we cannot continue to justify the existence of a program based simply on its possible merits, particularly when we spend so much on what we all agree is essential R&D already.

From a management standpoint, SSC is simply a bust. In its report, the DOE's own review committee on the baseline validation of the SSC noted $2.9 billion in additional costs. That's on top of the cost estimate of $8.24 billion. That doesn't include the $1.6 to $2.4 billion that would be needed if the project was stretched out by 3 years. And unless DOE is going to compromise safety or the research capability of the SSC, then over $1 billion in additional funding would be needed to pay for potential overruns. Mr. President, when does it end? Are we going to continue to dig ourselves deeper and deeper into this black hole or are we going to climb out?

Mr. President, I say we climb out. I support the Bumpers amendment, and I urge my colleagues to do so.

Mr. FEINGOLD. Mr. President, I join Senator BUMPERS and my other colleagues in opposing continued funding

for the superconducting super collider. I do so, because after careful thought, I continue to believe that we as a country cannot afford this project.

I would like to share some background on my opposition to the superconducting super collider. Early in my campaign for the U.S. Senate, I identified specific targeted projects I believed should be eliminated in the name of deficit reduction. The superconducting super collider was one of those projects. Since that time, I have given this project much additional consideration, and I have done so with significant input from scientists in the University of Wisconsin-Madison physics department.

I am told University of Wisconsin-Madison has around 40 scientists and engineers involved in the design of various SSC projects and technologies. In fact, approximately $7 million of the funds expended have made their way to this university located not 10 miles from my home.

It follows that there is a good deal of support for the SSC in the University of Wisconsin physics department. In fact, I have heard from only one professor there who opposes the project. This physicist believes that funding of mega-projects such as the SSC comes at the expense of smaller scale peer reviewed projects that were once the basis for scientific advances. The other physicist who have contacted me are strongly in support of the SSC, and I certainly respect their opinions.

However, aside from the arguments of whether to fund big science or small science, and aside from the arguments over whether the SSC is the necessary next step in particle physics, I believe we must look at the bottom line.

The bottom line is this. The U.S. Government does not have the money to pay for the SSC. According to a recent Department of Energy report, if this project is stretched out we can expect total costs to exceed $11 billion and more likely to approach $13 billion.

After it is built, the Department of Energy anticipates $500 million a year in operating costs. What does this mean? Over the entire lifetime of this project, Congress would have to appropriate more than $30 billion. In other words, our Federal debt will increase more than $30 billion for this one scientific project.

One side note, the management of the SSC project has come under considerable scrutiny recently for allowing outlandish subcontractor expenses. I do not think the average American taxpayer considers $127,000 for liquor, holiday parties, potted plants, and coffee supplies to be a very good investment in our scientific future.

I hope the recognition that all is not well with management of the SSC project, coupled with already escalating costs will encourage my colleagues to oppose funding.

Hate to think what the ultimate cost will be to the taxpayer, and what the burden will be to our Federal debt.

Mr. President, I am proud to be a cosponsor of this amendment, and encourage my colleagues to join me in terminating the superconducting super collider.

Mr. MOYNIHAN. Mr. President, the motion to table the proposal to reduce the appropriation for the super collider gives me the opportunity to repeat in what will be more coherent terms the remarks I made yesterday. These were based on a conversation with our nobel laureate Murray Gell-Mann, although he bears no responsibility whatsoever for their accuracy.

STATEMENT BY SENATOR DANIEL PATRICK MOYNIHAN ON THE SUPERCONDUCTING SUPER COLLIDER, SEPTEMBER 29, 1993

The Super Conducting Super Collider is a machine for creating new kinds of matter. Matter not seen since the first few trillionths of a second after the birth of the universe. It is also a machine that will help us develop a unified theory of matter. As a machine, the SSC will accelerate protons to nearly the speed of light and then crash them together with such force that some of the energy will be transformed into matter, as predicted by Einstein's famous equation $E=mc^2$. The particles produced will tell us important things about the composition of matter and give us insights that we can harness to advance civilization.

To many this seems ridiculous. What else do we need to know about matter? Do not our senses tell us all we need to know about matter, at least all that is important? And what is the evidence that the insights will advance civilization?

Let us look at history. The Greeks thought matter was made of material that could not be cut—the atom. Yet for all their insight they never developed a body of laws that would regulate all nature. Newton with his laws of motion and gravitation gave hope to such a unified theory, but as scientists learned more about chemistry, light, electricity and heat it was clear that Newtonian physics could not explain many phenomena. The world is a complicated place.

The development of X-rays and electricity showed that there was a fundamental particle, the electron, present in all matter. In other words, atoms are made up of subatomic material. This insight gave us a new way of looking at matter, leading to a whole array of devices that have improved our lives in so many ways—medical diagnostic and treatment devices, engineering tools, entertainment, defensive weapons, and more.

Albert Einstein provided even more insight about matter with his special theory of relativity, suggesting new ways to demonstrate the existence of atoms. He interpreted Max Planck's work on heat and radiation in terms of a new elementary particle, the photon. This led to the development of the lasers so widely used today. Used to scan grocery prices, replay music, perform delicate surgery, improvements in the quality of life that would never have been dreamed of let alone achieved had we not paid for the support of physics research.

Similarly, quantum mechanics developed in the 1920's by Niels Bohr allowed us to describe matter in terms of wave functions and probabilities, instead of particles and forces. The insight that chemistry could be explained in terms of electrical interactions between electrons and atomic nuclei led to the development of our modern chemical industry.

Though our progress has been great there are many gaps in our knowledge, and many wonderful though unpredictable benefits yet to be realized. The string theory first developed by Gabriel Veneziano in the late 1960's shows that the standard model of matter is a low-energy approximation of the fundamental nature of matter. Imagine that; strings! As if we didn't have enough trouble imagining matter made of the wave interactions predicted by quantum theory, we must now conceive that at a more fundamental level the subatomic particles are linked together in strings, much like the way atoms are strung together to make molecules, and molecules strung together to make matter as we perceive it daily. The trouble is that if we are to determine what matter is truly made of, we must create conditions similar to those that occurred when the universe was born. Energy levels that currently can only be approximated by the SSC. There is no promise that the findings from experiments with the SSC will result in complete understanding of matter. Past history suggests it won't, but it also suggests that the benefits that will accrue from applications of the insights gained will more than repay the costs of the SSC.

Mr. KERRY. Mr. President, I have no doubt that the superconducting super collider will make an important contribution to our Nation's wealth of scientific knowledge. I am told by respected members of the scientific community—many of whom come from my home State of Massachusetts and have a vested interest in the research to be conducted with the SSC—that this project will advance our understanding of particle physics. And I recognize the importance of that fact. During my service in the Senate, I have been a strong supporter of science and technology programs because I recognize the role such projects play in protecting our Nation's economic security and standing in the international marketplace. Advancement in basic scientific research is important to the maintenance of our competitive edge. I take a backseat to no one in recognizing that science and research are baseline essentials for our economy and its competitiveness.

Today, however, we find ourselves at a crossroads. We must prioritize our national spending. The question of whether to fund the SSC is more complex than simply whether to endorse and fund such projects in order to realize their pure research value. The context of the debate is defined by the twin imperatives of reducing the daunting $300 billion Federal budget deficit and maintaining the United States' lead in the many facets of science and technology. The total amount of Federal funding available for all scientific and technological activity is limited—it is truly or very nearly a zero sum game. Consequently, funding invested in big science or in megaprojects such as the SSC may mean dollar-for-dollar reduction in

other science and technological programs. Such a circumstance requires elected officials to make very difficult and painful choices.

One of the main problems with the super collider is that the project seems to have a limitless ability to generate ever higher costs. The GAO, DOE inspector general and Defense Contracts Audit Agency have sharply criticized the management of the SSC Program. In fact, one DOE audit concluded that the data does not exist as of yet to formulate a reliable estimate of cost or schedule—this at a time when we all must tighten our belts to bring costs under control.

Furthermore, many preeminent scientists have concluded that the supercollider will have little or no direct spinoff potential. If we are really interested in promoting superconductor, mag-lev or medical research, as proponents of the SSC claim we will be doing indirectly by continuing the supercollider, then let's invest the taxpayer's dollars directly into those technologies.

I wish we could fund each and every worthy science project that comes before the Senate. We cannot. Big science projects are consuming larger amounts of the Federal R&D budget. The Congressional Budget Office has estimated that nondefense big science projects funding will rise to 22 percent of the R&D budget by 1996. As the costs for big science projects increase, other research areas suffer. Let me offer just one example. The decade of the 1990s has been billed "the Decade of the Brain," yet researchers working on unlocking the secrets of stroke—the No. 3 killer of Americans—are hindered by a lack of sufficient funding. Progress has been made in understanding the causes of Parkinson's disease and multiple sclerosis. But his progress has been slow in coming and is threatened by poor funding. Millions of Americans continue to die from cancer and heart disease. More research funding could be critical to conquering these age-old ailments. The list goes on.

Mr. President, I am not saying that big science projects are not deserving of Federal funding. Indeed, I want to support and wish I could support the best managed and most promising science and research projects. But constraints imposed by the budget deficit and our monstrous Federal debt force us to continue to defer projects we would like very much to support. The SSC is among them. We must subject all science projects to a harder set of tests. My sad conclusion is that the SSC, despite its significant merits, is unable to pass this new and stiff test.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has 49 seconds.

Mr. JOHNSTON. Mr. President, this issue is about symbols, to be sure, the symbol on the one hand of making a cut of 43/1000th of 1 percent in our Federal budget—a powerful symbol. It will resonate for maybe a day for the American public.

It is also a symbol that says America will be walking away from its leadership in science, the inspiration of the world in science, the excellence of 10 years of work where every milestone has been met, every goal has been reached, and a project that, according to the Secretary of Energy, according to the distinguished scientists, is on time and on budget. And there has not been one shred of evidence to show $1 of cost overruns. Mr. President, it is a great project. It should be continued.

Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. PRYOR], would vote "nay."

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—57

Akaka	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Boren	Grassley	Murkowski
Breaux	Hatch	Nickles
Brown	Hatfield	Packwood
Byrd	Heflin	Pell
Campbell	Helms	Pressler
Chafee	Hutchison	Reid
Cochran	Johnston	Robb
Coverdell	Kempthorne	Rockefeller
Craig	Kerrey	Shelby
Danforth	Lieberman	Simon
Daschle	Lott	Simpson
Dole	Lugar	Specter
Domenici	Mack	Stevens
Feinstein	Mathews	Thurmond
Ford	McCain	Wallop

NAYS—42

Baucus	Durenberger	Leahy
Bond	Exon	Levin
Boxer	Faircloth	Metzenbaum
Bradley	Feingold	Mitchell
Bryan	Gregg	Murray
Bumpers	Harkin	Nunn
Burns	Hollings	Riegle
Coats	Inouye	Roth
Cohen	Jeffords	Sarbanes
Conrad	Kassebaum	Sasser
D'Amato	Kennedy	Smith
DeConcini	Kerry	Warner
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	Wofford

NOT VOTING—1

Pryor

So the motion to table the amendment (No. 983) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON CONFERENCE REPORT—H.R. 2295

The PRESIDING OFFICER. Under the previous order, the question is on the Foreign Operations conference report, with the time for the vote being 10 minutes.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

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

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—88

Akaka	Exon	McConnell
Baucus	Feingold	Metzenbaum
Bennett	Feinstein	Mikulski
Biden	Ford	Mitchell
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Moynihan
Boren	Graham	Murkowski
Boxer	Gramm	Murray
Bradley	Grassley	Nickles
Breaux	Harkin	Nunn
Brown	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burns	Hutchison	Reid
Campbell	Inouye	Riegle
Chafee	Jeffords	Robb
Coats	Johnston	Rockefeller
Cochran	Kassebaum	Sarbanes
Cohen	Kennedy	Sasser
Conrad	Kerrey	Shelby
Coverdell	Kerry	Simon
D'Amato	Lautenberg	Simpson
Danforth	Leahy	Specter
Daschle	Levin	Stevens
DeConcini	Lieberman	Thurmond
Dodd	Lott	Warner
Dole	Lugar	Wellstone
Domenici	Mack	Wofford
Dorgan	Mathews	
Durenberger	McCain	

NAYS—11

Byrd	Helms	Roth
Craig	Hollings	Smith
Faircloth	Kempthorne	Wallop
Gregg	Kohl	

NOT VOTING—1

Pryor

So the conference report was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

CORRECTION ON VOTE NO. 297

Mr. BINGAMAN. Mr. President, on rollcall vote No. 297, I was present and voted "aye." The official RECORD shows me as being absent. Therefore, I ask unanimous consent that the official RECORD be corrected to reflect my

vote. This will in no way change the outcome of the vote.

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

(The foregoing tally has been corrected to reflect the above order.)

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will just take 1 minute.

I do want to thank my colleagues for the very strong support for this foreign aid bill. I think, as I said earlier, we have put an extraordinary package of aid together for the former Soviet Union, for the new Independent States. I hope that the people in Russia, as well as the people around the world, see what this final vote was. It was an extraordinary vote, with nearly 90 percent of the U.S. Senate voting for this. In the other body, there was also a very heavy vote for it.

As I said earlier, we are not simply supporting one person in Russia. That would be a mistake. I do hope that President Yeltsin is successful in a peaceful resolution of what is happening in Russia. I would not want this to be an indication that we have put our aid package tied solely to the fate of one person. It is tied to the concept of creating democracy in the former Soviet Union, in helping economic progress in the former Soviet Union.

But it is also making very clear, as President Clinton has already said, that we are supportive of going forward with democracy in Russia. We are hoping the impasse today will be resolved peacefully, without bloodshed, and there will be democratic elections soon.

But I think that everybody should understand where the U.S. Senate stands. It was a very strong vote. And I thank my colleagues for it.

I yield the floor.

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts [Mr. KERRY] is recognized.

Mr. KERRY. Mr. President, what is the parliamentary situation? Do we need to set the amendments aside at this point?

The PRESIDING OFFICER. Under the previous order, the Senator was to be recognized to offer his amendment.

Mr. KERRY. I thank the Chair.

AMENDMENT NO. 987

(Purpose: To restrict funding for the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR) Program)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for himself, Mr. GREGG, Mr. FEINGOLD, Mr. DECONCINI, Mr. LAUTENBERG, and Mr. BUMPERS, proposes an amendment numbered 987.

Mr. KERRY. 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 54, between lines 6 and 7, insert the following new section:

SEC. 506. ADVANCED LIQUID METAL REACTOR.

No funds appropriated under this Act shall be expended for the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR) Program, or related fuel cycle programs, except for the purpose of terminating such programs.

Mr. KERRY. Mr. President, we just had one of the more significant votes to try to cut in a place where I think an awful lot of us felt very strongly a cut could have been made and it was not. As we all know here in the Senate, it is not easy to cut. It is not easy for Senators to vote against other Senators' projects, States, or workers. We all have concerns. We all have considerations.

I would like to make it as clear as I can that in bringing this amendment, I well understand the needs and concerns of Senators in their home States. I, indeed, talked to each of them well before bringing it up in order to notify them so there will be no surprise about this. But I believe personally, Mr. President, that this is one of those items in the budget where we have to look beyond the parochial considerations and where we really have to weigh heavily what the implications are, not just on the budget but on the larger questions about the overall budgeting process and, much more importantly, in this particular issue, the advanced liquid metal reactor, about the larger concerns of the United States and of the world.

This is an issue about money, about environmental concerns, about cost and efficiency over the long term and about proliferation. And one of the most significant issues at stake is the question of proliferation.

Now it is not completely easy for somebody just to sort of jump into this thing and weigh through some of the technical aspects of it, but I assure my colleagues that it is not as complicated as, at first blush, it might seem.

Second, there is a way to understand very precisely what is happening here.

The first thing that I would like to make clear is that the amendment that has been sent to the desk by myself, together with Senator GREGG of New Hampshire, Senator FEINGOLD, Senator DECONCINI, Senator LAUTENBERG, Senator BUMPERS, and others is not a vote on nuclear power.

I want to make that very clear at the outset. This is not a vote for or against nuclear power. In point of fact, I support light water reactors and next generation light water reactor technology. That is not what this vote is about.

This vote is about one particular technology, one kind of technology, a nuclear technology, and what the implications of that one kind of technology are for our overall policy.

Just this week the President of the United States went to the United Nations for his first address to the United Nations. In that address the President articulated very clearly, and I might add appropriately, his nonproliferation policy.

A key element of that policy, in my view the very heart of that policy, is an effort to stem the production of materials that can be used in nuclear weapons.

I know the President recognized that, for the United States to be able to lead in this effort, which is what he said he wanted to do, that is why he went there and made this speech—for us to lead in this undertaking, we have to have our own house in order. We have to approach this with the moral high ground, the clean hands necessary to permit us to talk to Japan or to Russia, both of whom have potential technologies but not yet the kind of commitment that we appear to be making in this advanced liquid metal reactor.

So much of what hinges on this vote is the question of the signal we send to Russia or to Japan or to any other country that proliferates, whether it is South Africa, Brazil, Argentina, Pakistan, Israel, all these countries about whom we have expressed concerns about bombs and bomb proliferation.

The United States has to set an example. If the United States moves into a plutonium-creating breeder reactor capacity, the United States is acting in a way directly contrary to our stated policy.

I want to emphasize the White House stated policy:

The United States does not encourage the civil use of plutonium and accordingly does not itself engage in plutonium reprocessing for either nuclear power or nuclear explosive purposes.

Those are the words of the President of the United States, spoken this week. "The United States does not engage in plutonium reprocessing for either nuclear power or nuclear explosive purposes."

The Kerry-Gregg-Bumpers amendment aims to bring U.S. practice, the money we are spending on our programs, into line with this policy of the President, enunciated this week. We seek to strengthen the Government's ability in its nonproliferation diplomacy by terminating the Advanced Liquid Metal Reactor Program.

I might add we also seek to save $50.4 million this year, $165 million over 5

years, and the potential expenditure, depending on what we all know is the foot-in-the-door psychology, get the study done, get the program going, get some other States involved, create a rationale, and we are off and running to a $2 to $3 billion expenditure over 10 years.

Several times in the course of the debate on the super collider and the space station we heard the Senator from Arkansas say very clearly in all his years in the U.S. Senate there is only one program that actually got cut in this body and that was the Clinch River breeder reactor. Several times he said that.

Right now we have an opportunity to decide whether or not that one cut may be reversed because the ALMR, the advanced liquid metal reactor, is the son of Clinch River breeder reactor. It is the direct descendant of the Clinch River breeder reactor. And Congress terminated the Clinch River breeder reactor because of cost, because of environmental concerns, and because of nuclear proliferation concerns.

While there have been some advances in technology in the course of the decade since that decision was made, the disadvantages of the breeder reactor remain essentially unchanged. Breeder reactors convert uranium into plutonium and the material, plutonium, we all know is used to make nuclear weapons.

Promoting a fuel cycle based on plutonium, which is what the ALMR does, inevitably increases the risks of proliferation, because if it is a technology that we are building supposedly to have commercial capacity, we want to sell it. If we want to sell it, so it is valuable to have engaged in this process, we are turning the technology over to the people we sell it to.

If it has plutonium-making capacity, we are turning over to them the plutonium-making capacity. That is the cycle. And that raises the risks.

Some will come to the floor today and they will claim this technology is not a breeder. All I can do is ask my colleagues to measure all the scientific statements with respect to this particular technology. But most important I ask them simply to turn to the Argonne National Laboratories of Illinois, which we are going to hear from today, to their own annual report. Let me quote from the annual report of Argonne National Laboratory. It says:

> Because the IFR can be operated as a breeder reactor, it can produce more fuel than it consumes.

That is the Argonne National Lab's own report. Those are its own words. And that is its own hype about why this breeder is important.

Some may try to deny those words or say it is not important anymore, but it stands. In addition to the facility at Argonne West, that funding in the appropriations bill would go to allow operation during the so-called termination period of what is called EBR–II. That is the title of it in the bill. That is the title of its name out in Idaho, EBR–II.

EBR–II stands for experimental breeder reactor II; the son of Clinch River.

The ALMR does exactly what the President of the United States has said we should not do. It does exactly what the Congress of the United States decided we would not do. It reprocesses plutonium. For this reason the New York Times and the Washington Post this past week, and other papers have all editorialized saying we should end the funding for the ALMR. In one of those editorials, the New York Times, it says:

> * * * because it produces electricity by converting uranium that cannot be used in warheads into plutonium which can be used in warheads.

It is critical to note that ALMR, the advanced liquid metal reactor, is not necessary to preserve the nuclear option of this country. I said something about this at the outset of my comments, but I want to make it very clear. The nuclear power industry itself in this country has indicated its future depends on the success of a new generation of advanced light water reactors. In fact, the nuclear industry of this country is not deeply interested or financially heavily committed to this effort. They are telling us the Government has to build two prototypes before they are willing to really get involved and take a financial stake.

So here the Government is launching off on this great effort with the nuclear industry understanding its future is not in liquid metal reactors, they are in light water reactors, and in the next generation of light water reactors which use uranium and which create a waste product where the plutonium is contained with the actinides and the Pu-239 which is all mixed together. Because it is mixed together you cannot use it for bombmaking purposes.

The danger of the ALMR is that it separates through this pyrotechnical process—it separates out that waste, and leaves you much closer to bomb capacities.

The light water reactor is what is called a slow reactor.

Mr. JOHNSTON. Will the Senator yield at that point, or does he want to finish?

Mr. KERRY. I would like to get through the statement and then I will be happy to answer questions, if the Senator would like.

The slow reactor, which is the light water reactor, specifically does not breed. The Department of Energy currently has a program, which I support and others here support, to develop the advanced light water reactors. This program is funded jointly with the industry, as well as the Government.

In addition, a National Academy of Sciences report gave light water reactors the highest ranking for overall performance in its evaluation. The capital costs of producing plutonium fuel are necessarily much higher than those of uranium because of the extra costs of the reprocessing.

As a result, the price of uranium would have to increase about fifteenfold before the ALMR would potentially be competitive with light water reactors. And the only way that is going to happen, Mr. President, is if the light water reactors first became so widely used, much more widely used than they are today, that they totally depleted the supply of uranium.

The National Academy of Sciences estimates that even if that happened—and there is no sign that it will happen—but even if it happened, the liquid metal reactor would not be cost competitive with light water reactors for a minimum of 30-plus years and probably for more like 80 years and possibly not ever because the technology during that period of time will change so significantly that the ALMR would be obsolete. That is even if you are just sitting around talking about this, without the proliferation concern, without all the other cost concerns, without the dangers in terms of waste creation through the processing, and I will get into that in a few minutes. That is just on the issue of cost and economic viability.

Even if you are given that scenario, Mr. President, it is just absolutely highly questionable that the ALMR technology is ever going to be competitive as a source of electricity. Even if uranium prices dramatically increase to make a breeder competitive with advanced light water reactors, that is not going to guarantee that breeders are going to be cost competitive with other sources of electricity, which we are doing an enormous amount to develop, ranging from improvements in our current process, natural gas, wind, solar, et cetera.

The truth is, Mr. President, like a lot of projects that come along in the U.S. Congress, they start with one rationale, and then when that rationale seems to fade because people have a stake in it—jobs are created, contracts are given, universities get attached, professors, et cetera—then we always run around and try to find another rationale for doing something.

That is precisely what has happened here. The ALMR has been on one of those roller-coaster rides of rationale. Recognizing the lack of economic justification, and that can be shown beyond any reasonable doubt, but recognizing the lack of economic justification, recognizing the absence of any real commercial interest in this effort from the nuclear industry itself, proponents of the ALMR are now going to come to the floor today and they are

going to promote waste management mission. There is the new mission of the ALMR. It is going to help us not proliferate. It is going to help us burn up the actinides, and we are going to somehow get rid of the plutonium that is dangerous and that is going to be a benefit in the new technology through a process called actinide recycling.

This is a technology that, in talking with colleagues, as all of us have been in the last couple of days, I hear some of my colleagues say, "Well, that sounds kind of interesting. Gee, that would be kind of good if we could burn up the plutonium, if we could take military arms material and get rid of it, would that not, in fact, make sense?"

And on the surface, I suppose it sounds fairly appealing to have the capacity, particularly something in nuclear, to make something useful out of waste. We have been trying to do that in other sectors. It sounds good to say we can chew up nuclear waste, but, Mr. President, there is a lot more to examine than the promise, the fiction, or the hope that is what we would be able to do here.

No. 1, there already exists attractive technologies to dispose of civilian radioactive wastes from nuclear reactors. One of those methods is called direct disposal which keeps all of the waste tied in together so that it is easily traceable, easily manageable and, most importantly, very difficult to separate and put into bombs.

A number of studies have found that fissioning of radioactive waste is neither a safe nor a feasible means of waste disposition from an environmental perspective.

So, No. 1, we have another method; No. 2, you are posed to face major environmental problems in trying to engage in the fissioning of radioactive waste.

The Department of Energy just published a report in July, and I quote:

> The spent-fuel alternative using light water reactors was the most practical and economical alternative evaluated.

That is the best way to do it. Mr. President, what you can do is, you take the plutonium, you take the waste currently produced from weapons, et cetera, and you can mix it into uranium and factor right back through the light water reactor which then mixes that plutonium in this totally mixed spent fuel which then cannot be made into weapons product. That is a far cheaper, far more sensible way to deal with the question of waste than creating a whole new set of reactors solely for the purpose, supposedly, of burning, and I say supposedly because a lot of other people have the capacity to convert those once they purchase them.

So you have the danger on the environmental side, the danger on the economic side, and the danger on the proliferation side constantly leaping out at you.

Even the American Nuclear Energy Council has stated in congressional testimony:

> We see no benefit in considering transuranic burning as a waste solution for current fuel.

This is the American Nuclear Energy Council saying: "Don't do it; there's no benefit to it."

Actinide recycling itself, I might point out, generates highly radioactive fission products along with heavy toxic metals, in effect substituting one daunting toxic waste disposal problem for another.

That has to be emphasized here, Mr. President. Can you do a pyrotechnical process that, in fact, does burn some of this material? Yes, I acknowledge that. Yes, you can do that. But there is an enormous cost apart from the cost of building the technology. There is the cost that process itself produces waste. In fact, it will increase your fissionable product waste and low-level waste by some 30 percent, and that has to be stored somewhere.

So you have not really solved a problem fundamentally, you have created a new problem. We all know the problem of localities dealing with large amounts of low-level waste and where we are going to put them. In effect, you take one daunting thing with this dreamy idea and you put it away with another.

I might add, Mr. President, the cost of this is extraordinary. We are talking about 325 jobs. That is what is at stake basically. And the cost of this program, the money that is at stake in this today comes down to $500,000 per job. It would be a heck of a lot cheaper just to take some money and pay these folks and say, "Don't go do anything," instead of paying them to complete the task at $500,000 per job. The economics of this program remain without any justification, despite this new proclaimed shift in emphasis, which I can go into at greater length.

The National Academy of Sciences and independent scientists—I think it is important to note as we go through this debate, we are going to hear from folks involved with the EBR-II in Idaho and we are going to hear from my friends in Illinois with Argonne and we are going to hear from those scientists and those professors who are, indeed, involved with the technology and like it. They are going to say nice things about it. But the only independent studies that have been done, the National Academy of Sciences and the Lawrence Livermore National Laboratory study, have questioned the economic viability of using this technology for waste management purposes. I quote from the NAS study last year:

> The potential to alleviate some of the waste disposal problem for LWR fuel through actinide recycling is not considered justification for advancing the advanced LMR.

Scientists at the Lawrence Livermore Lab, in fact, have estimated that using the ALMR for waste management could quadruple the cost of high-level waste disposal.

Another claim that proponents of the ALMR have made is that it is necessary for the disposal of military plutonium.

But again I pointed out that many other safer and more cost-effective alternatives exist for plutonium disposal including running the waste through the light water reactor that I already talked about.

Now, Mr. President, maybe this is a good moment to point out what the technology is.

This looks like a daunting chart, complicated, but these are the different forms of producers of both waste and plutonium.

You have your fast reactor.

And what we have done is put them at the range of the danger scale.

The light water reactor, the ALMR, and the possibility of what is called wrapping a blanket [U-238] around the reactor and then they bombard it, and that is the process that creates breeder and that is the true breeder reactor.

Both the ALMR and light water reactor initially produce actinides which is waste, fission products, and Pu-239, which is the plutonium. It is all mixed together, and that is the way the light water reactor leaves it, all mixed together. That is why it is difficult to make a bomb because it is an extremely complicated and expensive process to take the Pu-239 and process it out so you can get it down into a weapon.

Now, from this stage, in light water reactor, we currently do direct disposal, easy to track. You go from here. You have it all mixed together. It is not easy to make into a bomb and you take it down into direct disposal.

What the ALMR would propose to do is have another process called pyroprocessing which burns it and separates the Pu-239 and other actinides from other fission product.

In point of fact, these circles are reversed. Pu-239 and the other actinides make up only 5 percent of the mass of the waste. The fission products are about 95 percent of the mass of the wastes. So you have pyro-processing which is going to be OK to take out other actinides and Pu-239, but it has created more fission waste, product waste.

Incidentally, in the fission product waste you have your longest half-life material, some of which has a half-life of millions of years, 24,000 years, different components of it, and that still has not been dealt with, 95 percent of it. It would take, to deal with all of the waste that we are talking about trying to get rid of that they are advertising is potentially helpful, 40 plants, 40 ALMR plants, 100 years of processing

to try to get to the point where they have processed the available waste, still leaving you with a 30 percent increase of waste. Now, that is if you had built 40 plants.

Mr. President, this material here is very easily translatable into weapons material because you do not have the fission products any longer mixed in it. And if you have taken this technology and commercially made it viable and sold it, you have made this capacity. Unless somebody is going to honor the process and take this fuel back and burn it again in the ALMR, they can take that off and reprocess it quickly into weapons grade material, or they have the alternative of making changes in the reactor, wrapping a blanket around it, creating a breeder reactor and then going straight into weapons material through this methodology here.

That is the danger. There is no guarantee. You sell this technology. People can change it. You have massive infrastructure of nuclear technology being supposedly commercially transferred which is plutonium created, and that is dangerous.

The safest is to hold it in this form. It is also economically the most viable.

Now, we have 84,000, we estimate, metric tons of civilian waste that will come from all of the nuclear plants of this country today. That is the estimate for the life of those plants. Over the life of those plants, they will produce about 84,000 metric tons of waste.

Military waste, including Russian missiles, is only about 100 metric tons—100 metric tons measured against 84,000 civilian tons of waste and this will only separate about 5 percent of the plutonium portion of it.

It does not make sense, Mr. President.

An Office of Technology Assessment release last week found that the concept of plutonium transformation using fast reactors appears to have some limitations. To consume plutonium in a fast reactor requires significant design changes from the original ALMR that was intended to produce plutonium. It could also be expensive. The required reprocessing could multiply the total volume of radioactive waste by 10, thereby drawing up costs.

So you have to ask the question why do we want to do that? Why do we want to factor up the total amount of radioactive waste by a factor of 10 when we already know the struggle we have in trying to achieve legitimate repository for nuclear waste in this country?

ALMR's will not be able to dispose of military plutonium in a timely fashion. It would take about 20 years for ALMR's to be commercially available, assuming it works and they proceed down this road, assuming the absolutely incomprehensible—that it stuck to time line—and the absolutely unexpectable, which is that it stuck to price line, as we have seen in every other program of the Government. And then they would have to recycle military plutonium through their reactors, just the military. Remember, 84,000 metric tons of civilian high-level nuclear waste versus 100 metric tons of military.

Just to deal with the military, the ALMR's would have to process this military waste through their reactor cores for 100 years in order to transmute the plutonium into fission products. Meanwhile, that plutonium would have to be stored and safeguarded.

Now, one of the key differences in these methodologies is that this is transparent as a process. You could see easily where it is going. You could track it. You know because of the reprocessing demands. It is a lot more capable of being tracked and it is mixed.

This is unmixed, not as transparent. It is closer to the bomb level. It is subject to diversion. It is harder to track. And it only deals with that 5 percent volume.

Now, Mr. President as a result of proliferation and environmental concerns that this raises and the $500,000 per job cost, it is simply far too expensive an indulgence and far too dangerous an indulgence for a nation that is groaning under the burden of the debt we have to say it is OK, we are going to help people in certain States and we are going to kind of be soft on this one and not be critical about the promises of this so-called new technology, this new reason for the existence.

If you compare the termination costs—some people are going to tell you that there really is not that much cost difference, that there is already a termination time line that this is on, and so if we just proceed down the termination line it really will not make that much difference.

Well, the Kerry-Gregg-Bumpers amendment directly saves us $50.4 million this year. It leaves in $100 million for the termination process and then we save $165 million over the 5 years.

Now, if you take that $165 million and look at the people who are working in these two locations whose jobs will be affected, this is precisely how you come out with the question of $500,000 a job.

Mr. President, there is a great deal more to be said. There are other people to be quoted who are in support of this cut. But this comes down to one of those critical questions about big science versus small, about promises versus broken promises and dreams, and so forth. And when you measure the dangers of this system against the realities of cost, it simply does not make sense.

The National Taxpayers Union says cut it. Citizens Against Government Waste says cut it. The Safe Energy Communication Council says cut it. The National Resources Defense Council says cut it. The Nuclear Control Institute says cut it. The U.S. Public Interest Research Group says cut it. Public Citizen says cut it. The Sierra Club says cut it.

You can go on down the road here. This is not a technology that is somehow sought after even by the industry itself.

And I will quote later from some of the energy and power institutes, electric power institute studies themselves, which show that they are not interested in this technology.

Mr. President, I reserve the remainder of my time. The Senator from Wisconsin, I believe, wanted to speak.

The PRESIDING OFFICER (Mr. KERREY). Who yields time?

Mr. JOHNSTON addressed the Chair.

Mr. KERRY. Mr. President, I did not yield the floor.

I wanted to see how long the Senator wants to speak.

Mr. FEINGOLD. Three minutes.

Mr. KERRY. Mr. President, let me ask my friend. Does he want to take some time at this point?

Mr. JOHNSTON. If the Senator from Wisconsin wants to proceed, I will defer.

Mr. KERRY. Let me say to my friend, I think the Senator from Wisconsin wanted only 3 minutes. I know the Senator from Louisiana wants more time than that. If the Senator from Wisconsin may use the 3 minutes, I will be happy to yield after that.

I reserve the remainder of my time.

I yield 3 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD] is recognized for three minutes.

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from Massachusetts and the Senator from Louisiana.

Mr. President, I rise in support of the amendment to terminate funding for the advanced liquid metal reactor. I want to offer high praise to the Senator from Massachusetts for the careful work that he has done in preparing this amendment, which I think is an obvious example of where a cut can and should be made today in this body.

I oppose continued funding of ALMR on many fronts. This project raises safety and environmental concerns; it raises economic questions; and perhaps most disturbing, it raises the threat of nuclear proliferation. At a time when every item in the Federal budget is being subjected to close scrutiny, I would say this one does not even warrant a second glance.

The other body had no trouble solidly defeating continued funding for this with a vote of 272 to 146. I believe the U.S. Senate should follow suit. President Clinton originally proposed complete elimination of this program, although he did later agree to a scaled-

back version. I must mention that the Department of Energy's own Office of Policy, Planning, and Evaluation, Mr. President, rates this program only 21st in priority out of 23 electricity initiatives.

Proponents of ALMR argue that it can be used to recycle other nuclear wastes, given the long-term problems associated with nuclear waste disposal this is somewhat of an enticing argument. Unfortunately, though, the National Academy of Sciences and independent scientists at Lawrence Livermore National Lab have questioned the economic viability of using this technology for high-level waste disposal. They estimate it would quadruple the cost of high-level waste disposal. The technology would not be commercially viable for 30 years.

In addition, as I am a member of the Foreign Relations Committee, I certainly applaud efforts to curb the spread of nuclear arms. Why in the world, at a time when the President is seeking to address these global concerns, would we want to invest in a technology that could lead to greater availability of weapons-usable nuclear material?

I believe this sets precisely the wrong example, as the Senator from Massachusetts has already very eloquently pointed out.

Nor do I believe switching from a uranium-based nuclear power system to one based on plutonium makes economic sense when we have a readily available and inexpensive supply of uranium that does not raise the same proliferation concern.

In the last 8 years, we have spent $1.3 billion on ALMR technology, and it will continue to soak up our funds until we take a stand. The amendment before us would save our country $55 million this year alone.

Mr. President, we have a soaring Federal debt that is now well exceeding $4 trillion. Earlier this year, we put a downpayment on that in the deficit reduction bill. Cancelling this project—an unnecessary, potentially dangerous project—will be another small monthly payment on that enormous debt.

Mr. President, as elected officials, we are often called upon to make really tough funding choices. We do that every day. But to me, Mr. President, this is not a tough choice at all; this is an easy one to cut. I urge my colleagues to do so today.

Again, I compliment the Senator from Massachusetts for his leadership on this issue.

Thank you, Mr. President.

Mr. JOHNSTON. Mr. President, I yield myself such time as I may need.

Mr. President, I do not know how this debate got off in the wrong direction as it has. But I have never seen so many great institutions and smart people who have been so badly mistaken about a technology.

Mr. President, the first and most obvious mistake is to call this a breeder reactor.

Mr. President, it is not a breeder reactor. It is incapable of breeding plutonium.

At a cost of some $60 million, it can be reconfigured, if you take 3 years, it could be reconfigured to breed plutonium. I mean, look; with $60 million, you can change a Greyhound bus into a 747, or a 747 into a Greyhound bus. But it is not a breeder. And it is incapable of breeding now. The mere fact that by spending $60 million and taking 3 years you can achieve that capability is hardly a reason to call it a breeder; to call it the Clinch River breeder reactor.

Mr. President, we stopped the Clinch River breeder reactor not because breeding was bad in itself, but rather because it cost too much money and we did not think we needed it. I was deeply involved in that controversy at that time. That was a question of economics; it was not a question of breeding being bad.

What is wrong with having a capability that says you can breed plutonium in 3 years if you spend $60 million? Another country is not going to buy this in order to get a breeder if they have to spend $60 million and take 3 years.

In order to make a breeder out of this, you would have to replace the core with a breeder core at a cost of $55 million, including driver assemblies at $32 million, blanket assemblies at $21 million, and control assemblies at $2 million. As I say, it would take 3 years.

So, Mr. President, it is clearly, definitively, definitely not a breeder reactor and it is incapable of that.

Mr. President, why should we have a look-see at this technology? The reason is, Mr. President, because this will burn plutonium. It is not a question of breeding plutonium. It is a question of using or destroying or burning the plutonium which now exists.

Last summer, the Department of Energy published its Plutonium Disposition Study, which assumed that we would need to dispose of 100 metric tons of weapons-grade plutonium over the next 25 years. We already have an agreement with the Russians to purchase their highly enriched uranium and we may want to consider, at some juncture, taking some of their plutonium.

The question is, what do we do with our plutonium, and what would we do with the Russian plutonium? The answer—we think, we hope—is in this technology.

We can burn the plutonium in this reactor, we think.

What else are we going to do? I have seen this chart where you are talking about how you are going to take these fission products and put them away in Yucca Mountain. We are not talking about fission products. We are talking about plutonium and how do you dispose of it, a very valuable resource. And to say we are going to bury the plutonium in Yucca Mountain, that will not work. First of all, the value is there and, second, the problem with plutonium—the press always says in these articles that it is the "most poisonous, toxic element known to man." Well, that is really very misleading. The fact of the matter is, if this were plutonium, I could steal it from the safe, put it in my pocket, and walk out of the building with it and be confident that I could get it out into the car. I would not want to keep it there for a long time. It emits only nominal amounts of what we call gamma radiation, and the alpha and beta radiation that comes from it can be squelched with a piece of paper. That is why it is such a proliferation problem.

The same thing is true of U^{235}. These are the two bomb materials. In their pure form, they are poisonous and toxic, of course, if you ingest them. But you can steal them and take them out of the building. That is the problem with plutonium. That is the proliferation problem.

Mr. President, the Russians, Ukrainians, and all of those that have this very valuable resource, for which they have spent billions of dollars to produce this plutonium, are now going to extract it from their weapons. What, pray tell, is the world going to do with that plutonium?

We have a research program here that is designed to burn plutonium and get rid of it. It is not just the waste. That is another question which I will get to—the waste from our nuclear plants, which is a very important reason to pursue this technology. But it is, first and foremost, a way to get rid of plutonium, to extract its value, and to do so in a proliferation-proof style.

Mr. President, believe me when I tell you that this reactor is proliferation-proof. That is the second big reason to pursue this reactor.

We have this very wonderful chart up there, and if you follow it through, you go from pyroprocessing to the mixture and the chemical reprocessing, the little square that says "chemical reprocessing," as if somehow that is easy.

Mr. President, let me tell you what happens with this reactor. We take plutonium, pure stuff; you can put it in your pocket and steal it. We take that right away and mix it, melt it down, and mix it with spent waste, which has these what we call fission products. From that moment on, you cannot put it in your pocket. You have to get behind a lead shield or behind 4 feet of earth or 3 feet of concrete or 4 inches of lead. That is what it takes to shield the gamma radiation that comes from spent fuel rods. And when mixed with spent waste, the plutonium then itself becomes highly radioactive; it can kill you. And more importantly, from the

standpoint of proliferation, it cannot be reconverted unless you have remote handling equipment and a very expensive manufacturing plant—based on what we call the "PUREX process," which is extremely involved and well beyond the scientific capability of these emerging countries.

When we talk about proliferation, we are not talking about the danger of proliferation to Russia. They are already proliferated, as are China, or France, or England, or these other countries that are now nuclear powers. We are talking now about proliferating to the countries like Korea, Pakistan, South Africa, and others that are not fully nuclear powers now and are emerging countries which we want to stop from becoming nuclear powers.

In this process, when we take pure plutonium and we mix it immediately with fission products, it prevents any emerging country from using this as raw material. So, Mr. President, this is the answer to proliferation. It is not the problem of proliferation.

Mr. President, we had a hearing on this with all these distinguished scientists. The way we do it in our committee is we get the proponents and opponents and put them there, and you toss out the ball and say, "What do you say when he says this is proliferation-proof, when pyroprocessing mixes this and it requires remote handling, and it has gamma rays, and you cannot get it unmixed?"

The other side did not have any answer to that. How these great newspapers with potential greatness—and I think occasionally they rise to greatness—can call this a proliferation problem and call it a breeder, I do not know. It is just not true, Mr. President; it is not true. This is, we hope, the answer to proliferation.

There is also another very strong element or reason to be for this, in that it does, in fact, reduce the amount of fission products, reduce the quantity and radioactivity, and the waste heat, which would enable us, at Yucca Mountain, to put the waste closer together; because when you have spent fuel—we are on spent fuel now, not plutonium—it gives off not only gamma radiation—alpha, beta, and gamma—but it also gives off a lot of waste heat. If you can reduce the waste heat, you can put it closer together, and that means you get more bang for your buck at Yucca Mountain and you would not need an additional Yucca Mountain, with all of the difficulty we have gone through with that. In fact, the capacity of Yucca Mountain is really already spoken for. If we can have this kind of technology, we will be able to better utilize Yucca Mountain without having to have another facility.

Mr. President, we have been told a lot about the cost of this program. The fact of the matter is, what we are talking about is the research and development phase of the program. What we want to do is determine the feasibility of this program. We are not now deciding whether to build a reactor, whether to go all the way into the program, but whether we should complete the research and development phase of this program. In other words, we want a look-see at whether this really works. We do not know whether it does or not. We do know that we are dealing with a tremendous problem of proliferation. And if this is the answer—and I am not sure it is; you always have the problem of economics. So far, it is very promising. But the cost of a look-see at completing the R&D program is extremely modest.

Let me show you what I mean. With the Kerry amendment, the cost of immediate termination, beginning October 1, 1993, is $345.4 million and takes 5 years.

Now, our position is that we ought to complete the R&D program, and give us the look-see which costs $445.2 million and takes 5 years.

In other words, there is only $100 million difference over the 5-year period. That is rather counterintuitive.

You say how can it cost 80 percent as much to complete the program as to terminate the program.

The reason is that EBR-2, which is the reactor, uses liquid sodium, a metal which, in turn, has been irradiated and become a mixed waste, which under RCRA must be deposed of in particular ways; either in Yucca Mountain—and Yucca Mountain will not be ready until 2000 something, well after this program is over—or there is only one other place for it and that is in the reactor. And, in effect, you have to continue to operate the reactor while terminating it.

We have heard all this. What did it cost? Ten million dollars a job, or whatever my dear friend said. But I am sure he did not look at the cost of terminating the program as opposed to the cost to continuing it.

Mr. President, if this program has any value at all, believe me it is worth $100 million. It is, we think, the answer—it may be, should I say—the answer to proliferation. It may be the answer to reducing the waste heat and the quantity of nuclear waste, and we think it is a way to dispose of plutonium safely, proliferation-proof, dispose of plutonium.

I would like to hear from my friends in the opposition how they would do away with pure plutonium. Remember, you can put it in your pocket and carry it out of the building; you can steal it; you can proliferate. You can pilfer and proliferate plutonium, or indeed U^{-235}, very easily, but you cannot do it with these fission products—I mean with this plutonium once it goes through the ALMR process. And that is the first thing that happens to that plutonium. You get the 500 million metric tons, you melt it down, and put it with the waste, and from then on believe me it is proliferation-proof.

Mr. President, this is a good investment for this country, $100 million for a look-see to finish the R&D. Let us have a debate at the end of that.

It may be the experts will say, "no," we ought to terminate the program. It may be the experts will tell us, look, this is the answer to proliferation; it is the answer to doing away with the plutonium; it is a way to utilize a very valuable resource that is plutonium as fuel, and it makes sense economically.

We will not know the answers to those questions until we spend what amounts to $100 million over a 5-year period. It is a good investment for America, and I hope we will do it.

Mr. President, I yield 10 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President, and I thank the chairman.

I am reminded, in listening to the debate, of when I was little one day my little brother came home and he was in tears. He had been out in the schoolyard and someone had picked on him. He came home and ran in to my mother, tears running down his face, and said: "Mama, mama, Ricky just called me ignorant bliss."

We laughed. He had no idea. He did not understand the insult. He was insulted for the wrong reasons.

I submit to you, Mr. President, and to the Members of this body, that well-meaning notwithstanding, and fancy charts notwithstanding, the opponents of the integral fast reactor project are off base and do not understand the fundamentals. If there is a reason to be against this project, it is none of the reasons that have been cited so far.

This amendment is, in my opinion, not only pennywise and pound foolish, it is a shortsighted assault on science, a shortsighted assault based on misinformation. I daresay all the discussion and opposition to this project so far has been discussed as though we are talking about a proven technology, not cutting-edge science with the potential to save billions of dollars in storage costs and to reduce waste.

Mr. President, as everyone here knows, we have a serious and rapidly growing nuclear waste problem. We have perhaps 1,000 tons or more of Russian plutonium that the United States is considering purchasing and trying to dispose of. We have plutonium generated by our own defense establishment that needs disposal. And we now have over 700 tons of plutonium in spent fuel from current commercial nuclear reactors that we must somehow deal with and dispose of.

Our challenge is to try to keep that waste out of the environment for literally tens of thousands of years, because that is how long it will pose a

major threat to public safety. We are not accustomed generally to talking in those kinds of time frames. Residents of Nevada, for example, are justifiably anxious about being the host of a nuclear waste depository that cannot be allowed to fail for a period of time that is much longer than all of recorded human history. They know that even underground burial is not a good answer for wastes that are harmful for almost 100,000 years. It is almost incomprehensible to think how long this stuff stays around and dangerous.

Residents of my State, and most States around the country, would be even more alarmed to know about the huge volumes of spent nuclear fuel—that includes plutonium—that are in water-filled concrete tanks at commercial reactor sites around the country. These wastes are not anywhere near as safe as wastes buried underground. That intolerable condition, of course, cannot be allowed to continue.

There is a technology under development, however, that offers some real promise of dealing with these previously intractable nuclear waste problems, and that is the Advanced Liquid Metal Reactor Program, also known as the Integral Fast Reactor Research Program, or IFR.

The IFR Program was designed with one clear mission: to address public concerns associated with nuclear power—safety, proliferation, and waste management. Research on this technology is conducted by scientists working at the Argonne facilities and others. Now, I am not a scientist. But you do not have to be a scientist to understand the unique advantages this technology offers. This program is good science, Mr. President, and I would like to take a moment to clear the air of some of the misinformation and mistakes that have been made in discussing IFR technology.

In my months here in the Senate, I have seen programs measured in terms of the number of jobs created, the types of services provided, or the types of products manufactured. Argonne does not produce services or products. It produces science, and science is about our future. Science is about answering questions. Science is about experimentation. And sometimes, through experimentation, science discovers answers to some of our most pressing problems.

We cannot bury our nuclear wastes in the sand—or even in the most stable of underground caverns—and be sure that we are protecting future generations from nuclear contamination of the water or the air, and this is the belief that guides the Argonne program. For 10 years, Argonne scientists have worked to perfect a technology for a brand new generation of nuclear reactors—a technology fundamentally different than todays nuclear reactors. This technology destroys plutonium, makes the nuclear waste problem much more manageable, does so in a way that does not pollute the water, the ground, or the air—and generates electricity in the bargain.

This technology has the potential to save us billions in storage costs of these waste stockpiles. It is a safer technology than what we have now. This technology is the Integral Fast Reactor Program.

I do not want to imply that spent nuclear fuel and plutonium in storage in the United States is an imminent danger, and I do not think anyone should be frightened about that part of this debate.

What I do want to make clear is that the IFR is the only technology that has the potential to guarantee a solution to the plutonium waste problem, because there is no other technology that can guarantee that plutonium will not leach into the ground, into our water, and into our air over the next 1,000 generations, and those are the kind of timeframes that plutonium forces us to think about. We cannot bury our heads—or our nuclear waste problems in the sand and wish they would go away.

Let us talk about what the IFR will do and will not do and, again, to dispel some of the myths and some misinformation and hysteria around this problem. First, the IFR is safe. It does not rely on complex cooling systems and huge, complex pumps operating at tremendous pressures. It uses liquid sodium for coolant, a coolant that, unlike water, will not boil away in the very unlikely event that the reactor overheats. Importantly, this coolant works at atmospheric pressure and through convection. It is, therefore, a much simpler, more reliable, and much safer system than anything that has previously been used at a nuclear reactor. This new nuclear metal coolant is safer than the light water currently in use. It is important to remember that distinction.

Second, the design of the fuel is such that if the reactor does begin to overheat, the fuel itself expands, thereby shutting down the nuclear reaction. It will not and cannot melt down like Three Mile Island or Chernobyl. Tests have proven this.

Third, the IFR reduces—and I reiterate, it reduces nuclear proliferation risks. Because of the confusion in this area, this issue is worth the Senate's particular attention. It is worth remembering that this technology is not the Clinch River project that was shut down. It is not a plutonium breeder technology. The IFR does not grow plutonium; it eats it. In fact, the only thing it has in common with that canceled project is liquid sodium cooling. It is not a plutonium breeder reactor; it is a burner of plutonium.

It is also worth noting that every single existing commercial nuclear reactor around the world produces plutonium. The IFR design, however, consumes plutonium, instead of producing it. And while it is theoretically and technically possible to reconfigure the reactor to produce plutonium, that would take years, major expense, and a complicated conversion process.

The simple truth is that the IFR is designed to burn bomb grade plutonium as fuel, as well as plutonium that is in spent fuel from existing commercial nuclear reactors. Redesigning it to do the opposite is not like changing a light bulb, and even if someone were to engage in the 3-year process that Senator JOHNSTON discussed that would be easily detectable by the United States so this reactor technology would result in a reactor that represents less of a plutonium proliferation risk than any existing commercial water-cooled reactor.

Mr. President, the scientific facts make it clear that this technology will not lead to greater nuclear problems. In fact, what convinced me to support this project is its potential to deal with the terrible hazards represented by our already existing nuclear waste stockpiles.

No other technology can guarantee that plutonium will not leach into our ground, our water and our air over the hundreds of thousands of years it will take before the radioactivity fades away.

On the other hand, assuming the technology works as planned—as Senator JOHNSTON called it, a look-see—when nuclear wastes are fed into this reactor, wastes with a half-life of well over 100,000 years are transformed into wastes with a life of only a few hundred years—and we can design storage for that period of time. What is more, the volume of waste—how much of the stuff there is—is substantially reduced—further reducing our nuclear waste disposal problems.

Only a few short years ago, the IFR was simply a concept in scientists' minds. Now, Mr. President, the IFR is real. Scientists are poised to begin demonstration of this recycling technology. And I cannot emphasize enough this recycling technology. The fuel cycle has reached the final stages of experimentation and is prepared for demonstration at Argonne's Idaho facilities.

Industry is not waiting in the wings, watching for success or failure. Industry is supporting the technology. In fact, utilities have already begun considerable financial support for the IFR.

The Japanese utilities, who see the value and the wisdom of this research, have already committed $46 million to this research. Southern California Edison is contributing $2 million. Commonwealth Edison in my State of Illinois has pledged to demonstrate recycling spent fuel with Argonne fuel cycle technology. Of particular importance is the National Association of

Regulatory Utility Commissioners, which unanimously passed a resolution strongly supporting advanced liquid metal reactor technology. And it is kind of interesting that Boston Edison, located in the home State of my distinguished colleague from Massachusetts, has joined in expressing strong support for the continuation of this program.

But, let us keep in mind what we are talking about here today, what the real issue is today. We are not talking about commercializing this technology. We are talking about finishing research to perfect this technology. We are talking about making a sound investment to make the future environmentally safer. It is an investment in sound science.

Mr. President, some people say we can save money by stopping this program. I am sure there are those who see this vote as an opportunity to be antinuclear proliferation and prodeficit reduction.

However, as I have said, we are burning plutonium, not creating more. As to the budget argument, quite frankly, terminating the IFR at this point would be a serious mistake. It would be penny-wise and pound-foolish. Shutdown costs over 5 years, compared with taking this research to completion over the same time period, are almost the same. We will have lost the opportunity that this science gives us. For that very reason, that is why this decision is so vitally important.

Mr. President, I want to talk a little bit just briefly at the end of my 5 minutes about this assault on science, because it seems to me all of us have a concern with deficit reduction. All of us want to get this budget under control. All of us want to be fiscally responsible.

But it seems to me to be the essence of shortsightedness to take on an assault on some of the most promising science that we have as a way to ostensibly achieve that.

We have seen already by the numbers that it will not achieve deficit reduction. It will not give us any savings and we will have lost the opportunity to go forward with some science that promises great use all over the world.

I would refer just a little to a letter that was passed out yesterday during the debate on the SSC. It says just simply—and I want to end with this.

This really is one of those debates like Christopher Columbus and people saying, "You can't go too far because the world is flat."

What kind of science are we going to have? Are we going to continue the research in applied science to give us the understanding, to give us the capacity to continue to be world leaders in this area, or are we going to step backward and bury our heads and be ashamed of the progress we have made so far and then kill a program that we have gotten this far with and leave us really worse off than we started?

I think, Mr. President, that, in this situation, ignorance is not bliss; that the fact of the matter is that, if we look at the facts and the whole truth about this project, we will see the wisdom of continuing the IFR project.

And I say so not out of parochialism, but really out of the real concern for our future—for our future in science, for our position as a world leader in this area.

Thank you.

The PRESIDING OFFICER. Who yields also time?

Mr. SIMON. Mr. President, first, I want to thank my colleague from Illinois for her eloquent statement, as well as for her hard work on this question.

I yield 15 minutes to the junior Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, we are gathered here to discuss this whole issue. I appreciated how the Senator from Massachusetts began this discussion, and that is by noting that this is not a discussion of whether or not we are pronuclear or antinuclear. This is a debate that has to focus on the fact that we have nuclear waste that exists today and the fact that we have nuclear weapons that exist today. We need to do something about it.

We have 23,000 metric tons of nuclear waste that exists in the United States today. If we were to shut down all of the nuclear plants at 12 o'clock noon tomorrow, we would still have 23,000 metric tons of nuclear waste that exists today in the United States.

What are we going to do about it?

With regard to the weapons, all of us are concerned about nuclear proliferation. As a result of the START Treaty and the fact that the cold war has been won by the United States, we have the treaties that now define that 100 metric tons of weapons grade plutonium will now be declared surplus. This is weapons grade plutonium. What are we going to do with it?

Now, we have seen in the former Soviet Union that one of their remedies for nuclear storage is to take spent nuclear fuel rods and to simply dump them into the Arctic Ocean or into their lakes.

I do not think there is an individual here that believes that is any sort of solution. You talk about concern for the environment. That really raises the flag.

With an absence of IFR technology, then, the only solution that we have—the only solution—is to bury this material that has been referenced by the distinguished chairman of the Energy Committee. He referenced Yucca Mountain.

The fact of the matter is that Yucca Mountain is merely a concept and would cost us $6 billion—that is $6 billion—simply to come up with the environmental impact statement to determine if Yucca Mountain is viable for that sort of repository.

And I can tell you, coming from the State of Idaho where for years we have been the storage facility for nuclear waste, we have been waiting for the WIPP facility in New Mexico to be opened. It has been built but we are still waiting for it to open so that we can send the low-level nuclear waste to WIPP and we cannot even get that accomplished.

The distinguished Senator from Wisconsin, who made the point that with regard to IFR—the integral fast reactor—that it has great environmental concerns, that it is not economically feasible.

Let me quote for my friend from Wisconsin from Max Carborn, who is emeritus chairman of nuclear engineering from the University of Wisconsin, who says:

> IFR is the only environmentally benign and economically acceptable solution to the Nation's energy requirements.

It has been contended repeatedly that this is simply Clinch River breeder reactor revisited. I would like to quote from Dr. Hans Bethe who, I will note, for 50 years has been an outspoken opponent against nuclear weapons. He is a very distinguished scientist. He said in a letter to Representative George BROWN, a Representative on the House Committee of Science, Space, and Technology this year:

> Some members of your committee believe, I am told, that the IFR is a repackaging of the defunct Clinch River breeder. Nothing could be further from the truth.

And E.C. Brolin, who is the Acting Director of the Office of Nuclear Energy, Department of Energy, in his testimony just a few months ago in front of the Energy Committee in discussing IFR said:

> What is it not? It is not a breeder reactor. This is a burner reactor, which is designed to consume the plutonium which is being generated as we speak in light water reactors.

This technology does not add to nuclear proliferation. This technology for the first time gives us an ability to spoil the weapons grade plutonium and then to consume that plutonium.

Is that a significant step toward moving this planet of ours to a nuclear deproliferation? It absolutely is.

There is a letter that was sent to the distinguished Senator from Massachusetts who is the author of this amendment. The letter was sent by Dr. Richard Wilson, who is a professor of physics, Harvard University, Massachusetts. He is a member of the National Academy of Sciences. He is an ad hoc member of the committee to review this specific technology.

Again, the National Academy of Sciences, which the Senator from Massachusetts pointed out, is an independent entity. In this letter to the Senator from Massachusetts, Dr. Wilson says:

The crucial point is that pure plutonium cannot be produced in the IFR fuel cycle. It is no easier to make a bomb with IFR fuel than with spent light water reactor fuel.

The fact of the matter is that the IFR is the only technology that will consume plutonium and all other reactors produce plutonium as a byproduct.

If the objective is to obtain pure plutonium, then you do not need an IFR. You already have, as I referenced earlier, 23,000 metric tons of nuclear waste that exist already in the United States. You have 70,000 tons of nuclear waste that exist globally. And from that stockpile through the process that the chairman of the Energy Committee pointed out, the Purex process, you can then derive your plutonium.

It is the same process that the IFR would have to go through in order to attain pure plutonium, because the IFR cannot produce pure plutonium. And, in fact, if you go through the IFR process, it is an additional process that you do not have to go through with the light water reactor.

We need the IFR to consume the nuclear waste that exists in the United States today, the nuclear trash that exists. And we need the IFR to spoil the plutonium that poses a direct threat to the well-being of this planet of ours.

Dr. Charles Till, who is the associate laboratory director at the Argonne National Laboratory, makes the point concerning the consuming of waste. He points out if no new nuclear reactors are built, the amount of spent fuel generated in the United States by the year 2030 will be between 85,000 to 115,000 metric tons. And the legislated capacity of the first geological repository is 70,000 metric tons.

Dr. Till says:

If spent fuel is placed directly into containers for repository disposal, the volume of the container is inefficiently utilized; on the other hand, if the spent fuel is consolidated or tightly packed in the container, there is the future risk, after several hundred years of storage, that the fuel material will relocate into a more compact mass and reach a condition of nuclear criticality in the disposal site. The actinide recycling technology, by recycling and destroying the fissionable actinide elements present in spent fuel, completely eliminates the concern for future criticality events.

And the volume of waste is reduced by 20 to 33 percent.

With regard to the weapons grade plutonium Dr. Till goes on to say:

Only the IFR with continuous recycle affords the potential to completely eliminate the weapons plutonium. If plutonium, in any form, is buried, it can always be reconverted to weapons material within a few years, even from a vitrified waste form. So it becomes a 100,000 year concern, without the benefit to mankind that comes from using its energy potential to produce electricity.

To deny this research because of fear of the possibility of turning this from a burner to a breeder is like a patient who is experiencing an abdominal pain who goes to the physician and the physician determines he needs to have an appendectomy.

In the course of the conversation the patient says, "But could I get an infection from the incision?"

And the physician says, "I suppose there is that chance, but you need the operation."

And the patient says, "Then I do not want the operation because I am against infection."

I am against infection, but I know when we need to have an operation. I am against nuclear proliferation, but I know when we need technology to deal with it. This provides us with that solution.

In the Book of Isaiah it talks about beating our swords into plowshares. This technology allows us that opportunity, to beat our swords into plowshares, to spoil and consume weapons grade plutonium. What a tremendous legacy to leave to our kids and to our grandchildren. It is a remarkable opportunity to complete this project, to take it to proof of concept, because it will be a dramatic step forward in the solution to nuclear waste and nuclear weapons.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. I yield the Senator from Arkansas 5 minutes.

Mr. BUMPERS. Mr. President, I thank the distinguished Senator from Massachusetts for taking on this battle. He is on the side of the angels. I know the arguments made by his opponents are sincere and genuine. I am not arguing with that. But I was the person in the Senate who led the fight to kill the Clinch River breeder reactor over a 6-year period. You never kill any spending projects around here in 1 year. You have to lay the groundwork.

Last year we received 32 votes on the amendment to kill the superconducting super collider. This year we received 42, and it would have been 43 except that one Senator is ill. So, presumably, next year the collider will be gone. At least we hope so.

Having said that, Mr. President, I believe that the liquid metal reactor would never be accepted by the American people if they understood this debate. President Clinton has been taking the high road on nuclear weapons, on nuclear weapons testing, and wanted to take the high road on this but generously, to accommodate a few Senators, requested $15 million for actinide recycling. Now the committee has provided $64 million in funding.

I can share this with you. People should not, I guess, ever share anything that they talked to the President about. But I did lobby the President on the nuclear test ban. I told him we had the moral high ground and the temporary test ban should be extended. I do not know if the decision he made to extend the test ban was based on my lobbying efforts.

But his decision was eminently correct. For 12 long years, I argued that we ought to quit testing. You are not ever going to get nuclear weapons under control in the world until all countries stop testing.

Now, to stop testing weapons for military purposes—actually, they are not military, they are political weapons; nuclear weapons are not military weapons. But now we have the high ground on that, and we have been trying to talk to Korea, we have been trying to talk to other nations that are hellbent on developing nuclear weapons, and we are in a perfect position to talk to those people.

You cannot say to North Korea—and, incidentally, I do not mind telling you on the front end that if North Korea insists on going ahead with their plans, they are the kind of renegade government that I would recommend military action on, just as Israel took military action against Iraq.

But why would we want to give up that high ground and turn right around and go forward with the liquid metal reactor which increases the risk of plutonium proliferation, which gives up the moral high ground because we cannot keep up with the plutonium in our weapons program, and to try to keep count of all the plutonium that would go into this would be utterly impossible.

As I say, we have the moral high ground; we ought not to give it up. You start processing spent nuclear fuel and making plutonium to go into a liquid metal reactor, and you are going to see that stuff scattered all over the world.

I do not mind a certain amount of research on actinide recycling. If I really thought right now that the kind of safeguards that DOE says we can put on this to make sure that proliferation is not a problem—if I really believed that, I might change my vote on this. I just do not believe it.

I can tell you, at this stage of the game, at this stage of the Clinton administration, the worst thing in the world and the worst signal we could send to the people of the world is to go forward with this project.

I want to strongly commend the Senator from Massachusetts for his courageous effort on this amendment. I intend to support him as strongly as I know how. I will help him in the well. Incidentally, considering my track record in the last couple of weeks, I will leave the floor when we are voting, if he wants me to.

In any event, I want to applaud his efforts. He has the moral high ground, and I hope when the vote is cast, the U.S. Senate will have the moral high ground. I thank the Senator for yielding.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Arkansas. Talk about courage; he has been tilting at the windmills and the space station and the super collider. I think he has had one of the most sensible lists of reasonable cuts that we could make.

I know the Senator is as committed as I am to science projects. I represent Massachusetts Institute of Technology, Clark University, Boston University, Northeastern, Harvard—countless universities and colleges. The University of Massachusetts is deeply involved in technology. But I can tell you, they are screaming today because many of the small science projects that would really produce spinoffs are being cut out because of these enormous projects.

I would like to address a few points that have been raised here. It is very interesting; my colleagues have come to the floor and they kind of say what I said is not true. But they just say it. They do not show you exactly what is happening in terms of process that proves it is not true. They cannot counter their own studies that say to the contrary, so they just say it.

I would like to deal with each of the major points the chairman made with respect to this.

No. 1, he asserted, as boldly as any comment I heard in this debate, that this is not a breeder reactor; it does not have breeder capacity; we are not talking breeder here.

Madam President, let me just share with you other people's views as to why this is a breeder reactor. I quote Jerry Griffith, of the Department of Energy, January 23, 1989:

One reason this (integral fast) reactor is considered especially crucial to the future of nuclear power in the United States is that it is the best technology for breeding plutonium.

General Electric, 1990:

The ALMR is unique among the major power reactor concepts developed to date throughout the world in that it can be designed to create more fissile material than it consumes.

Mr. Y.I. Chang and C. Till, of the Argonne National Laboratory, in April 1991:

The IFR is a fast breeder reactor which produces more fissionable isotopes than it consumes.

The American Nuclear Energy Council, May 1991:

As envisioned, the (advanced liquid metal) reactor would produce more fuels than it consumes. * * *

R.G. Wymer of Martin Marietta Energy Systems, in May 1992:

The breeder version of IFR operates with two types of metal fuel assemblies: The driver fuel assembly and the blanket assembly.

The blanket assembly is what I described earlier. The blanket assembly is what gives you breeder capacity through the bombardment of neutrons.

The National Academy of Sciences, 1992:

(The liquid metal reactor's) uniqueness lies in the potential for extending fuel resources through breeding.

Nolan Hancock; Oil, Chemical & Atomic Workers; June 1993:

The IFR is truly a new and unique high technology program which shows considerable promise for the future. It is a type of nuclear reactor which breeds its own nuclear fuel. * * *

J.G. Delene, et al., of Oak Ridge National Laboratory, June 1993:

The breeding of additional fissile material within the ALMR permits additional ALMR plants to be deployed. * * *

Madam President, it is not sufficient just to come to the floor and say it is not this or it is not that. Colleagues have a hard enough time picking through the morass. This is a breeder reactor and it has the capacity of being a breeder reactor.

My colleague who talks about a $60 million conversion, last night we just read about Syria and hundreds of millions of dollars in $100 bills being counterfeited to support terrorism. Do we really believe that North Korea or Libya or Syria, or some other country, is going to have trouble coming up with $60 million to do a conversion? They will print the money and buy it from us.

This is a breeder reactor.

Let me read from the Argonne National Laboratory Annual Report, Research Highlights—very current, Madam President, 1992 to 1993.

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

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

Because the IFR can be operated as a breeder reactor, it can produce more fuel than it consumes. The reactor can be configured to produce only enough new fuel to replace what it burns, or more, or less. New fuel need never be shipped in, nor waste shipped out, over the operating life of the plant. This eliminates the risk of environmental damage or unauthorized diversion of radioactive materials during transport. Breeding capabilities also mean IFR technology will make full use of the world's limited supply of uranium. Unlike coal-burning power plants, nuclear power plants emit no carbon dioxide which could contribute to the greenhouse effect, and no oxides of sulphur or nitrogen which produce acid rain.

Mr. KERRY. "Because the IFR can be operated as a breeder reactor, it can produce more fuel than it consumes."

This is Argonne itself telling us they are a breeder reactor.

So let us not be deceived. Lest anybody not be convinced at this point, I have a Department of Energy statement regarding the experimental breeder reactor.

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

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

DEPARTMENT OF ENERGY, FACILITIES DIVISION, OFFICE OF NUCLEAR ENERGY, NE-44

EXPERIMENTAL BREEDER REACTOR—REACTOR VESSEL SUBASSEMBLY INVENTORY

The reactor has the capability to hold 712 subassemblies, 637 in the reactor core grid plate and 75 in the storage basket. At this time, the current loading is as follows:

	Grid plate	Storage basket
Assemblies:		
Driver fuel	73	24
Depleted uranium blankets	326	4
Stainless steel	212	13
Control rods	13	11
Source	1	0
Experimental	12	15
Empty positions	0	8
Total	637	75

Subassemblies are removed from the reactor from a storage basket position. In shutting down the Experimental Breeder Reactor-II, each blanket assembly will be transferred to a storage basket position and replaced with a stainless steel dummy assembly to retain the core geometry. Once all blankets have been removed, the fuel and other assemblies will be removed, again replaced with stainless steel dummy assemblies. Based on fuel/blanket handling experience over 29 years, it is estimated that the average subassembly removal rate from the reactor will be 2.5 subassemblies per week. Accordingly, it will take approximately two and one-half years to remove the blankets and an additional year to remove the fuel and other assemblies.

When the reactor is shut down, the 637 grid positions will be filled with stainless steel dummy assemblies and the in-reactor storage basket will be empty.

Mr. KERRY. Madam President, this comes from DOE itself. It is one of their routing memos of just this month, 1993, where it talks about—underlined—"Experimental Breeder Reactor." They call it a breeder reactor, and they talk about the blankets. They have "depleted uranium blankets; Grid Plate, 326" of them; storage four, and these are all used, and they are what give it the capacity to be a breeder reactor.

Madam President, this is a breeder reactor, No. 1; it has breeder reactor capacity, and everybody knows it is plutonium-fuel based and that that is dangerous.

No. 2, my colleagues talked about proliferation, several of them. They say this can be the beating of swords into plowshares. We do not need this technology to do that. That is, indeed, a laudable and aspired goal by all of us. But the fact is that we have that technology today, Madam President.

There are 100 metric tons of pure warhead fuel, warhead explosive material that can come from the Soviets or from us, and that can be made into a fuel called MOX. It is a mixture of plutonium and uranium. DOE tells us that in just 25 years, you can burn that full 100 metric tons of plutonium in our current light water reactors.

So I am all for advanced science. We have advanced science today. The advanced sciences are the liquid water reactors which can burn the fuel, putting

out a mixed waste product that does not have the danger for proliferation that this does.

Let me read from the DOE study on this issue of how to deal with this. Here is DOE itself. It is kind of unusual. The DOE Technical Review Committee Report, July 2, 1993, U.S. Department of Energy Plutonium Disposition Study.

The spent fuel alternative using light water reactors was the most practical and economic alternative evaluated. The discharged spent fuel can be treated in a manner that is similar to the way in which discharged fuel from existing light water reactors is managed.

In other words, we do not need another methodology that is going to create much more toxic waste, that is going to cost much more, and that is going to provide danger with respect to proliferation.

Now, let us talk about the proliferation issue, Madam President.

I read from an independent study. And I emphasize the importance of independent. We know what participants will say, but it is important to look, all of us, at what an independent scientist or an independent entity says. This is a study requested from Martin Marietta, a company that is defense oriented, that is certainly part of the defense structure of this country. This was requested by the Department of Energy and the U.S. Department of State. It was prepared in May 1992, and it says, and I quote from the study, Martin Marietta speaking:

Because of the more desirable mix of isotopes, one must recognize that plutonium from liquid metal reactors is more desirable for use in weapons than is plutonium from light water reactors, which itself is considered by the United States to pose a proliferation threat.

Now, there is no one in this body—my colleague from Illinois understands the threat of proliferation. We know that light water reactors pose something of a threat. But here is Martin Marietta in its own study for DOE and the Department of State saying that it is much more desirable, weapons used from the pyrotechnic process, from the LMR, than you have from the fast light water reactor. And that is the distinction I was drawing earlier.

This is not a fancy chart. It may be a little convoluted, but it is simple lines showing this process. And what happens is that the pyrotechnic process, pyroprocessing process, provides you with a fuel that is closer to bomb material and that is not as easily traceable, as easily trackable and stored. So the proliferation remains as volatile as it was earlier.

There is more I could say about it, but for the moment I reserve the remainder of my time.

Mr. GREGG. Will the Senator from Massachusetts yield?

Mr. KERRY. I will be delighted to yield 5 minutes to the Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from New Hampshire is recognize for 5 minutes.

Mr. GREGG. I wish to associate myself with the comments made by the Senator from Massachusetts relative to this project. We have in this institution and have had for generations a process called logrolling, and it has been traditionally identified with agriculture programs where you vote for my commodity and I vote for your commodity, and on and on. And we end up with a lot of programs in that manner which are of questionable need but have political constituencies.

Unfortunately, what we are seeing developing, I believe, and we have seen it over the past few days, is logrolling in the science community. We are seeing this attitude of programs being brought forward which have marginal need and questionable relevance in the area of science for the future but which have built up a momentum which causes them to continue to be funded and, because they associate themselves with other programs, end up building up a plurality of votes.

That is unfortunate, because the issue here is science and what science the Federal Government should be pursuing. And when we put money into science projects which are at the margin in their return to this American science community and to this country of valuable knowledge and usable activities for the future, we are taking from science other opportunities the Federal Government should pursue which are more appropriately funded, which may not have the constituencies to have the support.

This program falls into the category of a marginal program which may have at one time had a legitimate need or legitimate claim on Federal funds but which legitimate need and claim has now long since passed but which maintains a momentum of itself and for its own purposes but a momentum which cannot be found based in or structured from the need of science or the need of the future of the country for this project.

The simple fact is that the program does not create an entity or scientific undertaking which this Nation is going to pursue. Common sense tells you that. This is an R&D project to produce the type of science and reactor that would require, should it even prove to be successful—and I think the Senator from Massachusetts has pointed out all the reasons why many people in the science community feel this would not be successful—would require an additional 40—an additional 40—reactors under the program to be built, at the cost of about $84 billion.

Now, anybody with any common sense who has watched the nuclear community in this country and the manner in which it has come to a grinding halt in the area of building new reactors knows that we are not going to produce another 40 reactors. We are not going to go out and build another 40 of these projects. We are certainly not going to go out and spend $84 billion on something like that. And the private sector is not going to pick up that cost. That has been fairly obvious from the beginning of this project.

So this concept that we must complete this R&D project as it has been defined so that we will have in place the knowledge necessary to take the next step on the face of it has no credibility because the next step to build 40 reactors has no credibility. We are not going to do that.

And then there is the argument, well, we have spent all this money on this program, and therefore we should finish this program. How many times have we heard that in Government? How many times have we heard, well, we took all this good money, put it after this project—it turned out to go bad; it is not going to produce the results we expected—but let us put some more good money after this project because we are just close enough that we should finish it.

At some point we have to stop; we have to stop spending the money. The real issue here is the $290 billion deficit we have as a nation. That is the issue. And we have an opportunity under this project to take a little chunk out of that deficit, little by Federal standards, fairly large by many other standards, $100 million dollars by the estimate of the chairman of the committee, significantly more by other estimates that have been put forward here.

Whatever it is, it is at least a step in the right direction toward addressing spending money that we do not have on a project that does not have viability for the future.

We have to draw the line somewhere. I have stood on this floor and I have voted on a number of occasions in this body in opposition to other programs which amount to subsidies of commodities, of concepts in other areas, agricultural and social areas to try to control the national debt and the deficit which we are running up.

As an individual who comes from a region of the country which is very much science related, very much technology related, which has an economy very dependent on technology products, I do not think that I can walk away from that field and say that field should not be touched in the Federal agenda; we should continue to fund the technology side of the Federal agenda, but we should make the cuts in other places, agriculture or some other area that maybe has less of an impact on my region.

That is not right. It is not appropriate if we are going to control Federal spending. We must be looking at

all functions of the Federal budget, projects which are not justified and which we cannot afford, or even if they are justified, we cannot afford.

In this case, we clearly have a project which is not justified and which we cannot afford.

Since 1986 DOE has spent over $1.35 billion on ALMR, including $436 million in 1993. The Argonne National Lab estimates that it will take $128 million a year to complete the project. This comes to about $1.7 billion or maybe as high as $2 billion. Who knows? This does not take into account the concept that if this were technology which was found to be needed—which I do not believe it will be, and I think the case has been made fairly effectively that it will not be by the Senator from Massachusetts—that you then, in order to make it effective and to have any viability, have to go out and build 40 reactors at the cost of about $84 billion.

By the time this project was completed, it would be obsolete and the technology would be obsolete. In fact, it is obsolete today, for all intents and purposes.

If we fund this project we will be funding a program which we cannot justify on science, and which we cannot afford in the national budget.

We have to start making some tough decisions here on this Senate floor, not only on issues of social spending, agricultural policy, but also on issues which have that magical word beside them, technology. In this area, on this specific project, we should draw the line and say let us stop the spending.

Thank you. I yield the floor.

Mr. JOHNSTON. Madam President, I yield 15 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. JOHNSTON. Madam President, may I say before I yield, we are working on an arrangement, so we hope to be able to vote at 3 o'clock or before. We are trying to work that out. It has not yet been worked out. We are working on that.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I thank my colleague.

Madam President, you have not been here long enough to know my general record. I have not been enthusiastic about nuclear energy. My State happens to get a higher percentage of energy from nuclear energy than any State in the Nation, but I have opposed the Price Anderson liability on nuclear energy.

The utilities in my State have not been happy about my stand. I opposed Clinch River, even though Illinois would benefit by it.

Illinois does have some benefits from this, but frankly it is not my reason for supporting this legislation. And I would add I have joined my colleague, Senator KERRY, for whom I have great respect and who has done great work in many areas, and I have joined Senator BUMPERS in calling, a long time ago, for ending of nuclear tests.

But I believe for reasons of arms control and for reasons of nuclear waste, and for reasons of cost, it makes sense to go ahead with this.

I ask unanimous consent to put into the RECORD a letter from President Clinton to Congressman DENNY HASTERT of my State in support of the IFR.

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

THE WHITE HOUSE,
Washington, DC, April 12, 1993.

Hon. J. DENNIS HASTERT,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HASTERT: Thank you for your letter of support for the Integral Fast Reactor Program being conducted at the Department of Energy's Argonne National Laboratory.

In recognition of the potential benefits of the Integral Fast Reactor technology, the Department of Energy's proposed FY 94 budget includes funds to support this program. This level of funding will preserve the essential scientific progress of the Integral Fast Reactor Program, which holds the potential to significantly reduce the volume and lifetime of high-level nuclear waste.

With best wishes,

Sincerely,

BILL CLINTON.

Mr. SIMON. In the area of arms control—and this is really the most important question of all, what happens in nuclear energy in other countries, and what, as our colleagues from Washington know, what happens in the State of Washington, is a process called PUREX that produces plutonium. We are trying to move away from that.

There is no country that is more sensitive on nuclear weapons than Japan. And it is interesting, Madam President, that Japan is putting $46 million into this program. I can assure you Japan would not be doing that if they thought there was one iota of a chance this would encourage proliferation of weapons.

This provides an alternative. It consumes plutonium, and the end product is not pure plutonium, it is dirty plutonium in words that I can understand. It is a mixture, and it becomes almost impossible to extract everything else from plutonium, so that it cannot be used for arms production.

This becomes significant because nuclear plants have a lifespan of about 30 years. If this process works, and we do not know for sure that it will work, the end product will be something that cannot be used in arms, and will cost much less. So that countries around the world that build, either rebuild plants if they have them or build new nuclear plants, will build nuclear plants the end product of which, unlike at the present time, cannot be used for nuclear weapons.

So from the viewpoint of arms control, this is extremely significant.

Let me just read part of the testimony of E.C. Brolin, who is in charge of the Office of Nuclear Energy for the Department of Energy, before the Committee on Energy and Natural Resources of the U.S. Senate:

> The department, in conjunction with the State Department, commissioned a study to examine the proliferation-resisting characteristics of the proposed processes. One of the study's conclusions is that the actinide recycled process using a metal fuel form is inherently more proliferation-resistant than conventional recycling.

Let me repeat that:

> Is inherently more proliferation-resistant than the conventional recycling which uses the PUREX process in an oxide fuel form. The study notes that the mixture of plutonium, uranium and other inactinides obtained * * * cannot be used directly to produce a nuclear weapon.

Again:

> cannot be used directly to produce a nuclear weapon because plutonium is never in the pure form in the process.

The study pointed out:

> Entry into a heavily shielded cell—

Let us just say they wanted to do it, they want to extract these other materials—

> entry into a heavily shielded cell for material diversion purposes would be deadly and easily detected by the plant operators who safeguard officials. Compared to traditional aqueous chemical processes that we use right now, the study concluded that the output of actinide recycling processes would be of far less benefit for initiating a nuclear weapons program.

That makes it, I think, very, very clear from the viewpoint of weapons control.

Our colleague, Senator KEMPTHORNE from Idaho, spoke just a little bit ago, submitted some questions to the Department of Energy. Among other things they said:

> The plutonium is always diluted. It is never in a pure form. There is a dilution of the plutonium with materials that makes nuclear weapon production very difficult.

Finally, there is a very large radiation barrier present that creates significant engineering and cost barriers to separating the plutonium for weapons use.

I heard the National Academy of Sciences quoted, and they have been very sensitive on this question. Here is the report I have here from the National Academy of Sciences.

Let me quote in their summary:

> The committee believes that the light metal reactor should have the highest priority for long-term nuclear technology development.

I think it is very clear, number one, that from the viewpoint of arms control—and that, frankly, is my number one concern—we ought to be going ahead with this.

Dr. Hans Bethe of Cornell University, who has been a leader in saying we have to stop nuclear testing and all that, is for this and wrote a letter to

our colleague, Congressman BROWN from California.

He said:

Some members of your committee believe, I am told, that the IFR is a repackaging of the defunct Clinch River breeder. Nothing could be further from the truth.

Sometimes people use the breeder to refer to this, but in fact that is not an accurate description.

The second reason for favoring this is the question of nuclear waste. You simply do not produce as much nuclear waste, and you produce waste that will last 200 or 300 years, rather than 10,000 or 100,000, or who knows how many years. I think that is significant. Plus, you do not produce nearly the amount of it. It is not just years, it is the amount. So whatever you have to put in Yucca Mountain, or wherever you dispose of it, would be much less.

The third reason that I strongly favor this is the cost factor. If this is successful and, again, it is promising—it is promising enough, I add, Madam President, that Southern California Edison has put $2 million into this process. They would not do that if they did not feel that it was a promising thing. If this is successful, you can build plants for much less money, and you are going to save money for consumers. This is a consumer issue, in my opinion. We have spent—when I say "we," I mean the Federal Government—billions trying to figure out what to do about nuclear waste, how to solve this problem, and what we do about arms control.

Here is something that, for a relatively small amount, may provide the answers, or part of the answers. It will cost us—and I heard my colleague from New Hampshire say that the worst argument is that since we have put so much money in it, we ought to finish it. We have put about $700 million into this. For $100 million more, we will find out whether it works. And it is promising. It is a little bit like the cost factor—I cannot recall where your office is, Madam President, but I voted against the Hart Building. But once that Hart building was along the way up to a certain point, I finally started voting for it, because there is no sense in wasting that money. I think that is where we are. I think the cost factor is one that militates that we move in this direction.

There are other things that I could mention. I think there is a great deal of misinformation out here.

Let me finally point out what the Department of Energy says in responding to the OTA criticisms. I will read these three points:

The report states that the ALMR fuel recycle could increase waste volumes to a factor of ten. This conclusion is applicable to aqueous reprocessing, but the Department of Energy's Actinide Recycle Program is based on a radically new technology, pyroprocessing, that could reduce the volume of waste by up to a factor of four relative to once-through fuel cycles.

The report challenges the potential for the ALMR to be economic. Although it is too early to project specific economic performance with certainty, a recent DOE study that included the ALMR as an option for plutonium disposition found that an ALMR could recover the costs of plutonium disposition through sales of electricity.

The report concludes that significant design changes would be required from the original liquid metal reactor to consume plutonium. Significant design changes have already been made in the wake of Clinch River to improve safety, economics, as well as to allow the burning of plutonium. The Department's program is already based on the consumption of plutonium—not the production of plutonium.

So, Madam President, for reasons of arms control, I favor this. For reasons of consumption of nuclear waste, I favor this. And for reasons of costs and protecting consumers, I favor it. I think it is a sound program.

Let me add that my colleague from Louisiana has provided leadership on this. He is one of the more substantial Members of this body, and one of the reasons he is more substantial, is that he gets on top of the technical aspects of these things in a way that impresses me.

Madam President, I yield back whatever time I may have remaining to the Senator from Louisiana.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that a vote on or in relation to the Kerry amendment No. 987 occur at 3 p.m. today, without intervening action or debate, with the time until 3 p.m. be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Reserving the right to object, and I do not believe I will.

I have no objection.

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

Mr. JOHNSTON. Madam President, how much time remains on each side?

The PRESIDING OFFICER. Each side has approximately 50 minutes.

Mr. KERRY. Madam President, I would like to respond to some of the comments made by my friend from Illinois. While it is in people's minds, let me address a couple of points.

My colleague says there are three reasons for supporting it—arms control, nuclear waste, and cost. It is interesting to note that I have cited at least three or four studies which show that the cost is prohibitive, noneconomical. One study says this is economically feasible. More important, on arms control, let me point out—and this is perhaps one of the most telling and important points to focus on in this debate—once again, the argument has been made that this is the way to get rid of plutonium, to get rid of warhead material that would come from the Soviet Union.

Well, just a few days ago, in the Sunday New York Times, we learned that the Russian Soviet atom arsenal was larger than the West estimated. What is intriguing about this is that it is fundamentally made up not so much of plutonium, which is our concern, but uranium. It is uranium that we will have to dispose of from the Soviet Union in far greater amounts than plutonium. And you cannot burn the uranium in the ALMR. But you can burn uranium and plutonium in the light water reactor. That is existing technology today.

So if you are really trying to deal with the arms control problem of Russia and get rid of existing ways, you have far more opportunity to do it with the light water reactor, which is less proliferation-prone than you do the advanced liquid metal reactor, because you can lose plutonium and uranium.

Furthermore, on the waste issue, my friend from Illinois pointed to the National Academy of Sciences report, and says "I want to read you from the report," and he reads from page 155 that says "LMR," liquid metal reactor, "should have the highest priority for long-term nuclear technology development."

That is the part of the report he read to you. What he did not read to you was the rest of the report on the same page. I quote:

While the market potential is low in the near term (before the second quarter of the next century)—

Yet on the same page—

* * *but its uniqueness lies in the potential for extending fuel resources through breeding.

So the very report he uses to say this is a long-term technology also says it is a breeding technology, and it is no near-term use, which is precisely what the Senator from New Hampshire was arguing in the choices we need to make about how we spend our citizens' money.

Moveover, let me read from page 152.

Their potential for alleviating some of the waste disposal problems for the light water reactor through actinide recycling is in such a preliminary stage that this feature is not considered justification for the advanced light liquid metal reactor program.

Mr. JOHNSTON. Madam President, will the Senator yield at that point?

Mr. KERRY. I am happy to yield for a question.

Mr. JOHNSTON. I believe the Senator is talking about a previous design. He is not talking about the IFR.

Mr. KERRY. No. The design has only changed in the context of trying to make it solely a burner as opposed to a producer. But that is a design feature which can be changed back, as the Senator himself has said, for 60 million bucks, or whatever they want to make.

Mr. JOHNSTON. It is 3 years and $60 million. The Senator does not dispute that figure?

Mr. KERRY. Argentina, Brazil, Pakistan, India, China for a long time, and

now we hear South Africa and Israel have spent years. What is 3 years and 60 million bucks for someone who wants to have weapons capacity. It is nothing in today's world.

Mr. JOHNSTON. We are not building a reactor for export. We want to complete the R&D on this reactor to determine whether it makes sense, and if we build it, we would not be exporting it. I would hope not.

Mr. KERRY. Let me say to the Senator if he is not planning to export it and he is only planning to use it in the United States, there is even less commercial reason for making the argument that you ought to use it, because you cannot support this economically just on the market in the United States, given the existence of light water dependency that the industry now has.

Mr. JOHNSTON. No. There is a difference. Look, it was a long way between the R&D phase and the commercialization phase.

I did not say if we made the decision, we would not give it to our friends in France, or whatever, with proper safeguards. But that is a lot different than saying we give it to every North Korea that comes along. I would not think we would.

Mr. KERRY. Obviously, and this Senator does not contemplate that. This Senator does not.

But the point is you still have to grapple with the fundamental issue whether or not it is necessary. Let us say we could do it. You still have not given the reason. You have not. Again, it comes to the second distinction that I would draw with the Senator from Illinois because of the waste issue.

Mr. SIMON. Madam President, will the Senator yield?

Mr. KERRY. I will be happy to yield, but I would like to yield on some of the Senator's time. Otherwise, I would like to make my point.

Mr. SIMON. Could I have 1 minute of time?

Mr. JOHNSTON. Yes. I yield to the Senator.

Mr. SIMON. I would just like to point out the quotations that he reads are from page 12 of the National Academy of Sciences report where they are talking about five different processes, and the quotation he reads is not about the light metal reactor.

Madam President, I ask unanimous consent to have page 12 of this report printed in the RECORD at this point.

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

c. Government incentives, in the form of shared funding or financial guarantees, would likely accelerate the next order for a light water plant. The Committee has not addressed what type of government assistance should be provided nor whether the first advanced light water plant should be a large evolutionary LWR or a mid-sized passive LWR.

5. The CANDU-3 reactor is relatively advanced in design but represents technology that has not been licensed in the United States. The Committee did not find compelling reasons for federal funding to the vendor to support the licensing.

6. SIR and PIUS, while offering potentially attractive safety features, are unlikely to be ready for commercial use until after 2010. This alone may limit their market potential. Funding priority for research on these reactor systems is considered by the Committee to be low.

7. MHTGRs also offer potential safety features and possible process heat applications that could be attractive in the market place. However, based on the extensive experience base with light water technology in the United States, the lack of success with commercial use of gas technology, the likely higher costs of this technology compared with the alternatives, and the substantial development costs that are still required before certification, the Committee concluded that the MHTGR had a low market potential. The Committee considered the possibility that the MHTGR might be selected as the new tritium production reactor for defense purposes and noted the vendor association's estimated reduction in development costs for a commercial version of the MHTGR. However, the Committee concluded, for the reasons summarized above, that the commercial MHTGR should be given low priority for federal funding.

NOTE.—The Gas Cooled Reactor Associates estimates that, if the MHTGR is selected as the new tritium production reactor, development costs for a commercial MHTGR could be reduced from about $1 billion to $0.3–0.6 billion. [Doe, 1990 in Chapter 3]

8. LMR technology also provides enhanced safety features, but its uniqueness lies in the potential for extending fuel resources through breeding. While the market potential is low in the near term (before the second quarter of the next century), it could be an important long-term technology, especially if it can be demonstrated to be economic. The Committee believes that the LMR should have the highest priority for long-term nuclear technology development.

9. The problems of proliferation and physical security posed by the various technologies are different and require continued attention. Special attention will need to be paid to the LMR.

Mr. KERRY. I beg to differ. I was reading from page 155 which is the same page the Senator from Illinois read from.

Mr. SIMON. I read from page 12. I have the report right here.

Mr. KERRY. I know the Senator is reading from the wrong page. I was suggesting I would rather not have the RECORD corrected incorrectly.

Mr. SIMON. Again, if I may look to page 155—I just turned to that page. Again, the low-market potential.

Madam President, I ask unanimous consent that page 155 be printed in the RECORD, also.

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

Higher costs of this technology compared with the alternatives, and the substantial development costs that are still required before certification, the Committee concluded that the MHTGR had a low market potential. The Committee considered the possibility that the MHTGR might be selected as the new tritium production reactor for defense purposes and noted the vendor association's estimated reduction in development costs for a commercial version of the MHTGR. However, the Committee concluded, for the reasons summarized above, that the commercial MHTGR should be given low priority for federal funding.

NOTE.—The Gas Cooled Reactor Associates estimates that, if the MHTGR is selected as the new tritium production reactor, development costs for a commercial MHTGR could be reduced from about $1 billion to $0.3—$0.6 billion. [DOE, 1990]

8. The LMR technology also provides enhanced safety features, but its uniqueness lies in the potential for extending fuel resources through breeding. While the market potential is low in the near term (before the second quarter of the next century), it could be an important long-term technology, especially if it can be demonstrated to be economic. The Committee believes that the LMR should have the highest priority for long-term nuclear technology development.

9. The problems of proliferation and physical security posed by the various technologies are different and require continued attention. Special attention will need to be paid to the LRM.

The above conclusions formed the basis for the formulation of alternative U.S. R&D programs in Chapter 4.

Mr. SIMON. That is not the page I was reading but referring to HMTGR rather than the LMR.

Mr. KERRY. I understand that.

But the point the Senator from Massachusetts makes is what they talk about in uniqueness is the breeding capacity and that the market potential is low in the near term.

If you go to page 152, they point out that as a waste disposal mechanism, that it is really not considered justification for advancing this technology.

Here is the National Academy of Sciences saying do not advance this technology now. One of the reasons they say that, if I could point out to my colleague, is they are putting a lot of energy into pointing out that the plutonium problem will be somewhat alleviated by beginning to pyro-process it. But what they are not telling you is that a whole group of additional fission products are created during that process, the total waste. You have a whole additional add-on to waste, and among the fission products left over are, in fact, more intensely radioactive fission products than plutonium specifically. And what is dangerous about them in terms of the environment is these fission products that are left over as a result of this process are water soluble, so they have more environmental potential for damage in terms of leakage and storage, et cetera.

The fission products that I am specifically referring to are iodine-129, which has a half-life of 17 million years; cesium-135, which has a 3 million year half-life, and technetium which has a 212,000 year half-life. These are created in the process while you are trying to get rid of plutonium-239, the half-life of which is 24,000 years.

So, again, for 5 percent waste mass you are creating a 30 percent increase in low-level waste and an increase in other high-level waste.

It just does not make sense, Madam President.

My colleague from New Jersey was very patient. I will yield to him 8 minutes and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 8 minutes.

Mr. LAUTENBERG. I thank the Senator from Massachusetts and commend him for the leadership in trying to terminate a program that is going to create more disposal problems in the future at a much more significant cost to the country.

We have heard a technical discussion, and I do not want to enter into that. I am looking at this from the standpoint of its ultimate value—what it is going to cost us and where are we in term of our ability to spend money on projects that have at best a questionable future, and at worst, a total wasteful disaster.

Mr. President, I am proud to join Senators KERRY, GREGG, BUMPERS, and others in offering this amendment to eliminate funding for the advanced liquid metal reactor. By terminating this program now, we can save the American people $165 million over the next 5 years. But, Madam President, that is peanuts. If we start down the road of developing this technology, we will be spending funds in the future that will dwarf anything we are talking about now; $165 million would be looked at wispfully as we look back over our shoulder to see what kind of an enterprise we have got ourselves involved with.

And we will prevent future demands that we spend additional billions to build a demonstration reactor, construct associated facilities, and then decommission everything we have built.

We have already spent more than $1.3 billion on this program since 1986. And all we have proven, in my view, is that the ALMR technology does not make economic sense, creates serious environmental problems, and raises real proliferation concerns.

Madam President, we simply do not have the funds to invest in technologies which are uneconomical and in the final analysis, would create additional problems, both financial and environmental.

While the Government wants to spend billions on this program, the private sector has not even said it is worth it. The utility industry is focusing its efforts on reactors which depend on uranium, which is cheap and abundant, not the plutonium—based ALMR technology. The ALMR technology has failed the test of the marketplace.

Given its deficiencies as an energy producing system, ALMR proponents now argue that it will solve the high-level radioactive waste problem.

If that were not so bizarre we could treat it with humor because the ALMR will not do that.

Here is what an advanced liquid metal reactor would do: It would produce more waste than it burns up. According to Argonne National Laboratory technical documents, the reprocessing of plutonium would increase the amount of high-level radioactive waste by 30 percent. It also would create millions of additional cubic feet of low-level radioactive waste.

And ALMR facilities would burn up spent fuel very slowly taking centuries to burn existing spent fuel.

Finally, Mr. President, using ALMR's for high-level radioactive waste management would be costly beyond description.

Now, there are various estimates. One estimate from the Lawrence Livermore National Laboratory concludes that the reprocessing, the total projected high-level waste, would, by itself, add $84 billion to the costs.

Dr. Frank von Hippel, a professor at Princeton University, estimated that if all costs are included, the fissioning of spent fuel from existing reactors would cost $400 billion, with only half recovered from the sale of electricity.

It is no wonder that independent studies have concluded that using ALMR's for high-level radioactive waste management is just another one of those ideas whose time has not come. Let me give you three representatives examples.

First a 1992 National Academy of Sciences report concluded that "the potential to alleviate some of the waste disposal problem * * * is not considered justification for advancing the advanced LMR development program."

Second, an independent report prepared by scientists at the Lawrence Livermore National Laboratory concluded that there "remain no cost or safety incentives" for transmutation as part of a high-level waste management system.

Third, even the American Nuclear Energy Council stated in congressional testimony, "we see no benefit in considering transuranic burning as a waste solution for current fuel."

Finally, the ALMR poses serious nuclear weapons proliferation risks. It is capable of producing weapons-grade or near weapons-grade nuclear material. Exports of this technology would greatly reduce a country's acquisition time for nuclear weapons.

Madam President, development of ALMR technology would cost the Federal taxpayer billions of dollars with little possibility of ever providing any benefits. We need to nip the development of this technology in the bud while we can still save taxpayers money.

I find it astounding, I must tell you—at a time when we are scraping for money for ways to deal with our national health problem, to deal with our national education problem, to deal with our housing problem, and when we have eliminated program, after program, after program—that we would engage in developing a program that does nothing but keep a program going that has, perhaps, some local economic benefit. I do not dismiss that. But when it is judged in the context of where this country is financially, of the tax burdens that we have laid upon our citizens, of the sacrifices we are making, to me, this is one project that ought to be stopped now.

I hope my colleagues will support the amendment offered by the distinguished Senator from Massachusetts. I, once again, commend him for his leadership on this and so many other matters of importance to this country.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Senator from New Jersey very much.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. I yield 10 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 10 minutes.

Mr. CRAIG. Madam President, in the debate on this amendment this morning, my colleague from Massachusetts attempted to lay down ground rules as to how this debate would be conducted: This would not be a vote against nuclear power; this would be a vote to talk about his greatest concern in the technology of the IFR, as he so proposed it. That was the issue of proliferation.

And yet, over the course of the debate, the chairman of the Energy Committee and others have continually said and quoted a variety of sources that would suggest to the Senator from Massachusetts that the argument of proliferation is, in fact, a bogus argument.

I would, for a short time this afternoon, like to expand on that concern, because it is one that we all must be concerned about, especially as our world changes, and our ability as a nation to attempt to stop or to control the issue of proliferation.

It was believed that the breeder reactor concept, when we were looking at the Clinch River design, of course, was that of a plutonium producer. This Congress made the right decision, in the context of where we are today, to discontinue the Clinch River breeder. But the Congress decided to go forward with another technology, and that was the IFR technology, not because it was a breeder, but because it was not.

And EBR–II in Idaho, my State, where this technology is being researched today, was reconfigured. Now, we did not change the name of it. You

do not go around changing the name of items or entities that are as well established by their name as EBR–II was. And, of course, the Senator from Massachusetts took advantage of the lack of a name change, but failed to tell you that there was a reconfiguration of this design and this reactor to deal with the new technology that we are working on.

That reconfiguration was done and the technology goes forward. It is important technology for all the reasons that my colleagues from Illinois, and my colleague from Idaho, and the chairman of the committee have talked about: A new, safe technology to provide nuclear energy in a safer form in a commercial way, but also to do something else that is unique, and that is to burn up the fuels today that are generated by Pilgrim I, owned by Boston Edison, a 600-megawatt nuclear powerplant in the home State of the Senator from Massachusetts. It produces upward of 500 pounds of plutonium each year and has become part of a massive stockpile in this country of plutonium.

My colleague from New Hampshire has, within the boundaries of his State, Seabrook, a 1,150-megawatt plant producing upward of 500 pounds of plutonium a year.

That is the problem, I say to Senators, the problem that our nuclear industry today is producing plutonium and we want to get rid of it. We do not want to have to put it in a geologic repository that has a 10,000-year life and creates, in the industry, what we call a very large footprint that will not go away and has to be monitored, and has to be guarded, and made safe.

We have the opportunity, through this technology, to change the nature of those particular spent fuels in a way that is safer, that changes the half-life, that still requires the storage, that reduces the footprint or the area and the space of the storage within the large geologic repositories. And those are the facts.

I think Bernard Baruch was right when he said:

> Every man has a right to be wrong in his opinions, but no man has a right to be wrong in his facts.

And the facts are simple in this case. Scientist, after scientist, after nuclear physicist, all lined up saying: This is not a breeder reactor. The technology is different. It does not produce plutonium; it burns it. It is a step in the right direction against proliferation.

And those are important issues for this country to address.

My colleague from Idaho spoke of turning swords into plowshares. That was refuted in part, or the refutation was attempted, by my colleague from Massachusetts when he said that we have just discovered that this large stockpile in Russia is substantially uranium and not plutonium. Uranium will not burn in an IFR. Wrong again, it will burn in an IFR, because inside the reactor it is converted to plutonium through the process of the reactor itself. And it is the plutonium that is burned.

Yes, that uranium can be used. It is possible to do. And the scientists say that, and we checked with them just a few moments ago. Without question, scientists without bias on this issue but extremely knowledgeable in the technology say that is doable. It can be done. And it would be done.

Those are awfully important issues to deal with. I am not going to hide behind the fact that there are 800 jobs in Idaho and 300-plus jobs in Illinois, about 1,000 jobs. You could argue this is a jobs issue, but it is not. Nor should it be argued in that way.

But it ought to be argued as a look into the future with the kind of an R&D program that allows us a whole different kind of capability to do what we want to do, to maintain an important industry in this country, and a phenomenally important source of energy, and at the same time, begin to address an awfully important problem to the whole of the Western World.

That is the question of proliferation. Those are, really, the fundamentals in this debate. Those are the facts.

Madam President, I ask unanimous consent an editorial from the Chicago Tribune and a letter from E.C. Brolin, Acting Director of the Office of Nuclear Energy, Department of Energy, be printed in the RECORD, as well as his response to the summary of the debate that went on before the Energy and Natural Resources Committee that goes right down the line talking about proliferation, the ALMR technology, and what it offers this country.

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

(See exhibit 1.)

Mr. CRAIG. I believe it is also important, in the context of this debate, to clearly understand where our President is. Because early on, this administration had attempted to zero out this funding. But they are back with a change of mind.

Is it because Senators or Representatives applied pressure on them? I think not. I, and others, asked Secretary of Energy Hazel O'Leary to look at the technology, not to react to it purely as a budget issue, but to look at what it offered to our country, and what it costs to get us to proof of concept in design. She did that. In all courtesy to her, she took the time, brought her experts around her, and examined the technology of the IFR. She came back with very similar conclusions. As a result of that, their attitudes were changed and their support shifted.

I ask unanimous consent to have printed in the RECORD a letter from the President to Representative HASTERT in the House. It speaks to the support of IFR technology.

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

(See exhibit 2.)

Mr. CRAIG. This administration supports this. The Energy Committee took testimony in an extensive way to prove all of the points that are very important to all of us, that this is not proliferation.

Within all of that, I believe we have clearly proven and provided an important record for Senators to make this critical decision. So let me offer for the record two additional reactions: One from the American Nuclear Energy Council speaking to the importance of ALMR, IFR technology, because it was argued earlier in the day that the industry was not supportive of the technology. It was so argued by the Senator from Massachusetts. This is a letter that says they are. I ask unanimous consent that the letter be printed in the RECORD.

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

(See exhibit 3.)

Mr. CRAIG. I also ask unanimous consent we print in the RECORD a resolution from the utility industry that supports the technology of the IFR as a potential producer of civilian energy.

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

(See exhibit 4.)

Mr. CRAIG. Madam President, I say to my fellow colleagues here in the Senate, within a few moments they will be asked to cast an important vote, a vote that will determine our ability to provide energy in the future, long term, with a safe, sound, environmentally clean technology, while at the same time doing what this country has so longed to do for so many decades, to reduce nuclear proliferation around the world. To begin to deal with the treaties, we, as a Nation, are responsible for having caused to bring down the nuclear threat, and to do it in a safe and sound way by investing our tax dollars while accomplishing an ability through the generation of civilian power, to pay for it.

I yield the remainder of my time.

EXHIBIT 1

DEPARTMENT OF ENERGY,
Washington, DC, August 16, 1993.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to Senator Craig's request during the August 5, 1993, hearing before the Senate Committee on Energy and Natural Resources, enclosed is a discussion of questions and issues raised during recent deliberations on the actinide recycle program and the advanced liquid metal reactor.

Your interest in the actinide recycle program is appreciated. Please let me know if I can be of any further assistance.

Sincerely yours,

E.C. BROLIN,
Acting Director,
Office of Nuclear Energy.

[Department of Energy, August 1993]

THE ACTINIDE RECYCLE PROGRAM: ANALYSIS AND DISCUSSION OF BUDGET ISSUES

SUMMARY

The questions raised in floor debate and related discussions on actinide recycling and the advanced liquid metal reactor (ALMR) which would be required for its use, can be summarized as follows:

The actinide recycle and advanced liquid metal reactor programs present serious economic, environmental and proliferation concerns.

Actinide recycling uses a liquid metal reactor that can be converted from a plutonium burner to a plutonium breeder without much difficulty—on the order of removing the governor from a car engine.

Actinide Recycling:

Has strong economic potential (could save billions of dollars over 60 years by recycling actinides, which are isotopes of uranium, plutonium, neptunium, americium found in light water reactor spent fuel)

Offers major environmental, health, and waste management benefits (would allow high-level nuclear waste to be used to produce energy while emitting no greenhouse gases, reduce need to mine and mill uranium, and could enhance waste repository capacity)

Would use a process that is proliferation resistant (at no point in the process is plutonium present in its pure form; other actinides and impurities preclude direct use in a nuclear weapon, and high levels of radioactivity make handling difficult. Thus, the handling and separation equipment that would be required for weapons processing are significant barriers to diversion and surreptitious use)

Would use an ALMR that is not a breeder system (conversion to plutonium breeding would require extensive core rearrangement including blanket assembly insertion, and could not be done surreptitiously)

A specific discussion of each point is provided in the following sections. More detailed supporting information can be made available and discussed upon request.

ACTINIDE RECYCLE: ECONOMIC POTENTIAL

Statement: Expenditure of $23 million on this program for FY 1994 in scarce taxpayer funds is not justified.

Clarification: Actinide recycle offers the potential for billions of dollars in savings. Spending under $100 million through 1988 on the Actinide Recycle Program is a small price to determine whether these large gains are technically and economically feasible.

Statement: This program is going to wind up costing $2 billion.

Clarification: It is premature to speculate on total program costs. In any case, the more expensive demonstration phase would be 50/50 cost shared with industry, as required by the Energy Policy Act of 1992, and would not proceed unless actinide recycle feasibility is established and industry is satisfied that the system is economic.

Statement: Using ALMR technology requires assorted new fabulously expensive facilities.

Clarification: Commercialization of any innovative technology is not going to be inexpensive. Facilities will be commercially deployed only if industry is convinced that the system is economic.

Statement: Actinide recycling would greatly increase the cost of the disposal program up to $84 billion—at current costs of $1,000/kilogram.

Clarification: This reflects economic analysis which:

Assumes a fuel processing cost 3 times the program goal.

Does not include revenue from the sale of electricity.

Does not take into account that the costs of fuel reprocessing are borne by the utility purchasing the fuel for LMRs, not by the repository program.

ACTINIDE RECYCLE: ENVIRONMENTAL AND WASTE MANAGEMENT BENEFITS

Statement: ALMRs will not substantially decrease the need for, or the environmental risk from, a high level waste depository.

Actinide recycling would not help expand the capacity of the repository since the current limit is not physical space, but rather a legal restriction.

Full implementation of this program will not reduce, even by one, the number of waste storage facilities we will need to build.

According to the Department of Energy and Public Citizen, the ALMR would generate more tons of high level waste than it would consume.

Clarification: Our analysis indicates that ALMR/Actinide Recycle can reduce a number of risk factors, expand high-level waste repository effective capacity by as much as a factor of 4, and reduce the need for additional repositories after 2015.

First, if actinides are not present in the waste, most of the long-term heat load after 300 years is eliminated, allowing more compact waste emplacement.

Second, actinide recycle removes the highly radioactive and long-lived portions of radioactive waste to be used as fuel in ALMR's to produce electricity.

Third, the compact nature of the envisaged waste forms in actinide recycle indicates that the volume and mass of radioactive waste for permanent disposal will be significantly less.

Fourth, if actinides are not present, the radioactivity of contents of the repository will decay to very low levels within about 300 years (otherwise the radioactivity remains very high for tens of thousands of years).

Finally, the most troublesome fission products would be emplaced in waste forms potentially more leach resistant than current spent fuel, and the burden, cost and risk of proving that actinides are immobile under all repository conditions could be avoided.

ACTINIDE RECYCLE: PROLIFERATION RESISTANCE

Statements: By promoting a fuel cycle based on plutonium, the ALMR represents a serious proliferation threat.

Pyroprocessing is actually worse than chemical reprocessing in some respects; the ALMR can be used directly as a plutonium breeder apart from the reprocessing technology.

Clarification: The proposed actinide recycle system is not a proliferation threat.

At no point in the process is plutonium present in its pure form: actinides, other impurities, and high levels of radioactivity preclude direct use in a nuclear weapon, and present significant barriers to diversion and surreptitious use.

Actinide recycle pyroprocessing preserves the essential diversion resistance of light water reactor spent fuel, and has inherent advantages over chemical reprocessing.

An ALMR cannot operate apart from its fuel cycle; even in the hypothetical case of "breeder" operation, the inherent proliferation resistance advantages are preserved.

Statement: A Department of Energy report reveals unresolved problems in ALMR safeguards, plant inspectability, and materials accountability for nonproliferation verification; we would be creating a plutonium economy across the planet.

Clarification: This joint State Department/DOE study found:

"The IFR [Integral Fast Reactor—technological basis for actinide recycling/ALMR] fuel recycle process is inherently more proliferation resistant than conventional recycle using the PUREX process and oxide fuel fabrication." and,

"The plutonium obtained from the IFR fuel recycle as now conceived cannot be used directly with confidence to produce a nuclear weapon because of its residual fission product radioactivity and the presence of significant heat-producing and neutron producing radioisotopes."

ACTINIDE RECYCLE: SCIENTIFIC/INDUSTRIAL SUPPORT

Statements: Members of the private sector say they will not put up money, or they will not have anything to do with the liquid metal reactor.

Why hasn't the industry supported this project? It should be willing to share costs of development if it has any interest in the technology.

Clarification: Industry is supporting this project:

The ALMR design team currently shares program costs.

Southern California Edison has expressed its intent to support ALMR/Actinide Recycle through a $2 million collaboration program.

The Japanese have committed over $46 million to this program.

Statement: The Advanced Liquid Metal Reactor does not have support from the National Academy of Sciences and the Lawrence Livermore National Laboratory which found no justification for continuing the ALMR project.

Clarification: The National Academy of Sciences has stated that "the LMR should have the highest priority for long-term nuclear technology development." (The cited NAS study did not review actinide recycle as the program was only in its infancy when the study was conducted)

A March 1992 Lawrence Livermore National Laboratory report addressed the waste-management impacts of actinide recycle, but did not address the ALMR program. Although it estimated a low waste-management significance of actinide recycle, the actual findings detail potential benefits consistent with the highly positive conclusions of other actinide recycle studies.

Statement: The ALMR is feasible for electrical generation only if used as a breeder.

Clarification: Simply not true. The ALMR is a feasible electricity generator operating as a waste consumer without breeding.

[From the Chicago Tribune, Sept. 19, 1993]

ARGONNE NUCLEAR RESEARCH IS VITAL

With an eye more on deficit reduction and anti-nuclear sentiment than on the future, the U.S. House voted overwhelmingly last June to kill funding for research on a new type of nuclear reactor.

The decision to end work on the Integral Fast Reactor at Argonne National Laboratory was more than penny wise and pound foolish; it was totally irresponsible. Scientists have spent $700 million since 1984 developing the revolutionary technology, and they had hoped to show next month that it works.

The Senate soon will have a chance to intervene. Rather than toss out a promising technology just before it can be tested, it should restore funding. The cost to taxpayers would be small compared with the potential benefits they and their children can

reap later from a secure, abundant energy source.

Today's commercial reactors are cooled by water and use uranium as their primary fuel. By contrast, Argonne's sodium-cooled reactor burns either spent fuel from existing nuclear plants or plutonium to produce electricity. It can be set up to burn more radioactive material than it produces or to produce waste that can be reprocessed and recycled as fuel.

Despite its potential to dispose of spent nuclear fuel, burn plutonium from dismantled warheads and provide an inexhaustible energy source, House opponents argue that the new reactor would be too expensive.

Utilities, they say, are more interested in a new generation of light-water reactors being developed for use by the end of the decade. In addition, they warn, the greater use of plutonium would increase the risk of nuclear arms proliferation.

True, utilities want a near-term nuclear option of new, smaller light-water reactors. But in the next 15-50 years, perhaps sooner, the nation might want to have another nuclear choice—one that can produce electricity safely for centuries with less and more manageable waste than current technology.

To shut down the Argonne program now without completing tests, as the House has voted, would take five years and cost $406 million. To demonstrate that it works and have it available for possible future use would take five years and cost $445 million—a $39 million difference.

Actually, the Integral Fast Reactor could come in handy fairly quickly. It could be used to reduce spent fuel that is accumulating at nuclear plants. It could provide a market for plutonium being released from weapons in Russia and the United States. As for a proliferation threat, the reactor's fuel reprocessing doesn't produce weapons-grade plutonium.

Some lawmakers may not believe that nuclear power will play a role in America's energy future, but few scientists agree. For $39 million, a new technology can be demonstrated and preserved as a long-term option. It's a small price to pay; the Senate should ante up.

EXHIBIT 2

THE WHITE HOUSE,
Washington, April 12, 1993.

Hon. J. DENNIS HASTERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HASTERT: Thank you for your letter of support for the Integral Fast Reactor Program being conducted at the Department of Energy's Argonne National Laboratory.

In recognition of the potential benefits of the Integral Fast Reactor technology, the Department of Energy's proposed FY 94 budget includes funds to support this program. This level of funding will preserve the essential scientific progress of the Integral Fast Reactor Program, which holds the potential to significantly reduce the volume and lifetime of high-level nuclear waste.

With best wishes,
Sincerely,

BILL CLINTON.

EXHIBIT 3

AMERICAN NUCLEAR
ENERGY COUNCIL,
Washington, DC, September 20, 1993.

Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: Your recent Dear Colleague letter contains an excerpt from ANEC congressional testimony which does not accurately represent the ANEC position on the Advanced Liquid Metal Reactor (ALMR).

ANEC full supports the ALMR research and development (R&D) program. We have consistently advocated before Congress the necessity for completing the certification of the Advanced Light-Water Reactor (ALWR) program and continuing the development of advanced reactors as the best energy option for America's future.

The industry strongly believes that the ALMR technology needs to be studied and developed by DOE to determine the applicability of the program to fulfill our national energy needs as outlined in the Energy Policy Act of 1992 (EPACT). In the EPACT, Congress recognized the valuable contribution the ALMR technology could make to helping the U.S. meet baseload capacity requirements to support economic growth in the next century. Accordingly, the EPACT authorizes continued support for the technology leading to the construction of a demonstration facility.

Indeed, ANEC favors a DOE investment in the technology because the ALMR offers one of the most environmentally benign options for the large scale production of electricity. It produces no greenhouse gases, no acid rain chemicals, and no ozone depleting chemicals. ANEC supports the ALMR program because it includes an actinide recycle demonstration which will significantly contribute to the solution of the nuclear waste management problem by making material available for energy production that would otherwise have to be disposed of as high-level nuclear waste. The ALMR can have a positive impact on reducing the volume of spent fuel from reactors deployed later in this century.

The utility industry is supportive of the ALMR technology, but at the same time, wishes to emphasize the need to continue the commercialization of the Advanced Light-Water Reactor (ALWR). While the light-water reactors will be ready for deployment in the mid-1990s, the ALMR technology will require longer term development and a prototype demonstration. Private industry and international organizations are currently cost sharing the development of the technology with DOE.

The position of ANEC and the industry has been, and continues to be, to support the advanced technologies. We believe the continuation of the ALMR R&D program is particularly important to the future of the nuclear industry. I would like to quote from a 1991 report by Advanced Reactor Corporation, a sixteen utility industry consortium, which put this matter in perspective:

"The current emphasis on ALWRs, followed by later development of HTGR and LMR technologies, has evolved from a better understanding of the anticipated growth in demand of electricity, accumulating experience with LWR systems, the extent of economically recoverable uranium or deposits and the economic aspects of developing and deploying more advanced technologies. Licensing requirements, construction schedule, plant cost, and operation confidence can be reasonably well defined for ALWRs without the need to build and operate a prototype plant, as compared to the HTGR and LMR technologies where the operation of a full-scale prototype plant is viewed as necessary to achieve sufficient confidence on their operational and economic viability."

ANEC will continue to work with the nuclear research and development community to assure that the ALMR program receives funding for the technology. We believe the technology merits the continued support of the federal government and the Congress.

Please ask your staff to contact me if you have any questions regarding the nuclear energy industry's support for the ALMR program.

Sincerely,

EDWARD M. DAVIS.

RESOLUTION REGARDING CONTINUED FUNDING OF THE ADVANCED LIQUID METAL REACTOR PROGRAM AND THE ACTINIDE RECYCLE PROGRAM

Whereas, the Energy Policy Act of 1992, which was overwhelmingly passed by both Houses of the U.S. Congress, requires the Secretary of Energy to carry out civilian nuclear programs in a way that will lead toward the commercial availability of advanced nuclear reactor technologies; and

Whereas, the Energy Policy Act of 1992, further directed the Secretary of Energy to complete necessary research and development on high-temperature gas-cooled reactor technology and advanced liquid metal reactor technology to support the selection, by September 30, 1998, of one or both of those technologies as appropriate for prototype demonstration; and

Whereas, the Energy Policy Act of 1992, further directed the Secretary of Energy to evaluate by September 30, 1996, actinide burning technology to determine if it can reduce the volume of long-lived fission byproducts; and

Whereas, flexibility to choose between as many fuel options as possible is critical to meeting energy needs economically in the future; and

Whereas, the Department of Energy's Advanced Liquid Metal Reactor (ALMR) Program and its associated Actinide Recycle System add to promising new technological approaches for the safe, economic, reliable, efficient and environmentally benign production of electricity; and

Whereas, the ALMR offers potentially dramatic improvements in operational safety, with its passive safety features, and could more efficiently utilize uranium fuel resources and extend their availability for into the future and coupled with the Actinide Recycle System also offers potential nuclear waste management benefits in the future as the volume, toxicity, and radioactive lifetime of nuclear waste associated with this ALMR fuel cycle could be reduced with implications for the need and/or timing of a second nuclear waste repository; and

Whereas, the NARUC emphasizes that this potential future benefit does not affect the urgent need to proceed with the current nuclear waste program and maintain the funding required to proceed with its goals; and

Whereas, the Actinide Recycle System in conjunction with the ALMR program is designed to be more proliferation-resistant than several other nuclear fuel cycle approaches in existence today and could prove advantageous to other Department of Energy radioactive waste management needs; and

Whereas, the cost of continuing the entire ALMR program and the Actinide Recycle System (over the costs associated with shutting down the affected facilities) is quite modest; and

Whereas, at fiscal year 1993 funding levels, it is expected that within only three years the ALMR/Actinide Recycle System research and development will be sufficiently far along to know whether the technology will economically offer the benefits for which it has been designed; and

Whereas, continued Federal government funding at appropriate levels is essential to maintain this potentially important research and development project; now, therefore, be it

Resolved, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 1993 Summer Meeting in San Francisco, California, calls on the Clinton Administration and the U.S. Congress to adhere to the objectives of the National Energy Policy Act of 1992 and fully fund research on the Advanced Liquid Metal Reactor and Actinide Recycle System for the next three years.

Sponsored by the Committee on Electricity. Adopted July 28, 1993.

Mr. JOHNSTON. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 30 minutes 46 seconds; Senator KERRY has 33 minutes.

Mr. JOHNSTON. Madam President, I yield myself 5 minutes.

There has been a lot of talk here, and I think most of it mistaken, about the question of whether this is a breeder. And the unstated assumption is that a latent capacity to be a breeder is a very bad thing. I would like to deal with both questions.

First, this is decidedly not a breeder. This machine, if successfully matriculated through its R&D process and built, will not breed plutonium. It could be converted, indeed, to a breeder. It would take 3 years and $60 million, according to present estimates, to do so. So it is clearly not a breeder. It is not built for that purpose. It is not designed for it and does not have that capability.

The implicit assumption that this is somehow a bad thing, and a latent capacity upon the expenditure of $60 million in 3 years somehow is a reason not to do it if it otherwise is worthwhile. I think that is clearly wrongheaded. Yes, we started into the Clinch River breeder reactor and decided not to do it. Why did we do so? Simply because of the economics and because of the lack of necessity. At the time the Clinch River breeder reactor was begun, a multibillion dollar project, the demand for nuclear fuel was much greater than is projected because it appeared the world was going to go much more heavily nuclear than it is now. So additional fuel, which the breeder reactor would have produced, would have alleviated what they projected at that point to be a lack of uranium-235, the fissile material used in these reactors.

It was because of the fact we did not have the need and because of the economics that we walked away from it. Madam President, as one who was on the Energy Committee—the Interior Committee we called it at that time—it was not because of proliferation we walked away from Clinch River. And let me tell you why, Madam President. The problem in proliferation is not that somebody is going to get hold of maybe a $1 or $2 billion reactor and make plutonium in order to make bombs; the big countries already have that capacity. In fact, they already have the bombs in great quantity.

What we are dealing with in proliferation is the emerging countries, the North Koreas, the Vietnams, et cetera. With those, the problem is the plutonium, the plutonium, as I say, which can be stolen and carted away by an individual because it is easy to handle and easy to steal. That is the problem with proliferation. A breeder reactor, if any were converted into that capability, does not alleviate that problem nor does it make a North Korea more capable to go into this program. This has nothing to do with a problem of proliferation. This has everything to do with alleviating the problem of proliferation.

It is absolutely clear that is so. This reactor, if it is successful, would burn plutonium, and could use up that weapons grade plutonium that is coming out of the Soviet weapons now. We have made an agreement with the Russians already for the first 500 metric tons of their highly enriched uranium, and we hope to negotiate with them to help eliminate their weapons.

Mr. KERRY. Will the Senator yield for a question?

Mr. JOHNSTON. Yes.

Mr. KERRY. Will the Senator not agree as a member of the committee—and I have some of the record here in front of me—will he not agree that light water reactors provide a source for burning off plutonium and/or uranium?

Mr. JOHNSTON. Light water reactors could be, indeed, configured to do so.

Mr. KERRY. They could do that, could they not, by creating this mix of uranium-plutonium called MOX; is that not accurate?

Mr. JOHNSTON. I believe so, yes.

Mr. KERRY. My question to the Senator is can we not now, with current technology and know-how, burn off, in light water reactors, plutonium mixed with uranium?

Mr. JOHNSTON. I would say that capability is within our technological capability. And it may well be possible—if the Senator's point is that is a possibility, I would say, yes, definitely so.

The PRESIDING OFFICER (Mrs. BOXER). The time of the Senator from Louisiana has expired.

Mr. JOHNSTON. I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator yields himself an additional 2 minutes.

Mr. JOHNSTON. The point is we are dealing with a very serious problem. That is the proliferation of plutonium. We have to have a way to get rid of it. The advantage of this for burning plutonium is that the first step in this process is to mix the plutonium with the irradiated fuel. It, at that point, becomes proliferation-proof.

Mr. KERRY. The Senator is very good at turning a question around into an answer. He has always been very good at that.

The fundamental point is still that the technology is available today. The MOX technology does not need——

The PRESIDING OFFICER. The Chair reminds the Senators that the 2 minutes of the Senator from Louisiana have expired.

Mr. KERRY. I will make the point afterward.

Mr. JOHNSTON. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. JOHNSTON. Madam President, we are probing a number of different ways to get rid of this plutonium. I think we really need to look at the economics and look at the scope of the problem. It is a very serious problem.

Plutonium itself—everyone says it is the most toxic chemical known to man. Not quite, because it can be handled. Literally you can put it in your pocket and carry it out of the building. That is the proliferation problem. The same is true with U-235. It can be carted off.

The beauty of this program is that the first step is to mix it with irradiated spent fuel, which will kill you if you put it in your pocket, and it can be handled only with remote handling equipment, very expensive remote handling equipment. And it can then only be separated by a PUREX-like process which is well beyond the scientific capabilities of these emerging countries.

Madam President, we had a hearing on this in the Energy Committee. We had two experts, one Dr. Chuck Till, who runs the program, and I asked him:

Compare the difficulty of PUREX on regular light water reactors—

PUREX is this process of extracting the plutonium—

with the fuel from the IFR, pyroprocessing.

He said:

Let me say again that the fresh product from the pyroprocess is in fact radiologically very similar to spent light water reactor fuel. For either you will have to put it through a solvent extraction process—

That is PUREX—

in order to get the pure plutonium that history says everyone, every Nation, everyone who has tried to make a weapon drops out pure plutonium so they can handle it.

Then we asked Dr. Richard Wilson from Harvard, the recognized preeminent expert. I asked him:

Dr. Wilson, what is your view of that?

He is not connected with the nuclear industry. He is just an expert. He says:

I think there may be a very slight difference in that the light water reactor fuel would have a lot of other stuff—

Uranium—

still with it and from this it would be a little more concentrated than the plutonium but Dr. Till is otherwise absolutely correct. You will have to have something like a PUREX process after to handle it.

The Martin Marietta report, which my colleague referred to earlier, is basically supportive of that.

So, Madam President, what we have here is a potential to deal with the proliferation problem—not to contribute to the proliferation problem, but to deal with it—to burn the plutonium, to reduce the waste stream.

Mr. WALLOP. Will the Senator yield for a question?

Mr. JOHNSTON. Yes, I will.

Mr. WALLOP. Is not essentially what you are saying, that the process advocated by the Senator from Massachusetts adds a significant burden to a waste stream which is a problem we already do not know how to resolve, whereas the one in front of us, the integral fast reactor, significantly diminishes the waste stream; is that not encapsulating what was just in that report?

Mr. JOHNSTON. Yes, plus—plus—it will not only reduce the waste stream, which deals with the problem of nuclear waste, but deals with the problem of proliferation by giving us a way to get rid of plutonium.

Mr. WALLOP. We cannot possibly do that with the light water reactor at this moment in time, and were we to, we would have an increase, not a diminishment, of the waste?

Mr. JOHNSTON. That is right.

Mr. WALLOP. But that is no near-term process.

Mr. JOHNSTON. Neither one is. Both take further research, as with the actinide program.

One final point. It costs 80 percent as much to terminate the program as it cost to follow through with the program. It will take several years to complete the processing of the existing fuel, and that will take place in EBR-II, which is the reactor.

In effect you have to spend the money anyway. So it makes every sense, it seems to me, to complete the look-see of the program, the R&D program.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. JOHNSTON. Yes.

Mrs. FEINSTEIN. Because I have listened very carefully to this debate now for 3 hours. I think it has been one of the best debates I have heard since I have been in the Senate. I am amazed at the breadth of knowledge, and I think the chairman on the positive side and the Senator from Massachusetts are really to be commended for the understanding of this. It is extraordinarily impressive.

I think it comes down to one question. From our research, according to Argonne itself, for each metric ton of spent fuel reprocessed, at least 1.3 metric tons of high-level wastes are generated. Is that statement true or false and could the Senator expand on it?

Mr. JOHNSTON. Frankly, I do not know what the tonnage is. It does not sound right. But the problem with nuclear waste is not the tonnage. It is the radioactivity and waste heat because when you have hot rods, you have to space them—the length of the spacing between the storage of the rods depends upon the heat. That is one of the problems that they are looking into at Yucca Mountain—is what all this heat does on cracking the rock and on drying the rock, and those kinds of dynamics.

So the problem is waste heat and radioactivity, and this process would reduce not only the amount of heat, not only the amount of radioactivity but markedly reduce the number of years for which it lasts. So that you would have relatively benign material after about 300 years.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Chair will inform the Senator from Louisiana that he has 14 minutes and 55 seconds remaining, the Senator from Massachusetts has 33 minutes and 1 second remaining.

Who yields time?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Senator from California, first of all, for her very generous comment about the quality of debate and the breadth of knowledge. I particularly want to thank her for what I think was one of the most important questions and points made through the question.

With all due respect to my friend from Louisiana, that was not an answer because all of the available studies—and we are still in this sort of folks over here talking opinion, and a certain group of us, I might add, representing quite a disparate group from across the country, not just the interested parties—Ohio, New Jersey, Massachusetts, California, various places, Wisconsin—all pointing out some of the problems.

The OTA just last week says, addressing the question asked by the Senator from California:

The reprocessing could multiply the total volume of radioactive waste by 10, thereby driving up costs.

That is the bottom line here.

Now, if I could just quickly comment, the Senator from Idaho a moment ago talked about—I quote him. He said, "The administration supports us."

Now, that is news to me. And I will read from the statement of administration policy issued September 28, 1993 on this bill, on the amendments on the floor. And on the advanced reactor. The administration says, I quote:

The committee has rejected the administration's proposed termination of unnecessary reactor projects including the liquid metal reactor and the high temperature gas-cooled reactor.

The committee rejected the administration's effort to kill that.

I have a letter from Leon Panetta early on where in his answer to a letter from Governor Andrus of Idaho he said:

As you know, the IFR reactor is a derivative of DOE's breeder program, the funding of which has been reduced significantly over the last 15 years. We believe this program, including research and development in the related facilities, has received little measurable interest from entities such as U.S. electric utilities. In contrast, the U.S. reactor manufacturers and utilities are providing the majority of funding for the light water reactors, including both the evolutionary and the passive designs.

In addition, the IFR and its predecessor programs have raised significant proliferation policy concerns over the past two decades. The IFR reactor consumes as well as produces a wide array of transuranic isotopes. * * *

Now, the President's policy, he says, supports only the element of the actinide recycle program essentially to demonstrate technological feasibility. That is about $21 million. The committee wants to put in $63 million. The administration wanted only $21 million. Now, my amendment strikes it out. I would suggest that what we ought to do is strike it out and come back, and if we feel we want to add in $21 million for the administration that is a separate issue. But the administration does not support $63 million for this liquid metal reactor.

Now, I yield.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. KERRY. I yield for a question.

Mrs. FEINSTEIN. Mr. President, I ask the Senator from Massachusetts, if I may, I listened earlier and to me the pivotal question is does this thing eat and consume hazardous nuclear materials so they can never be used again, or in the process of so doing does it throw off other nuclear materials, great in half life, presenting additional storage problems and not really solving the basic problem? Does the Senator agree that it can consume both uranium and plutonium and put it into a form that is not usable for nuclear proliferation? First question.

Mr. KERRY. That is an excellent question, and the Senator is very good at honing in on the critical issue here.

The answer to the Senator's question in candor is both. It does have the capacity, yes, to use plutonium and to eat it up. But as the Martin Marietta study shows and the DOE study shows, that happens extremely slowly. It would take 40 plants over 100 years to be able to chew up the available

amount, and then you have only used a small percentage of your total waste product or problem. You have only used the pure plutonium that is weapons grade usable which is an extraordinarily small amount of the total metric tonnage. In fact, we have 84,000 metric tons of civilian high-level waste versus only about 100 metric tons of absolutely weapons pure grade material.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. So we are talking about building the system to chew up weapons grade material and create high-level waste in the same process.

Now, let me just say the study by the Electric Power Research Institute, which is normally for these kinds of things, said this is inordinately expensive and it will increase the cost of disposing of civilian waste from $34 billion up to $84 billion. They also say it is the worst way for both civilian and military because it is the false comparison.

Let me just read from the committee's hearings themselves.

The chairman of the committee, Senator JOHNSTON, asked an individual, Mr. Horner, who was testifying: "First of all, then this differs in its capacity to breed from, for example, Clinch River?"

And Dr. Till, who is from Argonne, said, "No. That it shares."

So he acknowledged in the hearing August 5, 1993 that it shares the breeder capacity.

"Well, what does it take to add the blanket?" The chairman asked him, "Is that a big change?"

And Dr. Till said, "No, it's not a tremendous change. Again, you would have to reoptimize the core."

So the point I make is that in point of fact the technology could be changed in a matter of months. This is not a big change. And you wind up with a situation where you are now comparing the advanced liquid metal reactor against chemical reprocessing.

Now, that is the comparison. It is better than chemical reprocessing.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. Let me just finish the one point. But if you compare it to light water reactor processing and putting the plutonium in that, all of the studies show it is not better than that, or safer than that, or more cost effective than that.

I will be happy to yield.

Mr. JOHNSTON. I thank my friend for yielding because it was in fact a very good question, and I am not sure I heard the answer. But the Senator's question was: Will this burn weapons grade plutonium and put it in a state that is not easily convertible back into weapons?

And the answer is absolutely yes; is it not?

Mr. KERRY. Let me just answer that. I said both. It does two up some plutonium. That is accurate. If the question is, can the process two up plutonium, the answer is, yes it can. But in the process, the second part of the question, does it create a whole lot more waste in the process, the answer is it creates 30 percent more waste according to the Argonne National Lab, and it creates wastes that have higher half-lives than the waste that you have destroyed in plutonium. So you have actually added to the problem.

The next question is, even if you can two up the plutonium, the next question is, well, is that the only way to do it? Is this the best way to do it? The answer is——

Mr. JOHNSTON. Let us answer the question first.

Mr. KERRY. The Senator is on his time.

Mr. JOHNSTON. Whether this is a breeder, and a lot of other questions. We got off——

Mr. KERRY. The Senator is answering the question. The bottom line of the question is, does this make sense? That is the question.

Mr. JOHNSTON. I know it does not to the Senator from Massachussetts. It does not answer the Senator's question. Tell me if the Senator from Massachussetts disagrees with this.

Mr. KERRY. Whose time are we on? I will answer this on the time of the Senator. I would like to answer the Senator. My time is going.

Senator GLENN wants to speak. I would be happy to answer the question on the time of the Senator.

Mr. JOHNSTON. I have a lot less time. I will yield myself 1 minute for the purpose of this. It is very important.

First of all, I believe we have established that this will burn plutonium, and burn it at a pretty rapid rate when you are talking about pure weapons grade plutonium.

Second, the waste that comes out of the burning process is highly irradiated, cannot be processed, cannot be reprocessed back except by a PUREX-like process, which would be a very expensive process, beyond the technological capability of emerging countries.

Third, that the waste stream that comes out of it is orders of magnitude less in terms of radioactivity and heat load.

Have I said anything that is not correct?

Mr. KERRY. The Senator has told—if I may, Madam President.

The PRESIDING OFFICER. The Senator from Lousiana has the floor at this point.

Mr. KERRY. The Senator has asked me if he said anything incorrectly. The problem is the Senator has told only half the story.

Let me quote from his own hearing where Mr. Horner said:

> You have heard Dr. Till testify about the pyro-process technique and the difference between that and PUREX, and that the pyro-processing technique gives you a highly irradiated fuel—

What he just referred to—

> which is very dangerous and difficult to deal with. So why does that not reassure you about the danger of proliferation?

The answer:

> Mr. HORNER: For a number of reasons, Senator. First, as I said earlier, the comparison is not with other reprocessing techniques, which is what the Senator is doing in in his question. It is with current U.S. policy in disposing of the plutonium and spent fuel. That is the better comparison. And the second point is it brings us closer to weapons usable fuel.

Let me answer the Senator from Louisiana. Can you take plutonium and burn it? The answer is yes. But in the process of separating what was once fuel all mixed together, you have weapons grade fuel, nonweapons grade fuel, you have other actinides, plutonium, but they are all mixed together. It is extraordinarily expensive, extremely difficult. We do not even do it now—to make weapons grade material out of this fuel at the first stage of a light water reactor.

But what they are saying is the pyro-processing technique is going to use plutonium, burn it up, and in the process is going to separate plutonium, and the other wastes from your other fission products some of which, I just pointed out, have a half-life much longer than plutonium.

What have you accomplished when you have done this? You have burned a small percentage, tiny percentage; you have to reburn again and again and again over years. It takes hundreds, really. One of the labs estimates, Lawrence Livermore, says 1,000 years of burning process to get rid of the current rate of civilian toxics which leaves you with an increase of toxics and raises the cost of doing it from $34 billion up to $84 billion.

Mr. JOHNSTON. Madam President, if the Senator would yield, you are mixing the problem of plutonium with civilian nuclear waste.

Mr. KERRY. The National Lab estimates, I said on military alone, 100 years, 40 plants. But for the full measure of toxics belonging to the civilian sector, it would currently take a larger amount of time. We are not talking about doing that. But what I am pointing out to the Senator is that this—let me return to the Martin Marietta study. The Martin Marietta study makes it very, very clear that this process brings the fuel, I read from it:

> Because of the more desirable mix of isotopes—which you get in this pyro-processing—you have to recognize that plutonium taken from the liquid metal reactor is much more desirable for * * * weapons than plutonium from the light water reactor which is itself considered by the U.S. a proliferation threat.

So Martin Marietta, Department of State, DOE say if you escalate this to

the new level, you have escalated the proliferation threat, you are closer to bombmaking material and that is a threat.

I would like to reserve the remainder of my time and yield 8 minutes to the Senator from Ohio, who I might add, is one of the foremost advocates of nonproliferation efforts in the U.S. Senate.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank my distinguished colleague very much.

Madam President, I dislike very much being in the position of opposing the committee chairman, Senator JOHNSTON. He does much good work in these areas of technology and so on. I find myself most of the time on his side on these things and working with the committee. We have worked back and forth a great deal in matters like this.

In this particular area, however, I must rise today to express my opposition to funding the LMR and the integral fast reactor and pyro-reprocessing that goes along with it.

We are being told that these fast reactors such as the IFR will dispose of the plutonium problem. But at the same time there are cheaper and less dangerous ways to dispose of plutonium.

Also, the once-through light water cycle has not been considered in the DOE economic analysis. The DOE studies claim that the United States will make money, whereas in reality we will spend more money to foster a plutonium economy with fast reactors.

A number of questions need to be answered about this technology before we invest more taxpayer dollars. Among these questions:

When will the new generation of liquid metal fast reactors be on line to destroy plutonium? How much will it cost?

Will these new reactors be owned by the government or by utilities?

Will the reprocessing be done at a utility site or at a DOE national laboratory? Who will license such a reprocessing facility and what will be the licensing requirements?

Is this approach more expensive than other approaches for generating electricity such as natural gas, light water reactors, or renewables?

What signal will be sent to other nations which are embarking on reprocessing technologies to extract plutonium?

But these items where we are talking about the possibility of spreading plutonium economies around the world, are disquieting questions in a world which is fiscally strapped at the same time, and where we have some very direct, severe proliferation problems in places such as the Indian subcontinent, the Korean peninsula, and elsewhere.

There have been a couple of references made to the OTA study. That OTA study referred to which I released last week called "Dismantling the Bomb and Managing the Nuclear Materials" was started about 2 years ago. It took about 1½ years for them to do this study. We released it last week. That study was set up to try to determine how we can best manage these materials, how we can speed up the dismantling of weapons, and do it safely.

It was done because we know some of the mistakes that were made as we built up in our weapons program that we are paying dearly for now—estimates are some $200 billion that is going to be required to clean up our nuclear weapons plants and their processes and the waste leftover.

I do not want to see us now in the weapons dismantlement make some of those same mistakes.

The report was entitled "Dismantling the Bomb and Managing the Nuclear Materials."

I recommend very highly that my colleagues read, study, and have their staffs study this very comprehensive, incisive study that the OTA did.

OTA examined the ALMR/IFR option for plutonium disposal and made some telling observations. Let me read some of OTA's findings for your benefit:

With a new interest in disposal of surplus military plutonium, ALMR designers have suggested the possible use of their design. However the concept of plutonium transformation using fast reactors appears to have some limitations. To consume plutonium in a fast reactor requires significant design changes from the original LMR that was intended to produce plutonium. It could also be expensive: the required reprocessing could multiply the total volume of radioactive waste by 10, thereby driving up costs.

OTA also observes:

The licensing process would likely be difficult and contentious both for the ALMR facilities and their associated reprocessing facilities.

Finally OTA points out that:

Deploying ALMRs solely for burning weapons plutonium would be difficult to implement because only a small amount of plutonium may be available from weapons dismantlement. Proponents usually tie this concept to a national decision to turn to a plutonium breeding/recycling energy program. Moreover, as a strategy to eliminate actinides including plutonium contained in spent fuel, this would be very slow compared to many other direct disposal strategies such as vitrification. To reach a tenfold reduction in the inventory of actinides accumulated in U.S. spent nuclear fuel (equivalent to burning 90%) was estimated to require more than 100 years.

I ask unanimous consent to have printed in the RECORD the OTA summary of the ALMR/IFR concept.

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

BOX 4-D—PLUTONIUM TRANSFORMATION CONCEPT 1: ADVANCED LIQUID METAL REACTOR/INTEGRAL FAST REACTOR SYSTEM

The advanced liquid metal reactor/integral fast reactor (ALMR/FR) has been proposed as a plutonium disposition option. It was originally designed as a fast breeder reactor for electricity generation (producing more plutonium than is consumed).

The ALMR design could be modified to consume plutonium and other transuranic actinides instead of producing them. This feature was promoted as a means to eliminate such actinides in spent fuel from conventional U.S. light-water reactors. It would still require plutonium reprocessing, and many burning/reprocessing cycles would be required to significantly reduce the actinide inventory in spent fuel. This proposal is currently being evaluated by the National Academy of Sciences Panel on Separations Technology and Transmutation Systems (STATS panel).

With a new interest in disposal of surplus military plutonium, ALMR designers have suggested the possible use of their design. However, the concept of plutonium transformation using fast reactors appears to have some limitations. To consume plutonium in a fast reactor requires significant design changes from the original LMR that was intended to produce plutonium. It could also be expensive: the required reprocessing could multiply the total volume of radioactive waste by 10, thereby driving up costs (7).

The concept also envisions reprocessing, to separate fission products in spent fuel, and subsequent recycling of the remaining plutonium. The licensing process would likely be difficult and contentious both for the ALMR facilities and their associated reprocessing facilities (45). Reprocessing would be either a standard chemical separation process or a pyrochemical process if one was sufficiently developed. Aqueous waste from the process would contain transplutonium actinides including neptunium and residual plutonium, although another process under development at Argonne National Laboratories can recover better than 99.99 percent of all actinides, leaving only fission products in the waste solution (6). Fuel fabrication with recycled plutonium (after the first cycle with pure weapons-grade plutonium) would have to be done remotely in a hot cell because of gamma-emitting actinides (52).

If it operates according to present designs this option would eliminate most transuranic actinides, including plutonium, while generating high-level waste. That waste would require a repository, the future availability of which is unknown.

Deploying ALMRs solely for burning weapons plutonium would be difficult to implement because only a small amount of plutonium may be made available from weapons dismantlement. Proponents usually tie this concept to a national decision to turn to a plutonium breeding/recycling energy program. Moreover, as a strategy to eliminate actinides including plutonium contained in spent fuel, this would be very slow compared to many other direct disposal strategies such as vitrification. To reach a tenfold reduction in the inventory of actinides accumulated in U.S. spent nuclear fuel (equivalent to burning 90 percent) was estimated to require more than 100 years (45).

Source: Office of Technology Assessment, 1993.

Mr. GLENN. I would like to share some of my other thoughts on the ALMR program.

THE PLUTONIUM ECONOMY

The ALMR/IFR is being sold as a reactor co-located with its reprocessing plant to avoid plutonium shipments all over the country. It is very unlikely that a utility would buy the IFR, but if it did, you could be sure that the reprocessing plant would not be located

on the utilities' property. Licensing and regulatory procedures would make such a setup daunting to say the least. This means that we would have to put in place plutonium shipping and storage as part of the cycle.

The generic environmental statement on mixed oxide fuels—the so-called GESMO process of the 1970's—which was before the NRC, would have to be reopened in order to license the mixed oxide fuels for power reactors.

ACTINIDE BURNING

ALMR/IFR is being sold as an actinide burner which would burn americium, neptunium, plutonium, and other actinides. But Madam President, to build the IFR reactors is the hard way to get rid of plutonium. First of all, the IFR will produce plutonium because neutrons will collide with and be absorbed by uranium in the fuel. The plutonium can be minimized by wasting neutrons, but still considerable plutonium will be produced. The IFR will only burn a fraction of actinides in one cycle, as the National Academy of Sciences points out:

* * * the time to reach an inventory reduction of 100 percent would be more than 1000 years. * * *

The National Academy has not yet given its opinion on plutonium disposal; this is expected in November. However it is clear that disposal in the earth, storage, or burning as a mixed oxide in light water reactors are all cheaper and easier than starting up a whole new fuel cycle based on liquid sodium reactors and a new type of reprocessing. In addition, there are advanced machine concepts under study, such as accelerators, that in theory could burn plutonium and transmute the waste products so their danger to health and safety is minimized.

A year ago Congress asked DOE to prepare a technical review on plutonium disposition. This study concluded that:

Near total plutonium destruction was found to be realistically impossible within the 25-year time frame required for disposition. Net plutonium destruction for this alternative ranged from 35–63 percent, even with the use (in some cases) of novel fuel designs to enhance destruction.

In other words, the fast reactors will not really destroy the plutonium, but just reduce the amount. The fast reactors will change the isotopic compositions, but one can still make weapons with the reactor grade plutonium.

PROLIFERATION

By continuing down the ALMR/IFR path the United States will encourage the Japanese, among others, to reprocess spent fuel for the recovery of plutonium. Is this a wise signal to send? At this time the Federal Republic of Germany is wavering in their decision to abandon the recycle option. The British are uncertain in their decision on the THORP plutonium recycling plant. The French breeder reactors are having problems. Why now send the message to these nations that pyroreprocessing is something that we want to encourage? It is likely that pyroreprocessing plants can be made more compact than the Purex plants, and thus potentially easier to hide. In addition the safeguarding and materials accountancy of pyroreprocessing will be very complex, thus complicating the job for the IAEA.

FISCAL RESPONSIBILITY

After the Nation has spent considerable money, who will buy the IFR? Clearly, not the utilities. I do not expect that the Congress will give DOE the money to build its own utility at a cost of some $20 billion. We have already seen the Nation waste billions on the late and unlamented Clinch River liquid metal fast breeder reactor. Do we want to waste more money on this technology?

These funds for the ALMR/IFR will be followed with requests to spend billions to build a demonstration plant, and then the utilities will either choose advanced light water reactors, natural gas, or renewables, but not the IFR. The United States has spent some $1.3 billion between 1987 and 1993. I think it is time to draw the line.

URANIUM ECONOMICS VERSUS PLUTONIUM ECONOMICS

No utility will burn plutonium as compared to uranium at a loss of some $10 million per year reactor. The public will not allow the utilities to choose the plutonium cycle for these financial reasons and for other reasons.

Madam President, these are some of my thoughts on the ALMR/IFR Program. I ask my colleagues to strike the funding for this program.

I ask unanimous consent that some materials regarding this subject be printed in the RECORD.

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

WHAT EXPERTS SAY ABOUT LIQUID METAL REACTORS FOR NUCLEAR WASTE DISPOSAL AND ARMS CONTROL

The Department of Energy's Advanced Liquid Metal Reactor (ALMR) program is developing a breeder technology for potential future use. Supporters of the program contend the technology could be used to consume radioactive plutonium and other actinides from spent fuel rods and military weapons. However, this proposal has been criticized by independent scientists, industry, taxpayer organizations, environmentalists, and arms control groups.

ON LIQUID METAL REACTORS FOR HIGH-LEVEL WASTE DISPOSAL

"Their potential to alleviate some of the waste disposal problem for LWR fuel through actinide recycling . . . is not considered justification for advancing the advanced LMR. . . ." *National Academy of Science*, 1992.

"There remain no costs or safety incentives to introduce (partitioning and transmutation) into the High-Level Waste management system." *Lawrence Livermore National Laboratory, et al.*, February 1992.

"The policy would likely incur a large cost penalty, encounter major institutional difficulties, multiply licensing difficulties, and amplify political and public opposition to the nuclear power program as a whole." *Electric Power Research Institute*, March 1991.

ON LIQUID METAL REACTORS FOR WEAPONS DISPOSAL

"Proponents of nuclear power sometimes argue that military plutonium should be stored to provide start-up fuel for fast-neutron plutonium-breeder reactors when they eventually become commercially feasible. However, that argument makes little sense . . . They are not even close to being cost-effective." *Frank Von Hippel, Princeton University, et al.*, November 1992.

"(The liquid metal reactor) is a breeder technology that could be used to increase the already excessive supply of plutonium existing in the world today * * * Furthermore, using plutonium from dismantled warheads as fuel in ALMRs does not offer a realistic solution to the problems of plutonium disposition." *Friends of the Earth, Greenpeace, Natural Resources Defense Council, Nuclear Control Institute, Public Citizen, Physicians for Social Responsibility*, March 1993.

[From the New York Times, Sept. 28, 1993]

NEW CURBS ON NUCLEAR WEAPONS

President Clinton yesterday announced the most serious effort in years to curb the spread of nuclear arms and other weapons of mass destruction. In his speech to the United Nations General Assembly in New York, he pledged to seek global bans on the production of nuclear material for bomb-making and on nuclear testing. And he offered important inducements to get other countries to cooperate.

His commitment comes not a moment too soon. Iran, North Korea and others are poised to develop nuclear weapons. And now from Russia comes word that the Soviet nuclear arsenal may have been far larger than previously admitted, leaving far more plutonium and enriched uranium to dispose of safely in that dangerously fragmenting society.

Mr. Clinton's predecessors tried to curb the spread of nuclear arms by keeping nuclear material out of the hands of bomb-makers; they stopped short of seeking a ban on the production of plutonium and enriched uranium. But as more and more nuclear material is produced it has become harder and harder to keep track of. That's why a ban on production makes sense.

Mr. Clinton can start by urging the Senate to bar funds for the Advanced Liquid Metal Reactor, which generates electricity by converting uranium that can't be used in warheads into plutonium, which can. And he can heed members of Congress who want him to urge Japan, Britain and France to re-examine their plutonium production policies in a world of nuclear excess.

Mr. Clinton's commitment to curbing proliferation is evident in the inducements he is offering other nations to go along. Overriding the objections of American weapons laboratories, he will begin negotiations to ban nuclear testing, which could strengthen worldwide adherence to the Nuclear Nonproliferation Treaty.

He will also permit international inspections of U.S. stockpiles of nuclear material extracted from dismantled nuclear warheads, making it easier for Russia and other states to accept such monitoring. In so doing, he overcame the overwrought objections of bomb-makers who contended that inspections would unveil secret techniques.

Mr. Clinton will also share U.S. intelligence on global trafficking in arms-making

technology and materials, a step the guardians of secrecy in the intelligence agencies had resisted.

And if all else fails to induce nations not to build weapons of mass destruction or export technology that enables others to do so, he will allow them to purchase missile and other advanced technology from the U.S. Some arms controllers may denounce that as a Faustian bargain.

But Mr. Clinton is not proposing indiscriminate sales; he'd issue export licenses on a case-by-case basis, and only to states that live up to their obligations not to proliferate. It's a risk worth taking. How can the U.S. get other states to join the Missile Technology Control Regime if there are no privileges of membership?

If his efforts succeed, Mr. Clinton could do more for U.S. security than those who built up America's nuclear arsenal in the first place.

Mr. KEMPTHORNE. Will the Senator yield for a question?

Mr. KERRY. I have to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts reserves 10 minutes 30 seconds. The Senator from Louisiana has 13 minutes 28 seconds.

Mr. JOHNSTON. I yield 1 minute to the Senator from Illinois.

Mr. SIMON. Senator FEINSTEIN asked some very key questions. I have just three points:

No. 1, the end product here is dirty plutonium that cannot be used for arms purposes. That is why the Japanese have invested $46 million in this process. They are interested in restricting this proliferation.

No. 2, as far as cost effectiveness, you would not have Southern California Edison and other utilities investing money in this if they did not believe, ultimately, it was going to be cost effective.

Finally on the Senator's question on the amount of waste produced, I simply point out that the Department of Energy says, and the head of Office of Nuclear Energy in testifying in August said: "It would reduce the volume and mass of the high-level radioactive waste in the repository."

Finally, I ask that the Department of Energy response to the OTA study, which they say is based on outmoded technology, be printed in the RECORD at this point.

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

OFFICE OF TECHNOLOGY ASSESSMENT (OTA) REPORT, "DISMANTLING THE BOMB AND MANAGING THE NUCLEAR MATERIALS," ADVANCED LIQUID METAL REACTOR

While the report is an excellent introduction to the very difficult issues to be confronted in addressing the future excess plutonium inventory, it draws several conclusions that appear to stem from misinformation with respect to the Department of Energy's Actinide Recycle Program.

The Actinide Recycle Program is demonstrating the technical and economic feasibility of this innovative technology significantly reducing the future burden of nuclear waste. The Department and others are evaluating whether this technology could also be used to support an excess weapons plutonium disposition mission.

The OTA report offers much useful information for initiating an informed dialogue on plutonium disposition, but in the case of the Advanced Liquid Metal Reactor (ALMR) the underlying technical premises are dated and not indicative of the program currently under development at the Department of Energy.

Many of OTA's criticisms appear related to earlier fast reactor and reprocessing (PUREX) technologies which were abandoned several years ago by the Department for many of the same reasons raised by OTA. Specific comments are as follows:

"The report states that the ALMR fuel recycle could increase waste volumes by a factor of ten. This conclusion is applicable to aqueous reprocessing, but the Department of Energy's Actinide Recycle Program is based on a radically new technology (pyroprocessing) that could reduce the volume of waste by up to a factor of four relative to a once-through fuel cycle.

"The report challenges the potential for the ALMR to be economic. Although it is too early to project specific economic performance with certainty, a recent DOE study that included the ALMR as an option for plutonium disposition found that an ALMR could recover the costs of plutonium disposition through sales of electricity.

"The report concludes that significant design changes would be required from the original liquid metal reactor to consume plutonium. Significant design changes have already been made in the wake of Clinch River to improve safety, economics, as well as to allow the burning of plutonium. The Department's program is already based on the consumption of plutonium—not the production of plutonium."

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Madam President, I yield 1 minute to the Senator from Idaho.

Mr. KEMPTHORNE. Madam President, thank you very much. There has been much made of the OTA study.

I ask unanimous consent that the Department of Energy's review of that study be printed in the RECORD.

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

OFFICE OF TECHNOLOGY ASSESSMENT [OTA] REPORT "DISMANTLING THE BOMB AND MANAGING THE NUCLEAR MATERIALS," ADVANCED LIQUID METAL REACTOR

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Mr. KEMPTHORNE. You will see that this is an excellent conclusion that points out that it totally disagrees with the OTA study.

Also, Madam President, the Senator from California has asked an excellent question. I share what I think is her concern, and that is nuclear proliferation. She asked about whether or not IFR's would consume the 100 metric tons of weapon grade plutonium, which is a real threat to national and world security. It would take five IFR's a period of 70 years, once the material was put in those IFR's, to consume, in essence, all of that plutonium. That is a significant benefit to the IFR program.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Madam President, I yield myself 4 minutes.

Madam President, let me answer my good friend from Illinois quickly if I can, who emphatically made the statement that this is not a proliferation problem because, as he said, the product is not a pure plutonium and cannot be used for arms reduction.

My good friend is just not correct in his conclusion that it cannot be used. It cannot be used, he is correct, in its dirty form. It has not, when coming out of pyroprocessing, been made into a weapons grade form at that moment. Nor, for instance, is it when it comes out of the light water reactor in the early stage. But what is critical, and what the Martin Marietta study says, and I once again say, is that the plutonium from a liquid metal reactor is more desirable for use in weapons than the plutonium from the light water reactor.

Ms. MOSELEY-BRAUN. Madam President, will the Senator yield?

Mr. KERRY. I do not have enough time to yield.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mr. KERRY. I will yield on the Senator's time, but I do not have time.

It is not that it cannot be made. It is closer to bomb material. It is plutonium in a reactor that can become a breeder reactor.

They have made much about the notion that this is reconfigured. The reconfiguration can be changed very easily, in point of fact. I earlier pointed out that a significant portion of the materials now used in this reactor in its reconfiguration, in fact 45 percent of it, is breeder reactor material. It has blankets. It has the capacity to be changed. There is not one of the scientists who testified before the committee who denied that this could be reconfigured into breeder capacity. Even Argonne understands that and has said that.

Madam President, to go further than that, the second comment made was that Japan, and others, would not be doing it if there was not an interest.

The President of the United States went to the United Nations this week and basically said to Japan and Russia: Do not do it. We do not want you to do it. We do not want plutonium reprocessing plants created. This is directly contrary to our own policy at least in its current form.

So, it is imperative that we do not encourage these other countries that we are trying to discourage from doing it to do it because we are talking out of both sides of our mouths.

Finally, on this issue of nuclear waste that has been made about it, I think there is a critical point to remember here. The amount of mass of waste that is going to be reduced is really infinitesimal. All of the studies thus far show that. Let me just share with colleagues the Lawrence Livermore study. I do not think people will find Lawerence Livermore overly suspect on this one. They were asked to do a study. They did it, and here is what they say.

Pyro-processing, which is what this is trying to do, is neither an alternative to the current geologic disposal program, nor essential to its success, nor can the technology be implemented unless there is a resurgence of nuclear power. Many believe it cannot occur until the capability of disposing of radioactive waste is successfully demonstrated.

Moreover, pursuing pyro-processing as an integral part of the U.S. geological effort will require radical restructuring of the law behind it and a national system for supplying electricity for it. There remain no cost or safety incentives to introduce pyro-processing into the high-level waste management system.

The PRFSIDING OFFICER. The Senator's 4 minutes have expired.

Mr. KERRY. Madam President, I reserve the remainder of my time.

Ms. MOSELEY-BRAUN. Madam President, will the Senator yield?

Mr. JOHNSTON. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 10 minutes 56 seconds remaining.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. JOHNSTON Madam President, I am first going to yield 2 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, for the record—and here we are now dealing with facts that just must be addressed—the Martin Marietta study has been laid down as statements of fact when, in fact, the experts have now looked at it and said it was a different kind of technology. It was done in the early stages, and you cannot quote it in today's context in today's debate and use it as a valid statement.

Let me then enter for the RECORD a statement of scientists in the Department of Energy that effectively say that this study was done in the early stages of our R&D and that it has significantly changed. Those are the facts. They do refute Martin Marietta. It is important for the RECORD that that be a part of it, and I ask unanimous consent to have that statement printed in the RECORD.

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

RESPONSE TO QUESTIONS ON BURNER TO BREEDER CAPABILITY; SENATE ENERGY COMMITTEE ACTINIDE RECYCLE HEARING AUGUST 5, 1993

Argonne National Lab Response, p. 99:

RESPONSES TO QUESTIONS FROM SENATOR BUMPERS

Question 1. If a liquid metal reactor were constructed and operating, what would need to be done to turn the reactor into a breeder reactor. How long would this process take?

Answer. Today there exists over 700 tons of Pu contained in the current reactor spent fuel. This amount will grow by about 700 tons in a 10-year period, even if no additional nuclear reactors are built. The Pu amount cumulated in the current commercial reactors by the year 2010 would be able to start up over 100 GWe of [FRs and provide their 30-year lifetime make-up requirements when operated on burner mode. Because of this huge inventory of plutonium, the LMRs constructed during the next 50 years are most likely to be net Pu burners and the core designs would be optimized for the burning mode. The future next-generation LMRs could then be designed for breeding optimization. Of course, it is technically feasible to convert a burner design into a breeder design.

In the simplest sense, stainless steel would have to be replaced with depleted uranium blanket assemblies. Second, a significant change to the fuel would be required. Third, there might have to be a change in the control rods and safety rods, depending on the change in reactivity swing during a burnup cycle. These changes could only be made if the original design were flexible enough to allow a substantial redistribution of the sodium coolant through the various regions of the reactor. A change of this magnitude would require a licensing process, which would probably require a several year lead time to develop the safety case and go through the licensing process. Ignoring the engineering requirements, several months would be necessary to manufacture the new fuel and blankets.

The underlying question, however, is whether the conversion to a breeder would become a potential proliferation path. Because this conversion is relatively expensive, obvious, and slow, if an LMR was exported as a burner, it would not be possible to go through this conversion clandestinely.

Department of Energy Response to Senator Kempthorne Question on Proliferation, p. 88:

Question 4. Opponents of the IFR contend that, even with a normally operated IFR producing a plutonium mixed with contaminants for recycling, it would not be difficult for a national government to withdraw from the Non-Proliferation Treaty, elude the safeguards and secretly divert the nuclear material to alternative uses. How easy would this be to accomplish with an IFR reactor, and are those risks greater or less than with current nuclear reactors?

Answer. If a national government abrogates the Non-Proliferation Treaty, then an IFR reactor or its fuel cycle facility could conceivably become a source to divert plutonium. However, because the IFR pyroprocessing is incapable of producing a pure plutonium product, subsequent reprocessing using the aqueous process is necessary. Therefore, we believe that the risk of proliferation is not any greater than that associated with current power reactors because this same aqueous separation technology could just as easily be used to separate plutonium from spent fuel from current reactors, avoiding altogether the need for IFR technology.

Department of Energy Response to Senator Kempthorne on Proliferation Issues, p. 89:

Question 12(a). The 1991–1995 Safeguards Criteria issued by the International Atomic Energy Agency (IAEA) recommends developing "near-real time accountability" capabilities at reprocessing facilities. A Martin Marietta study has been repeatedly cited because it supposedly concludes that the IFR's recycle design would require periodic and frequent shutdowns to estimate flow and inventories. Accountability measurements, it is argued, cannot be accomplished during operations. Is this a fair characterization of the Martin Marietta study's conclusions?

Answer. When the Martin Marietta study was conducted in 1991, the IFR process development was still in an early R&D stage, and the commercial-scale IFR facility design was based on a conceptual design developed in 1985, for which a facility specific IAEA safeguards regime had not yet been developed. The conclusion in this report regarding technology development have been integrated into the development program to ensure these concerns are addressed. Development and demonstration of accountability measurements which will satisfy the IAEA requirements are an important part of the planned fuel cycle demonstration program.

Over-emphasizing technical safeguard development requirements does not correctly reflect the central tenet of this report. The Martin Marietta report correctly cited the need for technical developments to satisfy the international safeguards regime, but this does not detract from the central conclusion of this report that the IFR fuel recycle process is "inherently more proliferation-resistant than conventional recycle, using the PUREX process and oxide fuel fabrication."

Question 12(b). What was the purpose of the Martin Marietta study, and how would you characterize its conclusion? Do you believe the questions, if any, raised by the Martin Marietta study can and will be addressed during the remaining R&D effort pertaining to the IFR?

Answer. A panel of the highly experienced experts in fuel cycle and actinide chemistry and nuclear and nonproliferation foreign policy was assembled to assess the nonproliferation potential and international implications of the IFR technology. This assessment was co-sponsored by the State Department and the Department of Energy. The central conclusions of the report are:

"The IFR fuel recycle process is inherently more proliferation-resistant than conventional recycle using the PUREX process and oxide fuel fabrication."

"The plutonium obtained from IFR fuel recycle as now conceived cannot be used directly with confidence to produce a nuclear weapon because of the residual fission product radioactivity and the presence of significant heat-producing and neutron-producing radioisotopes."

"The IFR recycle process, even with modifications, does not lend itself to producing plutonium pure enough for weapons use. Further time-consuming purification in special facilities would be required."

The report also notes that acceptable accountability may not be easy to achieve, and that, at the time of the report's preparation, there were unresolved problems in the areas of safeguards, plant inspectability, and material accountability. These technical concerns do not, however, detract from the inherent proliferation advantages of this innovative fuel cycle, and development programs are underway to resolve these technical concerns.

Mr. CRAIG. Madam President, let me also suggest when we are talking volume versus mass versus radioactivity as it relates to waste stream and the kind of configuration that will be made up in a geologic repository, there is no doubt that we are not talking volume. We are talking mass and we are talking radioactivity, and we are talking about the ability once the fuel goes through the IFR process and it is configured or it is changed by the burning process, that you can store it closer together. In other words, you can get a heck of a lot more in the same room than you could from the waste stream of a light-water reactor.

Those are facts now. You cannot refute it.

Let us put the hearing record in the RECORD, and I ask unanimous consent that page 102 of the hearing record that totally refutes the statement of the Senator from Massachusetts on this argument be printed in the RECORD.

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

Qestion 5. When, and if, the liquid metal reactor becomes commercially viable, do you expect that actinide recycling will be performed by the government or private companies? Do you expect that the recycling will occur at the reactor sites or elsewhere?

Answer. When the LMR becomes commercially viable, there is no reason that the actinide recycling could not be performed by the private industry as part of the normal power generation and fuel supply industries. There will be two types of recycling process facilities involved. The facility to extract actinides from the LWR spent fuel is expected to be centrally located with a throughput capability to handle a large number of LWRs. The other type of facility that enables recycling of antinides within the IFR is expected to be collocated with the IFR reactor plant.

Question 7. If actinide recycling still leaves fission products with lives longer than 300 years, what benefits will actinide recycling bring to our nuclear waste disposal program?

Although actinide recycling still leaves some fission products with long half-lives, the long-lived fission product risk, by any standard, is small. Even Tc-99 and I-129 are dissolved in ground water and escape the repository, the resulting health effects are less than 0.1% of the expected health effects from a natural background radiation. This issue can also be looked at from the viewpoint of the EPA 10,000-year cumulative release limits placed on the repository. The total amount of I-129 is such that even if the entire inventory is released it is well below the allowable release limit. The amount of Tc-99 is slightly larger than the allowable release limit. However, Tc-99 can be put into a suitable matrix to improve the leachability characteristics (easily in IFR processing) and hence satisfy the EPA cumulative release limit.

The actinides, on the other hand, have much higher toxicity—about four orders of magnitude higher than that of Tc-99 and I-129. The repository assessment models predict that actinides will be retained in the geologic formation. The question is how to prove it. In terms of the EPA standards, the allowable cumulative release is about 0.01% over 10,000 years. Or equivalently, the allowable annual release rate is one part in 100 million per year. This requires validation of the geological information and analytical tools for extremely accurate predications of the long-term behavior of the site and waste forms. If actinides are recycled and burned in the reactor, this need is eliminated and the technical performance requirements placed on the repository can be met easily.

Furthermore, actinide recycling reduces the decay heat loading in the repository by a large factor, especially for the long-term burden. This combined with the reduced radiological toxicity provides opportunity to enhance the capacity utilization and deferring the need for future repositories. It also represents a viable technical backup option in the event unforeseen difficulties arise in the repository licensing process.

Question 8. How much money do you estimate the government will have spent on the liquid metal reactor program by the time the reactor becomes commercially viable?

Answer. The amount spent on the IFR Program since its inception in 1984 is about $700 million. Approximately additional $500 million is needed to complete the IFR technology demonstration and terminate the facilities over the next five years. The federal share of a commercial prototype demonstration project would be of the order of $1 billion. The total cost is thus approximately equal to one large central station electricity generating plant.

These costs are seen to be very small when compared to the potential benefits in the future. Benefits in the range of tens and hundreds of billions dollars can be realized through the avoided cost of uranium resources to continue the nuclear electricity generation, savings due to deferring of additional repositories and reduced repository operating cost resulting from reduced high-level waste volume. In addition to these direct benefits, the following indirect benefits can be also realized:

Weapons stockpile plutonium can be effectively and efficiently transformed to safe, peaceful use without any cost penalty. In fact, a large saving in the power generation cost is expected. As the IFR fuel, an inventory of 100 MT is worth about $5 billion, at the same time solving the disposition issue.

The IFR pyroprocessing technology has potential for application to various Pu scrap materials in the defense complex and DOE spent fuel inventories of various kinds. Billions of dollars of savings can be realized for ultimate disposition/disposal of these materials.

IFR is a U.S. unique technology, with excellent export market potential. This is the nuclear version of a high technology that will assure the U.S. its international leadership role in nuclear development.

Mr. CRAIG. Those are the facts to be dealt with in this debate.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Who yields time?

Mr. JOHNSTON. Madam President, I yield 1 minute to the Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator very much.

Madam President, I will be to the point and, hopefully, be as clear and straightforward as possible. A lot of confusion has been injected in this debate which does all of us who are listening a disservice.

The debate essentially comes down to two different types of reprocessing alternatives: Light-water versus liquid metal. The fast reactor project to recycle the waste is a burner as opposed to a breeder reactor. It gives rise to less volume in terms of waste, with a shorter half-life as opposed to other processes and is the most antiproliferation approach that we presently have.

We are right on the verge of being able to employ this technology. If you are against proliferation, you will be for the IFR. If you are against large volume of nuclear waste, you will be for IFR. If you are against keeping waste buried in the stand for a thousand years, you are for IFR.

Madam President, I will ask to have printed in the RECORD the following documents:

First, a paper on "A Concept for Increasing the Effective Capacity of a Unit Area of a Geologic Repository." This paper shows a reduction by a factor of four in the amount of waste volume.

And second, the Technical Review Committee Report by the U.S. Department of Energy Plutonium Disposition Study, which clearly answers this question regarding proliferation resistance to say that "Complete plutonium destruction is not possible without the use of reprocessing and fast reactors such as ALMR."

I know the time has expired.

Madam President, I ask unanimous consent to have those documents printed in the RECORD.

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

[Department of Energy Plutonium Disposition Study, July 2, 1993]

TECHNICAL REVIEW COMMITTEE REPORT

THE SPIKING ALTERNATIVE

After fuel fabrication (which chemically dilutes the weapons plutonium), reactors can very rapidly introduce a large radiation barrier into the fuel assemblies. 100 MT of weapons plutonium could be irradiated in 2.5 to 12 years following the start of operations. Very few reactors would be required. Unfortunately, the short residence time within the reactor does not substantially alter the isotopic quality of the plutonium. Additionally, in no case was a sufficient (3 GWe) electrical production capability constructed to allow the costs of plutonium disposition to be offset by electricity sales. Many of the disadvantages could be overcome if the irradiated fuel were reinserted into the reactor for further burnup (spike-store-burn).

THE SPENT FUEL ALTERNATIVE

The study found that the spent fuel alternative increased the proliferation-resistance of the weapons plutonium substantially. Unlike the spiking alternative, the plutonium isotopics associated with this option would be significantly degraded by longer residence times in the reactor, especially in the case of the light water reactors (LWRs) and the MHTGR. For the LWRs, the spent fuel produced would be similar to existing commercial reactor spent fuel and, thus, would add only a small, incremental waste management burden.

All of the reactor technologies evaluated through this study can satisfy the requirements of the spent fuel alternative. The ALMR and the MHTGR were found, however, to be significantly less mature than the light water reactors, particularly ABWR and System 80+, which were considered the most mature. Compared to the LWR concepts studied, the lesser technical maturity of the ALMR and MHTGR would be expected to result in greater development and deployment costs and schedule risks.

Using light water reactors and the spent fuel alternative also showed the greatest promise for offsetting the costs of plutonium disposition with electricity revenues. However, construction of several large powerplants (some with many reactors) would be required unless the 25-year time constraint were relaxed. The use of numerous reactors could result in increased public concern and siting difficulties.

For these reasons, the study found that the spent fuel alternative, using light water reactors, appears to be the most effective way to achieve the desired proliferation-resistance.

THE DESTRUCTION ALTERNATIVE

Although reactors can destroy 35–63 percent of the plutonium in 25 years, the study did not identify any practical means of completely destroying the plutonium in this time frame. The amount of plutonium destroyed can be increased by expanding the time period available. Practically, however, complete plutonium destruction is not possible without the use of reprocessing and fast reactors such as the ALMR. Even in this case, substantially more than 25 years would be required to achieve complete plutonium destruction.

In all cases, the quantity of residual plutonium in the spent fuel produced by the various destruction alternatives was sufficiently high to require safeguards that are similar to those of the spent fuel alternative; therefore, safeguards requirements would not be offset by proceeding to the destruction alternative. In the case of the ALMR, however, the ultimate waste forms arising from reprocessing would be essentially plutonium-free and, thus, would probably require fewer safeguards.

Destruction of plutonium by using reactors was found to incur substantially increased technical risk and schedule uncertainty, which would likely translate into increased costs.

ECONOMIC ANALYSIS

The fission option offers the potential to generate revenue through electricity production to offset the costs of plutonium disposition. Due to the large initial investment required to enable the use of fission reactors for plutonium disposition, it is unlikely that these costs can be fully recovered over the near-term course of the mission. The reactors have, however, a much longer life (40–60 years) than that needed for the plutonium disposition mission. When electricity revenues beyond the initial plutonium disposition mission are included (as one measure of this residual value), cost recovery can be achieved through some applications.

The analyses showed that the spent fuel alternative is the most economical means for plutonium disposition. For this alternative, study results indicated that the ALWRs and the ALMR could generate positive net present value life cycle revenues ranging from $1.2–5.8 Billion. The MHTGR was not able to generate positive net present value life cycle revenues for any of the cases examined. Sensitivity analyses to date indicate that the principal factors affecting the economic results are the assumed discount rate and the price of electricity—both of which are essentially independent of the plutonium disposition mission.

TRITIUM CONVERSION

The study showed that all of the reactor concepts could convert to tritium production within six months of notification to do so and produce the required amount of tritium (if this capability were needed in the future). The amount of tritium that can be produced is consistent with likely future requirements.

A CONCEPT FOR INCREASING THE EFFECTIVE CAPACITY OF A UNIT AREA OF A GEOLOGIC REPOSITORY, MAY 17, 1993

(Allen G. Croff, Chemical Technology Division, Oak Ridge National Laboratory)[1]

ABSTRACT

By processing spent fuel to remove the actinides, the thermal properties of the resulting high-level waste (HLW) are substantially altered. In particular, the "thermal half-life" of the waste is reduced from centuries to about 30 years. The work in this paper evaluates a High-Efficiency Waste Emplacement Concept (HEWEC) that takes advantage of the decrease in thermal half-life. The HEWEC is based on the observation that the waste loading per unit area of a repository is potentially limited by the maximum allowable temperatures at several locations: the waste package (very near field), the rock surrounding the package and emplacement drifts (near field), and the large bulk of surrounding rock (far field). The first two of these are controlled by decay heat generated within years or decades of waste emplacement, primarily resulting from the fission products but with significant contributions from actinides. Far-field temperatures are controlled by decay heat generated over centuries, primarily from the actinides. While the critical temperature limit for spent nuclear fuel typically occurs within the package, it is close to limits in all other locations. However, if spent fuel without actinides (i.e., high-level waste) is emplaced in the repository, far-field temperatures no longer approach the limits, and the waste loading is restricted by temperatures in near-field and very-near-field locations. If the repository is fully ventilated during operation, a sufficient fraction of the total decay heat can be removed to allow significantly more waste to be loaded in a unit area without exceeding temperature limits. The evaluation of the HEWEC is based on the analysis of a number of existing thermomechanical studies. The results indicate that it appears possible to increase the equivalent amount of waste that can be loaded in a unit area of a repository by about a factor of 4.7. The evaluation also indicates that application of the HEWEC precepts to unreprocessed spent fuel is not as effective, potentially increasing repository loading by only a factor of 1.2.

Ms. MOSELEY-BRAUN. Madam President, I hope to have clarity in the concluding moments of the debate.

Mr. JOHNSTON. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Lousiana has 6 minutes 45 seconds; the Senator from Massachusetts has 6 minutes 23 seconds.

Mr. JOHNSTON. Madam President, I yield myself the remainder of my time.

Madam President, if I may address the very piercing questions asked by the Senator from California, it really is fairly simple what we are trying to do if we do not mix our metaphors and mix our advantages.

There are at least three advantages of this process. One is it is inherently safe. We have not dealt with that here but it is a highly important advantage. But we have dealt with the two other advantages. One is the proliferation advantage, and the other is the waste reduction advantage.

Unfortunately, we have mixed those two. Let me make it as clear as I can. The advantage on this is for proliferation. It is that you can take pure plutonium, of which there are many tons in the world being extracted from weapons—which really is the proliferation problem today; that is really where the biggest unsolved problem comes from—you can take that, and we mix it together when we first get it. In doing so we do not destroy the value of it, but we destroy the ability to use it in weapons.

That is what we do initially with this plutonium and, therefore, render it practically incapable of being made into a weapon.

[1] Managed by Martin Marietta Energy Systems, Inc. for the U.S. Department of Energy under contract DE-AC05-84OR21400.

There has been some talk, and the Senator quotes a Martin Marietta report, et cetera, in saying that it is easier to reconvert this plutonium once it has been converted into this fuel back into pure plutonium than from a light-water plant.

Well, earlier I read the testimony of the expert from Harvard, Dr. Chuck Till, and indeed quoted from Martin Marietta, that there is, as those experts said, a vanishingly small amount of difference. Both would require the PUREX process. The PUREX process cannot be miniaturized. It is a huge, big process beyond the capability of emerging countries. And for those that have the ability to do PUREX now, such as a big nuclear weapons power, it is irrelevant anyway.

So, as a practical matter, we can take that pure plutonium, immediately convert it into proliferation-proof material, and it is beyond the capability of anybody to put it back into weapons.

Now, that is a separate advantage from the advantage of the waste advantage. The waste advantage is that you can reduce this by a factor of four in quantity and volume. The real importance there is the expense in packaging the material, because these packages they put these things in are very expensive.

But the most important thing is not the reduction in volume by a factor of four, but the waste heat and radioactivity which is reduced, the so-called actinides, which are these long-lived fission products, are reduced markedly, so that after about 300 years it is relatively benign and the heat load in the meantime is very much smaller. The heat load is the real problem.

If we build a repository at Yucca Mountain, we have a legal limit on the capacity of 70,000 metric tons that will be used up, I think, by the year 2013 at the rate we are presently going. About the time it gets to be opened, it is overloaded. You can only put so much there because it is so hot.

Now if we could reduce that in quantity, but more importantly in radioactivity and waste heat, it is safer and more could be stored, and we do not have to have another repository.

Now what we are asking here, Madam President, is not to build this reactor—it would be expensive—but to give us a look-see at the R&D. We want to complete this program. It costs 80 percent as much to terminate the program as to do the research. It would take the same amount of time. Because, effectively, you have to keep it in the EBR-II, which is the reactor which is being used now.

Madam President, it is just so clear that this is a good investment. I am not saying that this is the direction the country ought to go for the long-term. We do not know that. It sounds like a lot of money, $100 million over 5 years.

Madam President, we are spending $6.3 billion just to determine whether the Yucca Mountain site would be suitable for a repository—$6.3 billion. And we are asking for $100 million, spread over 5 years, to determine whether this technology is capable of dealing with this problem of proliferation plutonium and, I think, virtually solving the problem. And we reduce the waste—the heat, the radioactivity, the volume, and the difficulty of packaging it—and, in addition to that, whether or not it is a passively safe reactor.

Now, you know, Madam President, if we do this, follow through this program, 5 years from now, what this will probably turn on is the economics. Because it will not make sense if it is not economically sensible. I think, as I have listened to these experts—and we listened to these hearings and all that—I am confident of what I am telling you about the ability to deal with the actinides, with the plutonium, with the proliferation, with the waste.

What we really do not know is the economics. There are other competing technologies. We mentioned accelerators. That is a possibility with plutonium. The high-temperature gas reactor is another possibility.

We really need to finish the research and development so that we will know the answer to the economics. We will know that in the same 5-year period for only $100 million. It is a good investment for the country.

Madam President, I hope the Senate will support the committee and our motion to table, which will be made at the conclusion of the statement by my distinguished friend.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts has 5 minutes and 49 seconds remaining.

Mr. KERRY. Madam President, thank you very much.

I thank my friend from Louisiana for the quality of the debate and also the Senators from Illinois, both of my colleagues.

Listening to my friend summarize, what he just said was that there really is not a question about the science as to what you can do with the actinides and that, therefore, we ought to proceed.

Now, that is not at issue. I will concede to him that we know that we could reduce some of the actinides. That is not the issue here.

The issue here is what is the implication of choosing to do so? Does it make sense from proliferation, from hazardous waste, from cost effectiveness, from electricity generation, from environmental perspectives?

I respectfully submit to my colleagues that on every single one of those issues they have not provided documentation by independent analysts or others that say it is.

On the other hand, those of us who have opposed this have shown that the National Academy of Sciences, the Livermore Laboratories, the Department of Energy itself, the Office of Technology Assessment, the Electricity Power Resource Institutes, an internal DOE study, all of them, including the New York Times and Washington Post editorials, and others, say do not do this. It does not make sense.

Now, respectfully, Madam President, the first issue, proliferation. Much has been said about, we have changed the configuration. That is not the issue. I acknowledge the configuration has been a "change." Why? It was changed because there was no rationale for doing this unless they could chew up plutonium and change the configuration. But it is clear from the record that that configuration can be changed back.

And in the hearing record, the chairman himself said, "What does it take to add the blanket?" That is the uranium blanket 238, which is bombarded with neutrons and creates the breeder. "What does it take to add the blanket? Is that a big change?" The Argonne scientist himself says: "No, it is not a tremendous change."

Now, Madam President, that is the problem here. Do we want to do this?

Now when you measure that against the other problem, it is suggested that we will reduce the mass at Yucca Flats. Well, by how much? They have not said. But they also have not dealt with the problem of the mass that they will create in reducing this small amount of mass. Low-level waste, up by 30 percent; high-level waste will be increased, also. And, I might add, waste that is of much longer half-life than the waste we are destroying. And, I also might add, water soluble waste, which has to be put in repositories, which is far more risky in terms of long-term storage.

So there is a negative side.

Mr. JOHNSTON. Will the Senator yield for a short comment?

Mr. KERRY. Well, sure.

Mr. JOHNSTON. I apologize.

But we did say we would reduce the waste by a factor of 4—4 to 1—down to 25 percent. And there is less waste here and less water soluble waste than in fission reactors.

Mr. KERRY. But, if I could add, the waste that will be reduced by that factor is not, in the long run, the large portion of civilian waste that is the major problem of the country. And, most importantly, in doing so, the studies show you will raise the cost to the country of doing this from $34 billion to $84 billion.

Now, all of us ought to ask ourselves a question: Why do we want to raise that cost? And why do we want to raise that cost when there is an existing technology which allows us to do this with none of the down side—no proliferation down side, no environmental down side, no cost down side—and use

the existing technology, which supports, I might add, the nuclear industry which wants to use light water reactors and second generation?

The way to do it is to process this plutonium that they are worried about through the existing light-water reactors and thereby contaminate it with the other nonfissionable waste products and store it in the way we are today, vitrify it, do any number of things that we can do in terms of that depletion.

So I respectfully suggest that this is one of those crunch moments we get here in the Senate where we have to pit the local interest of a couple of States against the larger interests of the country. It is hard for us to do that.

When you look at the number of jobs that are at stake here, measured against the cost, the environmental risks, the proliferation risks, you wind up with about $500,000 for a job with a technology that has a downside, for a technology the nuclear industry does not say we need, for a technology the White House said we do not need. I ask colleagues to help make that decision.

Mr. DECONCINI. Madam President, I rise today in strong support of the Kerry-Gregg-Bumpers amendment to eliminate the funding for the Advanced Liquid Metal Reactor [ALMR] Program. Proponents of this program speak of the ALMR as if it were the most economical and sensible option available to dispose of plutonium. This is most certainly not the case. Even the DOE agrees that the most cost-effective means of plutonium disposition known to date is disposal via the spent fuel alternative utilizing an advanced light-water reactor.

Madam President, the Department of Energy's Technical Review Committee issued its Plutonium Disposition Study in July of this year. The committee reviewed three fission option alternatives for plutonium disposition: The spiking alternative, the spent fuel alternative, and the destruction alternative. According to the report, the use of light-water reactors and the spent fuel alternative "showed the greatest promise for offsetting the costs of plutonium disposition with electricity revenues." Using the destruction alternative involving the ALMR, however, would entail "substantially more than 25 years" for complete destruction of the plutonium. This method, according to the DOE report, also would increase the technical risk and schedule uncertainty, which "would likely translate into increased costs."

Increased costs? Friends, the last thing this economy needs right now is increased spending on projects like the ALMR. We simply cannot keep chasing programs like this around, giving them a lifeline of funding, when they are actually terminally ill. The DOE report states that: "Compared to the LWR [Light-Water Reactor] concepts studied, the lesser technical maturity of the ALMR and MHTGR [Modular High-Temperature Gas-Cooled Reactor] would be expected to result in greater development and deployment costs and schedule risks." The report concludes that: "the spent fuel alternative, using light water reactors, was the most practical and economical alternative evaluated." What more do we need? Do we need to bring up the fact that by killing this program we save $25 million in defense money?

As the ALMR Program is not commercially viable in this Nation alone, the question that must be asked is whether the risks of plutonium proliferation are too great if this reactor technology is exported. In my view, our unstable world cannot accommodate a new reactor technology that is capable of breeding pure plutonium. While it is true that ALMR is a true burner reactor, the simple fact is that it can be converted into a breeder reactor for a few million dollars. I sincerely trust that no one in this Chamber would consciously vote to increase accessibility of weapons-grade nuclear fuel. But, considering the ALMR's lack of economic sense without global replication, that is exactly what will occur if we develop this dangerous technology.

Madam President, we need to nail the coffin shut on the ALMR. We killed its sibling, the Clinch River breeder reactor in 1983, but somehow it rose from the dead. Now let us bury this program deep so that it will never haunt us or our children again.

Madam President, I yield the floor.

Mr. SIMPSON. Madam President, I support research funding for the integral fast reactor. That is not a surprise to many. I strongly support nuclear power and believe that it is important to always keep the nuclear option available to us.

That does not mean I support all reactors, regardless of what type they are.

One of the original goals of this project was to reduce the need for uranium. We mine uranium in Wyoming, and those familiar with the uranium markets know that we have not been mining much uranium in Wyoming of late.

Thus, we do not much like breeder reactors in Wyoming. In 1983, I voted against funding the Clinch River breeder reactor. That may surprise a few of my colleagues.

If all the IFR had going for it was breeding, it would not be going very far with me.

So, what about the IFR? "Bag the breeder." That is the sound bite. It is catchy. "Bag the breeder." And if that was the whole issue, I would be asking: "Do you prefer paper or plastic?" But, "bagging the breeder" simply does not tell the whole story.

I oppose this amendment for a number of reasons.

Let us talk first about the waste issue. What are we going to do with the nuclear waste in this country?

Nuclear waste is going to be with us a long time—longer than all of recorded history. Our distinguished President pro tempore's discussions of Roman history help highlight how short the period of recorded history is. Given that, it seems to me we need to examine as many options as possible.

Vote to kill this project now and we will never know the extent to which the IFR technology could have alleviated the waste problem.

Kill the project now and for years and years you will hear how we could have helped solve the waste problem if only the Senate had voted for the IFR. You can count on it. Would it not be better to know for sure. Why do we not finish the research?

Now let me talk a little about environmental equity. This is a tough, tough issue—one that requires very careful consideration. The issue is who generates the waste and who will be at risk should we not ensure that the protections are adequate?

Well, who generates the largest percentage of our nuclear waste? The East. Most of the nuclear power plants are in the East. The Northeast in particular is very dependent on nuclear power.

Three-quarters of Vermont's electrical generating capacity is nuclear power.

Two-thirds of Maine's generating capacity comes from nuclear energy.

New Jersey? Two-thirds of its electricity comes from nuclear power.

Connecticut gets half its power from nuclear energy.

These States use more nuclear power, and thus produce more nuclear waste than many other States.

Now, who is going to get to live next to this waste. Those of us in the West.

I believe that we will site an acceptable repository. One that will be safe. I do not believe that just because you live near a facility you are at risk. Adequate protection is the key.

One of the precepts of nuclear power, is defense in depth. Redundancy is important—never rely on just one safeguard. The IFR may be another safeguard—one more way to ensure our repositories are safe. We should find out.

We don't know what the future holds. As I hope our colleague from West Virginia would agree, the Romans probably could not have envisioned the world we live in today. We should see if the IFR offers cost-effective defense in depth.

This technology could also allow more waste to be stored in a repository, which means fewer repositories. Heat load is important for repositories. The IFR can reduce the concentration of the actinides, thereby lowering the heat load. The less heat, the closer together the wastes can be placed. This

means more waste can be stored in the same area.

If we need fewer repositories, the less the chances are that one of these repositories will be proposed for your State. Does anyone here wish to volunteer their State for the next Yucca Mountain?

As I say, this is not a vote to build a new Clinch River breeder reactor—if it were I would vote against it.

This is not a vote to sell IFR's around the world.

This is not a vote to change U.S. policy on civilian plutonium reprocessing.

This is a vote on whether or not to conduct research.

This vote is not about the future of nuclear energy. It's about the future of nuclear waste.

This vote is not about deficit reduction, but it is about debt reduction. Nuclear waste is a debt we will leave to future generations. It seems to me we need to look at all the options?

If you have doubts about the technology—nuclear energy is pretty high-tech stuff, it's easy to get confused about neutrons and half-lives and curies—let me suggest an alternative.

The Nuclear Regulatory Commission is currently preparing a report on this technology which is due in December. The NRC has no stake in this technology, yet they certainly have much expertise on the subject. Why not see what they have to say first?

Finally, let me talk about just a minute about proliferation—a scary subject for most folks if ever there was one.

The spread of the bomb is not going to be decided by this vote, nor even the symbolism of this vote. North Korea, Iraq, India, and China are not going to care a whit about this vote. Britain is considering reprocessing. Even our new friends, the Russians, are trying to hold our markets hostage to their highly enriched uranium which I am not at all pleased about.

It is a scary world, Madam President. Killing off the IFR will not make the world any safer.

Right now, anyone watching this debate is thinking about non-proliferation. I doubt most were last week, and if we vote today, few will be thinking about it next week.

That would be a shame. Look at the people speaking on this issue today. A good cross-section of the Senate. If we want to do something about non-proliferation, then let us do it. Let us roll up our sleeves and tackle it head on.

Let us agree on a schedule for hearings and legislation. What are we going to do about China, about countries like Iraq, about North Korea. These countries are not going to wait 10 to 20 years for the IFR to become a commercial technology to obtain or spread the bomb. Don't kid yourself.

If proliferation is the concern, cancelling the IFR is surely not the answer.

I hope my colleagues will not vote to cancel this project, but will focus on the real issue of proliferation.

Mr. WALLOP. Madam President, today we are facing a siege on research funding for two advanced technologies that hold the promise of efficient, clean electricity generation. They both offer innovations in reactor safety features. Just as importantly, both technologies offer a possible solution to the problem of disposing of nuclear materials coming from our dismantled weapons. They each have other unique assets specific to the particular design. The American taxpayer has invested over $700 million on each of these technologies and each has already been under preliminary design certification review by the Nuclear Regulatory Commission. After crossing threshold after threshold, we have arrived at the point where it will soon be possible to reap the rewards of this significant investment.

In spite of this, we are being presented today with amendments to this bill that propose eliminating funding for the completion of the research on these technologies. If the Luddites of 19th-century England are in search of a house to haunt this Halloween, there is a welcome mat out in the United States Senate today.

The attack on these two technologies is filled with incorrect statements that demonstrate a lack of understanding about these research programs. The Department of Energy today pointed to some of the misinformation circulated about the IFR program in a very rare display of criticism of the Office of Technology Assessment. The Department found that OTA's critique of the advanced liquid metal reactor was dated and bears little relation to the existing integral fast reactor program at the Department. OTA concluded that IFR technology could increase waste volumes when, in fact, the actinide recycle program is based on pyroprocessing, a technology that could reduce waste volumes by a factor of four. Similarly, OTA failed to recognize that the Department's IFR program is based on burning up plutonium, not producing it. These are just two examples of many misconceptions that exist with respect to the IFR technology.

A similar situation exists with respect to the high-temperature, gas-cooled reactor, the GT-MHR. A National Research Council report that is cited by anti-nuclear groups as justification for canceling the program was completed before significant changes were initiated on this reactor design. The report also did not have the benefit of several studies by the nuclear power industry supporting research and development of the HTGR technology. The industry supports the HTGR technology as a logical long-term option for nuclear power generation because of its passive safety features. Also since the National Research Council report was published, the design of the HTGR has been changed to provide an increase of 50–60 percent in efficiency over existing light water reactors.

Unfortunately, whether through carelessness or intent, the truth has been distorted. The Senate Energy and Natural Resources Committee has examined these two technologies in depth and found that both are worth pursuing. It makes no sense to cut out these programs when they are nearing the point of providing practical options for electricity generation and nuclear waste reduction.

During the debate earlier on the SSC, many of my colleagues alluded to numerous examples of this country's investment over the years in science and technology. They touted the contribution that investment has made to the health and comfort of our citizens as well as to our stature in the international community. The U.S. Senate would truly be doing the country a disservice if, after bringing these two technologies so far along, with over a billion dollars already invested, we refuse to conclude the research. Nothing would be accomplished except sending these technologies, and the scientific advances and jobs associated with them, off to a foreign competitor, with the postage paid by us.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I move to table.

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 of the Senator from Louisiana.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], is necessarily absent.

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

The result was announced, yeas 53, nays 45, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—53

Bennett	Cochran	Dodd
Boren	Cohen	Dole
Breaux	Coverdell	Domenici
Brown	Craig	Durenberger
Burns	D'Amato	Faircloth
Campbell	Danforth	Ford
Coats	Daschle	Gorton

Gramm	Mack	Sasser
Grassley	McConnell	Shelby
Hatch	Mikulski	Simon
Heflin	Moseley-Braun	Simpson
Helms	Moynihan	Smith
Hutchison	Murkowski	Specter
Johnston	Murray	Stevens
Kassebaum	Nickles	Thurmond
Kempthorne	Nunn	Wallop
Lott	Packwood	Warner
Lugar	Pressler	

NAYS—45

Akaka	Feinstein	Levin
Baucus	Glenn	Lieberman
Biden	Graham	Mathews
Bingaman	Gregg	McCain
Boxer	Harkin	Metzenbaum
Bradley	Hatfield	Mitchell
Bryan	Hollings	Pell
Bumpers	Inouye	Reid
Byrd	Jeffords	Riegle
Chafee	Kennedy	Robb
Conrad	Kerrey	Rockefeller
DeConcini	Kerry	Roth
Dorgan	Kohl	Sarbanes
Exon	Lautenberg	Wellstone
Feingold	Leahy	Wofford

NOT VOTING—2

Bond	Pryor

So the motion to lay on the table the amendment (No. 987) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that a fellow in my office, Elma Ripps, be allowed privileges to be in the Chamber at this time.

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

THE MISSOURI RIVER

Mr. BAUCUS. Mr. President, I rise to talk about one of the greatest rivers on this Earth. Mark Twain called it "The Big Muddy." And I speak, of course, of the Missouri River.

Mr. President, the Big Muddy, otherwise known as the Missouri River, starts as a trickle in Trident, MT, building power as she winds her way across central Montana, down through the heartland of America, until finally she unites with the Mississippi River.

Dams along the Missouri provide the lifeblood of the West—precious water for agriculture, hydroelectric power, recreation, navigation, wildlife habitat, and, as we saw so dramatically this summer, flood control for the Midwest.

I ask my friends in Missouri and Iowa to imagine how much worse the floods would have been were it not for dams in Montana and the Dakotas holding back the water. But, as many Montanans like to say: Whiskey is for drinking, but water is for fighting.

There is a disagreement, Mr. President, over the best way to use the waters of the Missouri River. Both upstream and downstream States have differing opinions about what the primary uses should be. And these priorities are dynamic. They must change to reflect today's economic realities throughout the Missouri Basin.

Much has changed since the late 1930's when the first dam, Fort Peck Dam in Montana, was constructed on the Missouri River. Back then, flood control, navigation, irrigation, and power generation were the top priorities for the Missouri. Recreation, tourism, and wildlife barely entered the picture.

Things could not be more different today. Back in 1944, the Army Corps of Engineers estimated that the demand for transporting goods along the river would be 12 million tons a year. Yet, even at commercial navigation's peak in 1977, only 3.3 million tons of goods were transported along the river. By 1988, this number had dropped to 2.2 million tons. By 1990, it dropped down to 1.4 million tons. That is about 90 percent less than the corps estimated when setting navigation as a priority use of the river.

Mr. President, while benefits from barge traffic have declined, the economic benefits from upstream recreation and tourism have skyrocketed. By the corps' own conservative estimates, the economic benefits from recreation and fish and wildlife in Montana and the Dakotas brought, in 1988 dollars, $67 million.

In the same year, gross revenues from barge companies downstream on the Missouri brought in only $14 million. That means recreational benefits outweighed navigational benefits by approximately 5 times.

All this proves one important lesson. It is high time for the Army Corps of Engineers to reinvent the way it manages the Missouri. Assumptions from the 1940's do not make sense in today's economic plans.

In short, it is time for change. I believe change is on the way.

Beginning in 1989, the corps began the process of revising the Missouri River Master Manual governing operations of the entire Missouri River system. The corps recognized, as did the people of Montana and the Dakotas, that changing economic priorities called for a revised operating manual.

So I come to the floor today to support the corps in their review process. We have in this country a very specific procedure for reviewing major, Federal projects. It is the environmental impact statement process, or EIS. It works to involve the public and to protect all interests in the watershed.

But this process cannot, and should not, be influenced by political pressures that try to sway the results of the study, particularly a study not yet completed as in the case of the Missouri River Master Manual revision.

Unfortunately, the House passed a version of the energy and water development appropriations bill that contains language that would restrict this EIS process. This language reads:

> The committee will not support efforts to (1) change the Master Manual, or (2) implement a revised version of the manual, if either of these actions result in limitations . . . on downstream . . . navigation.

In essence, Mr. President, this language ignores the economic realities of the Missouri River basin of the 1990's. It is an unreasonable exercise in micromanagement that would tie the corps' hands, and it sets a dangerous precedent that politics, not economics or science, should guide management decisions for our watersheds.

Ask yourself this: Why are some of the downstream States so afraid of letting the EIS process proceed along its natural course? Why, even before the draft EIS is released, are they already trying to stop it?

We do not want special treatment as upstream States, just equal treatment, fair treatment. Let the corps do their job, not have their hands tied by biased congressional language.

Last July I brought this matter to the attention of the distinguished chairman of the committee, Senator JOHNSTON. It is my understanding that a number of my colleagues in the upper basin States did the same. I want to express my deep gratitude to him for hearing our concerns and leaving this House language out of the Senate report.

In closing, let us let the EIS process continue without restrictions. Let us see what the best management policy of the Missouri River truly is, based on science and sound economics, not politics. Let us keep this restrictive report language out of the final conference report as we did here in the Senate.

CHAPTER IV OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Mr. President, today I take up chapter IV of Ross Perot's book "Save Your Job, Save Your Country." This chapter is the heart of his book. It contains the two basic Perot arguments, and they are:

First, low local wage rates are the only reason a company would invest anywhere.

Second, NAFTA is a business elite's "investment agreement" meant to protect investment in Mexico rather than boost American jobs.

Mr. President, I would think that as an experienced businessman, Mr. Perot knows better. I do not know his motivations, and I will not speculate on them.

Local wages are a factor in investment decisions. So is the cost of health care, the level of crime, the education

system, tax rates, the productivity of the workforce, and the cost of transport. If all a company cares about is wages, it can go to Mexico today. The American tariffs on Mexican goods, which average 4 percent, do not make a bit of difference compared to the disparity in wages between America and Mexico.

Once again, a company that cares only about wages can go to Mexico today. But it probably will not because it can find plenty of countries with much lower wages. It can move straight on south to Bolivia, across the gulf to Haiti, down the Pacific to Peru, or to any of a dozen other countries.

Companies have good reasons to stay in America—education, transportation, infrastructure, productivity, and more. If those do not matter, we lost the company long ago. And that is the central point everybody should remember when we talk about wages.

Let us look at one example. On page 44 of Mr. Perot's book, he talks about the auto industry. He says that to take advantage of the low wages paid to Mexico auto workers, in comparison to United States, auto firms will move the whole American auto industry south. That is what he claims on page 44.

Bad move if they do. The Office of Technology Assessment looked into this. They compared the cost of making cars for the U.S. market, factoring in not just wages but health benefits, productivity, transport costs, and other factors, and they found that it cost $8,770 to make a car in the United States and $9,180 to make the same car in Mexico.

That means for every car they make in Mexico and sell here, they lose $410. That means American auto workers will be big winners with NAFTA. That is probably why General Motors recently announced plans to move production facilities back from northern Mexico to Lansing, MI.

That is bad enough. But the real whopper Mr. Perot makes is when he talks about the whole economy, at the bottom of page 53 of his book: "Which jobs are at most risk for Mexican buyout? he asks. He answers it. He says, "Companies with moderate growth, low- to mid-technology operations, and a labor component of more than 20 percent or more of the cost of the goods sold."

He goes on to say, in answering this question: "Today, 75 U.S. manufacturing industries fit these criteria. They employ more than 5.9 million U.S. production workers. Their payrolls to U.S. workers exceed $138 billion a year," he says. He goes on to say, "Not all these jobs will be lost—but all will be vulnerable if NAFTA is ratified by Congress." That is what he says.

Mr. President, this argument is patently ridiculous. The industries Mr. Perot lists as in danger of going to Mexico include high-wage, high-skilled jobs in sonar equipment, aerospace, medical equipment, and telecommunications. Jobs in them demand the most skilled and productive workers we have. There are good reasons why they cluster around the military sites, hospitals, and media centers—and why they will stay there after NAFTA passes.

On the other hand, that list also includes the opposite of sorts of industries, which have high labor content and sell their goods right on the spot. Local bakeries are an example. They will have lots of trouble selling fresh bread trucked all the way up from Mexico City.

Once again, the fact is simple. If all a company cares about is the wage, it will move. If a company cares about a high-quality work force, good transportation, productivity, and other basic competitive needs, it will not move to Mexico. It will stay here.

The second main argument that Mr. Perot makes in chapter IV is that NAFTA is an investment agreement. It will protect United States investments in Mexico, he says, more effectively than Mexican law protects them today, and thus makes it safe for American companies to move south. That is what he claims.

Anyone who has read chapter I of the book will find this line of argument more than a little surprising. Why? Because chapter I attacks NAFTA's investment provisions on real estate, cable TV ownership, construction, banking, automobile industry, and agriculture. Why? Because they do not open up Mexico to investment—you guessed it—quickly enough.

I am sure Mr. Perot is happy to make both opposite arguments, one in chapter I, the opposite argument in chapter IV. NAFTA does not open up Mexican investment fast enough, chapter I. It opens up Mexican investment too much, chapter IV. But the truth is NAFTA does eliminate most Mexican restrictions on foreign investment. That is a good thing in itself. A better investment climate in Mexico means a more prosperous Mexico; it means less illegal immigration; it means a better market for American goods; it means more jobs in both countries.

Mexico also eliminates a lot of investment policies that Mr. Perot does not mention. They include the requirement that auto companies build factories in Mexico if they want do sell cars in Mexico. And they include the Maquiladora Program, which maintained Mexican barriers to imports while abolishing United States duties. Those are big wins for the United States, which Mr. Perot does not mention in his book.

Remember, investment is not a bad thing. Business executives will tell you that in order to sell in a market, they must invest in sales and service operations in that market. You cannot expect a Mexican who buys a Ford to drive it up to Detroit for a tuneup.

Further, at times moving part of a big manufacturing operation is the only way to keep from losing the whole thing. As Clyde Prestowitz notes, we have the potential to do in Mexico what Japan has done in Thailand.

> There, Japanese companies have invested and assembled components shipped from Japan into products for export to the world. Japan thereby runs a trade surplus with Thailand, while both their production and exports increase. Under NAFTA, U.S. firms should be able to do the same in Mexico, turning Mexico into the same kind of export platform that Thailand provides for Japan.

Prestowitz is absolutely right. We should not fear greater protection for investment. We should welcome it, because it's good for us and good for Mexico.

The global economy is far too complex to be understood in one-dimensional terms with wages being the only determinant of where jobs are located. Wages are a factor in citing decisions, but they are only part of complex calculus, not the determining factor. If we are going to compete with our real rivals—Germany and Japan—we have to get beyond this kind of simplistic thinking about the global economy. Just as Japan's involvement in Thailand helped Japan and Thailand. United States involvement in Mexico can help the United States and Mexico in the larger struggle to enhance our competitiveness, the NAFTA will help us, not hurt us.

My home State of Montana was one of Mr. Perot's best States in the Presidential election of 1992. He did well in Montana because Montanans wisely saw he was generally talking sense on the budget issue. But with respect to NAFTA, this Montanan can see he is not talking sense.

I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey, Senator BRADLEY.

Mr. BRADLEY. Mr. President, I do have an amendment to offer, but I see the distinguished Senator from Missouri and the Senator from Pennsylvania. I am wondering what their interest is, and if it is an amendment or a long speech, or a few stories to make us think about why we are here, or something.

Mr. DANFORTH. Mr. President, if I may, I would like to make some comments that follow on from Senator BAUCUS' speech.

The PRESIDING OFFICER. The Chair recognizes Senator DANFORTH.

THE IMPORTANCE OF THE MISSOURI RIVER

Mr. DANFORTH. Mr. President, in responding to the initial comments

that were made by Senator BAUCUS on the Missouri River and the importance of the Missouri River, it is, of course, the matter of great interest to Senators from the upstream States and also Senators from other parts of the country as well.

The Corps of Engineers is now conducting a review of what is called its master manual to determine the relative priorities of various uses of Missouri River water, and those of us who are not from the upstream States are very concerned about it, because we believe that there is a very good likelihood that the Corps of Engineers is going to come out with a revised master manual that will reduce to a secondary or tertiary position on the list of priorities, navigation on the Missouri River and indeed on the Mississippi River.

It is important to note that with respect to the Mississippi River, about half of the water in the Mississippi River at St. Louis feeds into it from the Missouri River. So anything that would reduce the flow of water in the Missouri River would have an effect on the Mississippi River as well and transportation which goes up and down the Mississippi River.

About 65 percent of the water in the Mississippi in drought time is from the Missouri River. Accordingly, it is possible to literally shut down transportation on the Mississippi simply by controlling the flow and reducing the flow into the Missouri River. This is the concern, and it is a matter of great controversy right now, which involves various States.

I want to say to the Senate that I in no way denigrate other uses of water other than transportation. I understand recreational use. I think it is important for people to be able to do windsurfing and sun fishing and the like. But the economic import of river transportation of the inland waterway system for barge transportation is so significant that I myself think it is a little bit ridiculous to elevate recreational use of reservoirs of the upper Missouri River basin to the point where it has an affect on transportation. Considering the amount of agricultural commodities that are shipped on the river, considering the amount of coal that is shipped on the river, considering the amount of fertilizer and chemicals that are shipped upstream on the river, this is a major transportation and a major economic resource for our country.

Therefore, I simply wanted to remark on the comments raised by the Senator from Montana. He certainly has opened up an important question for our consideration. I am glad he did. Although I am not exactly on his side.

There is a letter that was sent in February to the President, and it was signed by 20-some Members of the Senate and a number of Members of the House of Representatives.

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

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

CONGRESS OF THE UNITED STATES,
Washington, DC, February 17, 1993.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As Members of Congress interested in the free flow of commerce on the Mississippi River system, we are writing to express our concerns about a serious threat to the integrity of the system.

As you well know, the Mississippi River system, which includes the Missouri, Ohio, Arkansas, and Illinois Rivers, is a vital component of our nation's transportation network. Over 100 million tons of cargo, worth almost $16 billion, crosses the middle region of the Mississippi River every year. Products from as far as Pennsylvania, West Virginia, and Nebraska are shipped on the Mississippi, some ending up in Louisiana for export. More than half of the nation's grain exports are shipped on the system; more than 75 percent of those transit the middle region of the Mississippi River.

The Corps of Engineers is currently wrapping up a three-year review and update of the Master Water Control Manual for the Missouri River and its upstream reservoirs. In its study, the Corps has considered over 250 scenarios for managing the Missouri River system, nearly all of which assume higher reservoir levels than prescribed in the current Master Manual. Many of these alternatives threaten to lower water levels in the Missouri to a point where navigation would be imperiled. This would have serious consequences for the entire Mississippi River system.

The Missouri River is the largest tributary of the Mississippi, accounting for nearly half of the water in the Mississippi at St. Louis. In June of 1988, when the Upper Mississippi experienced serious drought conditions, the Missouri provided as much as 65 percent of the water in the Mississippi. During that drought, about 180 blockages occurred over a span of 900 miles. The economic toll was disastrous, as barge rates tripled and remained at inflated rates. If it weren't for strong flows from the Missouri, conditions would have been dramatically worse.

In addition, barges originating on the Missouri are destined to ports up and down the Mississippi, and vice versa. If navigation on the Missouri is brought to a halt, the viability of the entire Mississippi River system would be badly damaged.

Major sectors of our economy depend on reliable flows of water for navigation. According to a Missouri-Arkansas River Basin Association study, navigation delays of four weeks on the Mississippi River could cost as much as $160 million. The agricultural sector is especially reliant on barge transportation. A Missouri Department of Agriculture study estimates that if navigation on the Missouri River is halted, increased input costs and lower farm prices would reduce net farm income in the State of Missouri alone by over $100 million in one year.

Because changes to this document could have serious repercussions for our transportation network and for midwestern agriculture, we urge you to assign an inter-agency group, consisting of at least the Secretaries of Defense, Transportation, and Agriculture, to consider the policy choices involved. We ask that you direct those Secretaries to review the Corps's work to date, and that you ensure agreement between the interested agencies before the Corps issues a draft environmental impact statement to update the Master Manual.

We appreciate your attention to this matter. The integrity of the inland waterways system is at stake.

Sincerely,

Alan Wheat; Dave Durenberger; John C. Danforth; Christopher S. Bond; Thad Cochran; Trent Lott; Dan Coats; J. Bennett Johnston; Richard G. Lugar; Tom Harkin; Don Nickles; Jim Sasser; Nancy Landon Kassebaum; David L. Boren; Charles E. Grassley; John D. Rockefeller, IV; John B. Breaux; Carol Moseley-Braun; Paul Simon; Howell Heflin; Paul Wellstone; Wendell H. Ford; Harlan Mathews; Herb Kohl; Dale Bumpers; Mitch McConnell; Richard C. Shelby; Russell D. Feingold; Jim Leach; Bart Gordon; Jerry F. Costello; Jim Nussle; Jim Ramstad; Fred Grandy; Timothy J. Penny; John A. Boehner; Mel Hancock; Pat Roberts; Peter Hoagland; Pat Danner; Bill Barrett; Blanche M. Lambert; Ike Skelton; Ray Thornton; Jan Meyers; Richard A. Gephardt; Jim Slattery; Harold L. Volkmer; Bob Livingston; Dave McCurdy; Doug Bereuter; Jim McCrery; John S. Tanner; Thomas J. Barlow; Bill Emerson; William L. Clay; Sonny G. V. Montgomery; Jamie L. Whitten; Lane Evans; Donald A. Manzullo; Bob Clement; Steve Gunderson; Jim Lightfoot; W.J. (Billy) Tauzin; Dan Glickman; James M. Talent; James A. Hayes; Neal Smith; William H. Natcher; David Minge; Don Sundquist.

Mr. DANFORTH. I yield the floor.

MISSOURI RIVER OPERATING PLAN—POLITICS OR GOVERNING?

Mr. BOND. Mr. President, earlier this afternoon one of my colleagues brought up the issue of the ongoing Corps of Engineers review of the Missouri River basin's master manual. He implied that political pressure was being brought to bear unduly and that the draft EIS process should continue using sound science and economics rather than politics.

As one who has watched the upstream States flex their political muscle over the corps at every opportunity, I have to ask myself why the sudden concern over language in the House energy and water appropriations bill which says Congress should be involved in any major changes in the management of the river.

I also should note for the record that these complaints come from the same region whose Senators in June 1991 placed a hold on the nomination of Nancy Dorn to be the Assistant Secretary of Army for Civil Works in an attempt to cut a deal regarding the management of the river.

I become even more concerned when I hear a series of statements that came straight from a fatally flawed, politically motivated, GAO report.

So I must confess that this sudden insistence on a pure no-politics handling of the corps EIS is cause for concern.

Now as many of my colleagues may know, the GAO issued a report last year which has been trumpeted by the upstream states as proof positive that the management of the river by the corps is wrong and should be changed. Unfortunately, this report is so flawed that it has become a catalyst for reform of the GAO.

Too often the GAO has allowed itself to become a willing pawn in political games, in effect allowing a requester to write the report they want. I have referred to this as the "Alice's Restaurant" of Woody Guthrie fame where "you can get anything you want at Alice's restaurant * * *"

The GAO's report on the corps management of the Missouri River is one excellent example of this type of shoddy, unprofessional work.

Two key points bear repeating from my critique of this report.

First, that the so-called corps estimate of 12 million tons of navigation on the river formed the basis for the operating plan of the river. Let me make this absolutely clear.

At no time between the authorization of the river widening and the first master manual did the corps, Congress, or any State, local or other Federal agency assume navigation traffic would reach 12 million tons. At no time since the first master manual—whether it be in the annual operating plans or in the subsequent revisions of the master manual—has any agency assumed or acted on the assumption that 12 million tons of navigation would be reached.

Second, the 1944 Flood Control Act clearly identifies the priorities of the system. As even up stream Senators admit, navigation is listed, recreation is not. Thus the House is right in their position that the corps must come to Congress if they wish to add or change the priorities specified in the 1944 Flood Control Act.

These issues are fairly straightforward. The corps cannot, nor should it, revise the master manual to create new rights unless Congress agrees and changes the underlying law.

While the upstream States say they don't want politics involved, it was Congress that authorized the project, Congress which set the priorities for use, Congress which funded the project, Congress which funds its annual upkeep, and Congress who decides what if any changes in the priorities should be made.

That is not politics, that is governing.

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 988

(Purpose: To limit certain funds regarding the monitored retrievable storage facility)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, and Mr. BRYAN, proposes an amendment numbered 988.

Mr. BINGAMAN. 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 a follows:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds provided under this Act shall be made available for Phase II-B grants to study the feasibility of siting a Monitored Retrievable Storage Facility unless the Nuclear Waste Negotiator has first certified to the Secretary of Energy that there is a reasonable likelihood that agreement can be reached among all of the relevant governmental officials in the vicinity of any proposed site.

Mr. BINGAMAN. I ask unanimous consent that the pending committee amendment be laid aside.

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

Mr. BINGAMAN. Mr. President, I rise today to propose an amendment to the energy and water appropriations bill dealing with appropriations from the nuclear waste fund. This amendment would preclude funding for phase II, part B grants pursuant to site investigation for a monitored retrievable storage facility, pending agreement among relevant governmental officials in the vicinity of any proposed site. I believe that there are some significant issues surrounding the MRS process, and the Office of the Nuclear Waste Negotiator, that we need to address before more funds are spent on the project.

The intention of this amendment is to address these issues in a limited way by slowing down the funding process. Phase II, part B funding can be provided to the tune of $3 million per applicant. I believe that there is a good-government need to keep from putting more money into this program until we have asked and answered some important questions. This may require getting to these issues through the authorizing committees. But I believe we need to start with the program's funding.

Let me take a minute to lay out some of the history of this program. The Nuclear Waste Policy Act of 1982 required the Department of Energy to develop a repository to dispose of nuclear waste. The act also instructed DOE to study and propose a monitored retrievable storage facility, which would be used as a temporary emplacement until a permanent repository was constructed. Although the purpose of the 1982 act was to devise a permanent solution to nuclear waste disposal, it was envisioned that a temporary solution would be needed in geographic proximity to the powerplants where the waste was produced. Most of these plants are on the two coasts.

The 1982 act further required utilities to maintain and pay for their onsite storage and to pay fees into the nuclear waste fund for future Federal storage in an MRS facility and disposal in the repository.

The 1987 amendments to the Nuclear Waste Policy Act authorized construction of a temporary MRS and established the Office of the Nuclear Waste Negotiator. The Negotiator is empowered to find a State or Indian tribe willing to host a repository or an MRS facility and to negotiate with the Governor or tribal leader the terms and conditions under which the prospective host would accept either facility at a technically qualified site.

Mr. President, let me simply state my concerns with the MRS Program.

First, the program as it is now developing is a long way from what was originally envisioned. When the Nuclear Waste Policy Act of 1982 was passed, temporary storage was envisioned near the point of waste production—on the east and west coasts of the United States. Instead, what we have devolved into is the all too common situation of looking toward the vast open spaces of the West to accommodate the products of an industrial civilization.

If the MRS is intended to be temporary, why truck this waste all the way across the country? The safety and health of the American people is not at stake here. Utilities can store the additional waste at reactor sites. Spent fuel has been safely stored for many years in storage pools at reactor sites, and dry storage technologies are considered by NRC, and others, to be at least as safe. Costs are estimated to be roughly the same for onsite storage and an MRS facility.

Second, the premises under which the program is operating are questionable. DOE's MRS policy is based on the assumption that a potential host State or Indian tribe will agree to, and the Congress will approve, an agreement that would allow an MRS facility to begin operating in 1998. But because of the statutory linkages between the permanent repository and the MRS, as laid out in the 1982 Nuclear Waste Policy Act, this is most unrealistic.

DOE does not expect to receive the Nuclear Regulatory Commission's authorization to conduct a repository at Yucca Mountain until 2004. According to a 1991 GAO report, this means that DOE could not have an MRS facility operating before about 2007.

So where is this waste going to go in the meantime? Has DOE thought about

this? We certainly have not received any indication that the Department has any contingency plans.

Third, I believe that the MRS is diverting attention from the real problem of permanent disposal. Since the passage of the 1987 amendments, DOE's target deadline for development of a permanent repository slipped from 2003 to 2010, and now to 2013. What real guarantees do we have that a temporary MRS might not turn into a permanent facility? Although the 1987 amendments linked development of an MRS facility to progress in permanent repository development, the Negotiator could negotiate an agreement for hosting an MRS facility without any real linkages to a repository.

So, Mr. President, we have problems in either direction on this. I urge the Senate to adopt this amendment so that we can take a step back and really scrutinize where this program is going.

I believe there are some significant issues surrounding the MRS process in the Office of the Nuclear Waste Negotiator, and we need to address those issues before more funds are spent in this area.

It is my information this amendment is acceptable on both sides.

The PRESIDING OFFICER. Is there additional debate?

The Senator from Louisiana, Senator JOHNSTON.

Mr. JOHNSTON. Mr. President, we not only accept this amendment, we enthusiastically endorse it.

Under the Nuclear Waste Policy Act, the nuclear waste negotiator was directed to go out and try to find a volunteer for the monitored retrievable storage nuclear waste facility. The negotiator has done that. They have what they call phase I grants and phase II grants that they can make to Indian tribes, as well as States and localities. Many grants have been provided to Indian tribes. The problem is the Indian reservations happen to be located within States, and States feel like they are entitled to have a say in the process, too.

So what the Senator is saying here is that you do not waste the Government's money by making the grants unless there is a reasonable assurance that the States will also go along. That is really good legislation. I really appreciate the Senators from New Mexico in their bringing forward this very constructive amendment.

The PRESIDING OFFICER. Is there additional debate?

Mr. BINGAMAN. Mr. President, let me just thank the committee chairman for his comments. I do think it is very important we get the States and local government officials who are directly affected by this in the vicinity being considered involved in this process. That is the purpose of the amendment.

I urge my colleagues to support it.

The PRESIDING OFFICER. Is there additional debate?

If not, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 988) was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey, Senator BRADLEY.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the committee amendment be set aside.

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

AMENDMENT NO. 989

(Purpose: To eliminate funding for the gas turbine-modular helium reactor (GT-MHR) program)

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

The PRESIDING OFFICER (Mr. KOHL). The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 989.

On page 31, strike lines 9 through 12, and insert the following: "which 18 are for replacement only), $3,249,286,000, to remain available until expended: *Provided*, That no funds made available by this Act shall be used for the gas turbine-modular helium reactor (GT-MHR) (formerly known as the high temperature gas reactor).".

Mr. BRADLEY. Mr. President, I rise today to offer an amendment to cut $22 million from this appropriations bill, the $22 million earmarked for the high-temperature gas reactor, the HTGR, now know as the gas turbine-modular helium reactor.

This program had been scheduled for termination by President Clinton. No money was requested by the Department of Energy's budget for fiscal year 1994. The President did not ask for this money. The Energy Department did not request this money.

Last year, a National Academy of Sciences panel completed a review of the current civilian nuclear power reactor program. This study was done specifically at the request of Congress and in response to concerns voiced by an energy and water appropriations bill that the nuclear program should be rethought, newly defined, and directed to be responsive to current projected conditions.

After serious analysis, the National Academy of Sciences panelists reached this conclusion: "No funds should be allocated for development of HTGR technology."

It makes little sense for Congress to demand the experts to do their work and then we simply disregard their recommendation. I am not aware that anyone here is a nuclear scientist. The Academy's panel recommended no funds for this program.

The nuclear utility industry itself is at best lukewarm on this technology. The industry recalls the experience at the 330MW Fort Saint Vrain's HTGR. But the experience says that reactor was completed in 1974 and the plant had perhaps the worst operating record of any civilian nuclear facility in the country and was shut down for good in 1990.

In testimony before the Senate Committee on Energy and Natural Resources, nuclear advocates predicted that no utility would order a plant based on this technology prior to the year 2010. No utility. These are nuclear advocates. No utility would order a plant with this technology if it were developed until the year 2010. The Department of Energy representatives present agreed.

In a 1991 study, the Electric Power Research Institute found that even by 2010 the modular HTGR high-temperature gas reactor would not be cost competitive with the reactor, the advanced light-water reactor, notably the Westinghouse designed AP600. It is on these reactors, the advanced light water-reactors and their designs—not on this HTGR reactor—that the nuclear industry is betting its resurgence and the reemergence of nuclear power as an option.

This reactor on which $22 million is being spent is not a priority issue with the nuclear industry. I have a utility in my State. It has four nuclear powerplants. They have no interest in this technology. The industry itself has not manifested significant interest in this technology. So this is not a nuclear energy debate. This is a debate about the budget.

Do you want to spend $22 million on this reactor, which the industry does not seem to want and which the National Academy of Sciences has recommended that no funds be spent on?

Mr. President, the HTGR program or the MHTGR program or the GT-MHR program—the high temperature gas reactor, the modular high temperature gas reactor, the gas turbine modular helium reactor—whatever you want to call it, in my view writes the book on how to waste taxpayer dollars. It makes the wool and mohair program seem like Head Start.

The HTGR is a technology for which commercial orders were being taken in 1970. In 1970, General Atomics, the lead vendor, had 5 contracts for construction of 10 plants. By 1975, 3 years before the accident at Three Mile Island all of these contracts but one were terminated. The one commercial reactor that was built, the Fort Saint Vrain plant, operated only 15 percent of the time. It was a disaster. It was closed in 1990. In short, this technology did not fly in the marketplace. No utility wanted it.

Since 1978, the taxpayers have kicked in $540 million in research and development into this technology, $540 million.

What has the industry itself contributed to develop this technology that supposedly they are going to profit

from $27 million. That is a 20-to-1 cost share, 20 times more taxpayer dollars than industry dollars.

And for this investment here is what the taxpayer has accomplished. We have taken a technology that was billed as commercial, cost-competitive in 1970 and turned it into a technology that might be commercial and cost competitive in the year 2010.

Now that is progress. Does this sound like something that you would like to spend your money on? I would argue, no.

And that kind of progress—from being cost competitive in 1970 to essentially having the cost competitiveness of the modified technology recede into the distant horizon of 2010—will only happen if taxpayers kick in between $1 billion and $2 billion more—$1 billion and $2 billion more. Why?

Well, first, we have to complete the R&D phase which DOE says will cost about $700 million. This phase is necessary to give us the basic information on the technology. Then, to make the technology commercial, we will have to build a full-scale demonstration plant and operate it successfully through several fuel cycles. That is what the utility industry says will have to happen before there is any likelihood that any of them is going to place an order for this reactor.

This demonstration reactor will add another $1 billion or more to the HTGR bill.

Now, let us think about that. We have just had a vote on the advanced light metal reactor. Last week, we had a vote on the advanced solid rocket motor. In both of those cases, as in the super collider debate, the argument was made: "Well, it is too late to stop. We just have to go forward."

You know, there are only two arguments that are made for this kind of project: One, it is too soon to tell, so we have to spend more money. And the other is, it is too late to stop, so we have to spend more money.

My view is that if we stop this now, we would not be incurring the $2 billion in future cost and we would save $22 million now.

Mr. President, just to reiterate this point, my amendment directly cuts only $22 million from the Department of Energy account. But that is not the way you have to think about this. Because if we do not stop the program now, it obviously continues, and that continuation implies more and more taxpayer funding—up to $2 billion—for a technology that has not lived up to its promises, that was not commercial in 1970, and probably will not be competitive in 2010.

This amendment ultimately cuts far more than $22 million. We avoid all of the other costs in all of the other appropriations bills that will follow this $22 million.

The nuclear industry is supporting, with its words and its wallets, I might say, the advanced light water reactor. They care about that. Those wallets are staying shut for the HTGR, and maybe that should be the clearest sign of all.

The National Academy of Sciences understood this. It recommended no funding for a research program. That is a very rare event. The National Academy of Sciences, all scientists, all research oriented, said no funding for this research program.

President Clinton understood this. He recommended no funding for this program. The administration supports my amendment to eliminate this $22 million.

I might add that the nuclear industry does not have much interest in this technology. Certainly not enough to put up much money—$27 million against $540 million for the Federal Government over 20 years. So, if money talks, the nuclear industry does not have much interest.

The National Academy of Sciences says we want no funds for this program. President Clinton says no funds for this program. And, I might add, Ronald Reagan understood all of this, as well, and in his administration his recommendation was also no funding for this program.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. BRADLEY. I would like to finish my statement.

Our constituents, I think, understand this too.

I have a letter from representatives of a wide variety of groups—from the Council for Citizens Against Government Waste to the Friends of the Earth—supporting this amendment.

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

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

FRIENDS OF THE EARTH, LEAGUE OF CONSERVATION VOTERS, COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE, SIERRA CLUB, U.S. PUBLIC INTEREST RESEARCH GROUP, PUBLIC CITIZEN, ENVIRONMENTAL ACTION, NATURAL RESOURCES DEFENSE COUNCIL, SAFE ENERGY COMMUNICATION COUNCIL, NUCLEAR INFORMATION & RESOURCE SERVICE,

September 28, 1993.

ENERGY & BUDGET L.A.: FLOOR ACTION WEDNESDAY—SUPPORT BRADLEY AMENDMENT TO CUT $22 MILLION FOR MHTGR

"No funds should be allocated for development of HTGR technology."—National Academy of Sciences, in 1992 study mandated by Congress

DEAR SENATOR: When the Senate considers the Energy and Water Appropriations bill later this week, we urge you to vote for Sen. Bill Bradley's amendment to delete all funding for the Department of Energy's Modular High-Temperature Gas-Cooled Reactor (MHTGR) (aka "Gas Turbine-Modular Helium Reactor"). President Clinton proposed in his budget to terminate the program, but the Appropriations Committee is attempting to revive its funding. The amendment would cut $22 million in FY94, and save hundreds of millions of dollars in future program costs.

Council for Citizens Against Government Waste (CCAGW) opposes the MHTGR because of cost and economics. In a comparison of competing electricity generating technologies, Department of Energy staff ranked the MHTGR as 20th out of 23 DOE programs on the basis of energy contribution, economic contribution, market risk, technological risk and environmental impact. The utilities' Electric Power Research Institute found in 1991 that the MHTGR would not be cost competitive with the advanced light water reactors on which the nuclear industry now pins its hopes. If no utilities want to buy the MHTGR, why should the taxpayers want to? Continued research alone could cost hundreds of millions of dollars, with no actual reactor order in sight. Industry is unlikely to adopt untested technology without a working prototype, which would easily cost a billion dollars, the majority of which would be sought from the taxpayer.

Environmentalists also oppose the MHTGR because of safety concerns. The MHTGR has been portrayed as safer because it uses passive cooling systems. But these systems do not allow use of conventional containment structures to prevent release of radiation in event of accident. The Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards wrote in a July 20, 1988 letter to the NRC Chairman that lack of containment "might be a problem" and posed "a major safety trade-off" if the reactor vessel and core were not intact. The Committee concluded that "we are not prepared at the present time to accept these approaches [to reactor safety] as being completely adequate."

We would like to alert you that the League of Conservation Voters's political advisory committee will consider this vote in the process of compiling the 1993 National Environmental Scorecard at the end of this session. Also, Council for Citizens Against Government Waste may consider this vote when compiling its 1994 congressional ratings.

Please support the Bradley amendment.

Sincerely,

Ralph De Gennaro, Director, Appropriations Project, Friends of the Earth; Jim Maddy, President, League of Conservation Voters; Daniel A. Lashof, Senior Scientist, Natural Resources Defense Council; Leon Lowery, Director, Energy Government Relations, Environmental Action; Bill Magavern, Director, Critical Mass Energy Project, Public Citizen.

Tom Schatz, President, Council for Citizens Against Government Waste; Anna Aurilio, Staff Scientist, U.S. Public Interest Research Group; Karen Kalla, Associate Washington Representative, Sierra Club; Martin Gelfand, Research Director, Safe Energy Communication Council; Michael Mariotte, Executive Director, Nuclear Information & Resource Service.

Mr. BRADLEY. The recommendation of the citizens groups is the same as Ronald Reagan, the same as Bill Clinton, the same as the National Academy of Sciences: No funding.

These groups feel so strongly about it that my sense is this amendment will likely be on two scorecards—the League of Conservation Voters and Citizens Against Government Waste.

I hope people understand that there are very sound, substantive reasons to delete this funding.

Less than 3 weeks ago, I stood in this Chamber to speak about the need to set up some principles to guide our attempts to cut Federal spending. Without a set of principles to guide our actions, we will just continue to argue in circles about the merits of this program or that program, whether it should be on the chopping block. Yet, we are not going to eliminate any of them.

Last week, I offered an amendment to eliminate the Selective Service System in the post-cold war world. No, we did not do that.

The last two amendments that we had on the Super Collider and the advanced light metal reactor could have saved millions of dollars—billions. No, we did not vote to cut.

When we were doing the budget, everybody was saying we have got to cut spending, cut spending, cut spending, cut spending. Now here is a opportunity to cut spending. Our response: no, no, no, no.

Well, here is another opportunity.

Mr. President, these votes are precisely the kind of business-as-usual politicking that I think has caused the American people to become cynical about our system of Government.

That is why I asked myself two simple questions each time we set out to cut spending in appropriations bill that the Senate was going to consider for the past couple of weeks.

The first question: Does it provide something that is in the general interest and is essential to American public life? National defense?

The second question is: Is the taxpayer funding the only and most cost-effective way that this specific, important, public purpose will be met?

These two principles, I think, reflect basic American values and take into account the obvious limitations we have on Federal spending.

Mr. President, does the high temperature gas reactor, the modular high temperature gas reactor, or the gas turbine modular helium reactor—all part of the same family—do any of them provide something essential to American life? Absolutely not. Bill Clinton says no. Ronald Reagan says no. The National Academy says no. Public citizen groups say no.

Mr. President, is taxpayer funding the only and most cost-effective way to support this program? I say no.

We have given this technology and those who will benefit from it—the companies involved—$540 million since 1978 and they have only put up a little over $20 million, and we have precious little to show for it.

I say we have done enough. If the industry will not support this project—bearing in mind that the HTGR reactors have been built since 1964—then it should not be supported by the American taxpayers.

It is time to stop this program. I urge the Senate to step up, to follow President Reagan and President Clinton, to follow the experts at the National Academy of Sciences, to follow the citizens groups, and to follow two principles and say: Enough is enough. Let us end this program.

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

Mr. JOHNSTON. I must say, hearing my distinguished friend, and he is my friend, talk about this program, I hardly recognized the program because he was talking about a different program and different technology. He talked about Fort Saint Vrain, which was a program from the early 1970's, and about a report from the National Academy of Sciences on a different kind of reactor.

If my colleagues will listen carefully, I can tell them why this ought to be done. Let me say at the outset, about this reactor, the gas turbine modular helium reactor—an agreement has been signed with the Russians to share the cost of the development of it, 50–50. I do not know whether it was discussed at the Vancouver summit or not. But we do know the President is very interested in promoting trade with Russia. I say that at the outset because this is a very important technological possibility, and let me explain why.

First of all, this is an inherently safe reactor. That means it cannot melt down. Some reactors have what we call a positive coefficient, which means when you take away the coolant, the water, the radioactivity increases and it is a runaway. This is the case of the RBMK reactors in Russia, such as the Chernobyl reactor. It had a positive coefficient and it was a water-cooled reactor. Consequently when the water was taken away from the fuel rods, not only the fuel rods got hotter but the radioactivity increased and in a matter of virtually no time, almost instantaneously, the rods had melted and you had the beginning of the China syndrome. You had the Chernobyl syndrome.

We think with American light water reactors the Chernobyl cannot happen because American reactors, while they are water cooled, do not have this positive coefficient. Nevertheless, as we saw in Three Mile Island [TMI], you can have a difficult situation if the water is taken away because you can have the beginning of melting of the fuel rods.

That is what happened at TMI. The American reactors have a containment building which, in the case of TMI, contained all the radioactivity. The seriousness of the result of TMI, in addition to scaring a lot of people, was it was a very expensive cleanup operation.

We are coming out with a new generation of reactors; the AP-600 by Westinghouse is one; General Electric has another one; CE has another one, which in addition to those factors—containment, negative coefficient on fuel—they also have an ability to circulate the water which does not depend upon pumps so there is a natural convection flow of the water which makes them still safer.

But even with the new reactors, there is always that possibility, however remote, however fleeting, however vanishingly small, that if the water gets away from the rods, you could have a nuclear accident—contained, to be sure, by the building. And we think inherently safe. But not absolutely demonstrably safe.

This reactor is the first to come along that we believe is absolutely inherently safe. It cannot melt down. Why is that? Because of the design of the fuel. There are minute amounts of fuel encased in a little round ball smaller than a BB; and because of the size of the reactor, I believe it is 600 megawatts, because of the size of it, that is why they call it modular.

Because of those characteristics of the fuel, if you take away all the coolant, the highest temperature that this can reach is 1,400 degrees centigrade. The fuel has been tested to 1,800 degrees centigrade. And we believe it could withstand 5,000 degrees Fahrenheit. But it has been tested to 1,800 degrees centigrade. So there is a 400 degree centigrade safety margin in the event of the worst accident possible. That makes this a very, very attractive alternative. I believe my friend from New Jersey will concede it does have that capacity.

That is why the country has pursued technologies, including the Fort Saint Vrain reactor—which, indeed, was not a success at all. Not because of the inherently safe characteristics but because of the heat exchanger and the turbine, which ran on some water bearings and just did not work. In other words, it was that which was outside the reactor, not the reactor itself, which was the difficulty. But, of course, if you cannot generate electricity, what is the point? And Fort Saint Vrain, indeed, did not work.

This reactor uses a brandnew technology that has not been commented upon by the National Academy of Sciences or anyone else. And it should be. What we want to do is bring this reactor to a research and development status where we can determine if what appears to be true about this reactor, if what the Russians see in this reactor, what we see in the reactor, is true. If so, then I do not see how anybody can be against the reactor. The real difference in this reactor is you do not have to use a heat exchanger.

In the average reactor, you have the water that circulates in through the core and actually comes in contact with the fuel rods and comes out as very hot, boiling water or steam, and goes through what is called a heat exchanger. Picture, if you will, a lot of

little pipes into which this radioactive water is circulating. Those pipes are in turn in contact with some other pipes. The second set of pipes contain clean water. You have to exchange the heat between that which circulates through the reactor and is contaminated through the pipes in contact with the other pipes, so you can get steam in the second loop, which is not contaminated.

That is said very quickly. To accomplish it and do it is a very complicated, wasteful process. There is a huge amount of waste heat involved. Indeed, they did not even solve the problem in the case of Fort Saint Vrain—it could not work.

This reactor uses helium. It puts the helium gas directly into the generator so you do not have to go through this additional loop, so the helium gas operates like a jet engine or just like a gas-fired turbine. The gas goes directly into the generator.

The advantages of this are pretty obvious. There is 100 percent less waste heat. In other words, in the ordinary reactor, you have twice as much waste heat that just goes up into the atmosphere as on this one. What does that mean? It means half the amount of fuel and half the amount of waste because of the efficiency of the process.

You say, why have they not done that with water? Why did they not put the water or steam directly into the generator? The answer is the water is radioactive.

You say why is the helium not radioactive?

The answer is that helium is an inert gas. It does not partake of the radioactivity.

Why did they not do this all along? Well, it is because they lacked a particular technology that they have developed, and that is a mature technology that allows for heat recuperating inside the reactor, and that is the breakthrough of this design.

So we have a design that we believe is inherently safe, and it uses half the fuel, produces half the waste, produces half the waste heat that goes up into the atmosphere.

There are some other advantages. One of them is it does not use water. That means you would be able to put the reactor in a desert area because it does not require these vast quantities of water. You can imagine what that means. It means, for example, that you can put these reactors way out there in the desert where they are away from people and they do not require the water. There are huge advantages to it.

Another big advantage is that this reactor, the initial technology was really developed as a tritium producer, what we call a production reactor. Tritium is an essential element in nuclear weapons. Nuclear weapons have both plutonium or uranium and tritium. Tritium is a gas which decays. I think the half-life of tritium is 5½ years.

In other words, you make a nuclear weapon, you put in the tritium; 5½ years later, you come in and there is half the tritium there you started with; and in another 5½ years, you have one-fourth, and so on.

So it means the entire American stockpile of nuclear weapons soon become—"soon" being a relative term—become obsolete and incapable.

How are we solving that problem? What we are doing is reducing the number of nuclear weapons, and we do what they call mine the tritium out of the weapons; that is, take the tritium out of some weapons and put it in other weapons so we will have enough.

But guess what? By the year 2008, we have to have—according to the Armed Services Committee in their report on the 1994 defense authorization, they say we have to have a new reactor operating in order to avoid the loss of the capability of our nuclear weapons.

You say, "Well, we want to go to a nuclear-weapons-free world," and I endorse that. All of us want to see that. But prudence says, with nuclear weapons proliferating all over the world right now, we ought at least to keep our capability to produce tritium and not confuse our hope for the future with our knowledge of history and our cold, hard prediction of what may happen. I would like to have the security of this country rest on something other than an agreement of all these nuclear weapons countries and possible nuclear weapons countries, including North Korea, Libya, et cetera, to do away with all their nuclear weapons capability.

So that is another reason to have this technology. It is because it can produce tritium.

Mr. President, if we need new supplies by the year 2008, according to this Armed Services Committee report in their authorization bill for 1994, they say that we should begin construction by 1999 or by the year 2000. Preliminary design would have to begin in 1994 or 1995. So what we are doing in this bill, the $22 million in this bill will give the Department of Energy the capability of doing enough R&D on this reactor to determine, first, whether we ought to pursue the Russian connection where we would use their ability on a 50–50 split with us. Frankly, most of their contribution would come in terms of expertise, buildings, some supplies over there. Most of ours would, I presume, come from money as well as expertise.

In any event, an agreement has been signed with the Russians. The Russian Energy Minister has twice been in my office urging that I do everything I can to promote this exchange. The name of the Russian Energy Minister is Victor Mikhailov. He is very strong on this program. So what this does is it gives us a look-see at the program.

There is still another aspect of this. The Russians have announced that they want to use their plutonium and their highly enriched uranium in a reactor program. You can say, "Well, why do they not just bury it out there in the desert somewhere?"

In the first place, as we discussed in the last amendment, that is not proliferation-proof, but more than that, it destroys the value of the plutonium, and this is a way to burn the plutonium because this can be a plutonium burner. Again, it produces half the amount of waste with a high degree of efficiency.

The projections, Mr. President, by the designers of this reactor would show that it is more efficient than an ordinary light-water reactor and more economically viable than a light-water reactor. To be sure, those are the claims of the developers, but they are not claims with figures picked out of the air. They are, rather, engineering claims made from the preliminary design which they have done.

What the committee is asking is that we pursue this technology through its early R&D stages to give us the answer to five questions:

First, should we pursue it with the Russians, who are very anxious to do it? Everybody is anxious to do cooperative R&D with the Russians, a cooperative commercial venture. This is such a venture.

Second, should it be pursued as a plutonium burner? And that is a very important nonproliferation issue.

Third, should it be pursued as an inherently safe venture? I believe that is the one characteristic that virtually everyone concedes, that it is inherently safe, it cannot melt down.

Fourth, and perhaps most important, do the claims for its economic viability stand up? And that is very important.

Finally, is it the right way to go as a tritium producer, at least in a standback capacity? It may be that we will not want to have a reactor to make tritium. My guess is that we will because you remember the K reactor down in South Carolina we closed.

The Senator from Oregon and I both agreed we should close that K reactor because it was not a safe reactor. That does not mean we will not need technology for tritium in the future.

This would give the option to have a look-see as to whether we can make tritium from a reactor.

Is this the only possible technology for making tritium? We think that it might be able to be made in accelerators.

I, personally, do not believe that accelerator technology is going to work out economically, but that is a possibility and we need to look into that as well. But a prudent country does not crack all its eggs because it does not need a chicken right at the present time. It pursues its possibilities for its

future needs. And that is what this relatively small amount of money does. It allows us to pursue what could be tremendous breakthroughs in safety, in economy, in nonproliferation, and tritium production that we do not now have.

That is why the committee has put in the money. This technology is different from any studied at Fort St. Vrain, which the Senator from New Jersey talked about. Absolutely, we should not pursue Fort St. Vrain. Fort St. Vrain could not be made to work. But that is like saying the Edsel did not work, so abolish Detroit. This is new and different, totally different.

The reason we pursued technology at Fort St. Vrain is because of that inherently safe characteristic. That is why the country spent money on Fort St. Vrain. We think this will help create not only the safe technology, but the proliferation ability, the ability to produce the tritium, and all done at a very efficient and economically viable way.

Mr. HATFIELD. Will the Senator yield for a question.

Mr. JOHNSTON. Mr. President, I hope we would continue with this.

I will yield.

Mr. HATFIELD. Mr. President, I commend my colleague for such a lucid description of a very highly technical issue. Methinks he speaks as a nuclear physicist. I should address him perhaps not as my colleague, Senator, but my colleague, Dr. BENNETT JOHNSTON. I not only have that feeling of awe and respect, but I also have a sense of fear, and that is that this ability that he has demonstrated to his colleagues here today might become a criterion for future chairmen of our subcommittee.

Mr. JOHNSTON. I thank the Senator for his kind remarks. He is always a wonderful partner to work with.

Mr. President, I wonder if the Senator from New Jersey has disgreed with anything that I have said and, if so, what it is, and should we engage in a colloquy about it.

Mr. BRADLEY. Mr. President, if I could, I would like to maybe comment on a few of the remarks that were made by the distinguished Senator from Louisiana.

Mr. JOHNSTON. While I still have the floor, Mr. President, I really wanted to find out, does he agree, first of all, with my statement that this is an inherently safe technology?

Mr. BRADLEY. I would say that every new generation of nuclear reactors is safer than the previous generation. That is inherent in a new generation of reactors. I think it is too early to tell on this particular technology, however. And I think that is one of the things that is being tested.

Mr. JOHNSTON. I appreciate the Senator's response. I think what I am hearing is that the Senator does not disagree with the claims, but you have to do the research in order to find out whether what everyone thinks is so really is so. Is that fair?

Mr. BRADLEY. As I heard the Senator speaking, and he can correct me if I am wrong, one of the key elements in safety would be the fact that the containment facility would not have to be as big or as strong as in other nuclear reactors. Is that true?

Mr. JOHNSTON. As a matter of fact, you would not need a containment building. But I believe the NRC, nevertheless, would require a containment facility, so that it is like belt and suspenders; you do not need it, but they say you have to wear a belt even though you have suspenders. And we built that into the economic projections here, that a containment facility would be required.

Mr. BRADLEY. As I heard the Senator making his comments, that was one of his points, that you would not need a containment facility. And now it has changed slightly to maintaining the assertion you do not need a containment facility, but the NRC is going to force you to have a containment facility. I find that to be a slight contradiction.

Mr. JOHNSTON. No, I am not saying that the NRC has said that they would require it. I expect that they would because that seems to be their present policy. There has been no application to license this reactor, so that we do not know what they would do.

What I am saying is that I believe the scientists would say that the claims for an inherently safe reactor, that at loss of coolant the top temperature would be only 1,400 degrees, that this fuel has been tested at 1,800 degrees centigrade, and that they believe the melting point is well above 1,800 degrees centigrade. And that would dictate, since a melt down is not possible, that a containment was not necessary. Now, whether they would require the belt and suspenders, nobody knows at this point. But what we are after here is the safety.

My first question was whether he agrees that that safety is there, and I assume that the answer to that is yes.

Mr. BRADLEY. If I could respond, it would be that it is still inconclusive. I would just point out that the NRC has been reviewing the design as a part of an ongoing effort of licensing, questions about licensing. And they contracted for review of the MHTGR technology and it was a probability risk assessment.

This review concluded, and I would like to, if I could, just quote from the report.

> At this conceptual stage, it must be concluded that important elements of the design such as the almost complete reliance on one passive——

That is automatic——

> system for heat removal, the choice of non-safety related minimal redundancy designs for other heat removal and support systems in the current confinement three-eighths design and the elimination of the operator from all but mundane tasks cannot be justified under the current PRA.

Which is probability risk assessment. Then it goes on and says:

> It must be concluded that not only has the risk from the MHTGR not been completely assessed but that the actual risk associated with the reactor——

This is the reactor. Not the turbine, the reactor.

> may be substantially higher than estimated in the MHTGR probability risk assessment.

Mr. JOHNSTON. But the Senator keeps referring to the MHTGR which is a different animal, a different generation from the HTGR. The fundamental difference here is that we have direct helium, the gas directly into the turbine, whereas the previous generation had the heat exchanger and relied upon water and did not have what we called the recuperator which is able to conserve the heat inside the reactor and in turn is able to give you that 50 percent less fuel, 50 percent less waste, and 50 percent less waste heat.

So the point I am making to my dear friend from New Jersey is that those were different animals. To say Fort Saint Vrain or the HTGR, the MHTGR, this report or that report, it is not the same. This is different. The Russians liked this one and this one is the one that we ought to have a look-see at from R&D.

Mr. BRADLEY. I guess what I am saying to the distinguished Senator from Louisiana is that I am not so comfortable with the significance of difference that he points to.

These are variations. But the real question is are they that significantly different? On that point I would simply like to refer to the National Academy of Sciences study which admittedly was on the other technology. But I would like to read a footnote that is in the study:

> The committee learned in mid-1991 that the MHTGR design had been changed. While the committee did not have an opportunity to review the new MHTGR study, the committee understands that the objective was to reduce costs while retaining a safety advantage, thus some of the design details listed below may no longer be current.

This is the operative sentence:

> However, the committee is not aware of any changes to the fundamental principles underlying the MHTGR design concept discussed here.

So the basic point is, yes, there can be some differences. But, according to the National Academy of Sciences, they are not so significant as to alter the judgment of no funding for this project. That is how I read it.

I would say to the distinguished Senator, I certainly stand in awe of his technical knowledge of the field, and the chairman of the committee has long experience in the field. But that is

how I would read it. I would also make the point that if this was something that the utility industry wanted that they would be very pleased about this breakthrough in safety. Yet, during the committee hearing in 1991, the head of the Southern Nuclear Co. stated:

I am not sure we are far enough along with MHTGR technology to be fully certain as to the actual advantages on passive safety over the ALWR passive design.

Mr. JOHNSTON. Is the Senator aware that even traditionally anti-nuclear groups have conceded, at least one of them, that this is passively safe? A July 1990 study of an advanced reactor prepared for the Union of Concerned Scientists, that was actually on the previous generation, found that the MHTGR passive safety system "requires no power to operate, relying on natural circulation of air. It requires no actuation signals to perform its safety function and it is not dependent on actuation of valves to perform its safety function."

So I believe that passive safety element of this is fairly well conceded.

I think the big question is about the economics of it. I can see that is a big question as it is on any new reactor.

Mr. BRADLEY. I say to the distinguished Senator I do think the economics is why this amendment is offered. The real question is: Do we want to spend $22 million of taxpayer money? And on the point related to Russia, my basic attitude is let them put their 50 percent up first.

I think if this was very important to our foreign policy with Russia that this would have been at least noted in the foreign operations appropriations that we just passed 2 or 3 days ago.

I have some major concerns about the plan, that the reason we should do this is to further our relations with Russia and that Russia will put up 50 percent. My understanding is Russia is broke. Russia cannot even take care of its nuclear reactors that are about to explode. To think they are now going to put a lot of money into a technology that is so distant in my view is untenable.

Mr. JOHNSTON. Mr. President, a New York Times article on April 6 had a story that goes on to say:

An agreement with the Russian Ministry for Atomic Energy to form a reactor building venture was signed in Moscow Thursday and was made public * * * yesterday. Top Russian officials have said to have pushed hard to have the issue discussed this past weekend at the Vancouver Summit. It is not known whether the topic was there, although President Clinton made known he favors technological cooperation.

It goes on to point out:

The initiative parallels joint plans already underway to burn Russia's vast supply of uranium and other fuel of nuclear warheads.

Last year the Russian administration announced a deal with Russia to buy much of its highly enriched uranium from nuclear harm so it could be diluted and a fuel for civilian power plants. That agreement is snarled in bureaucratic red tape.

It goes on to talk about it. But I mean it is a signed deal with the Russians. It is brand new. It is just this year. We ought to have a look-see at it before we say, well, pooh-pooh on that. You know, no scientific study or report has been done on this.

I would like to see the National Academy of Sciences take a look at the reactor. I would like to have a judgment done on the deal with the Russians. Is it a good one? They want to put up their expertise. They have all of these unemployed scientists out there that are a resource that the Russians could put up.

I do not think, before we look at it as a nation, that we ought to say no, we should not do it.

Mr. BRADLEY. I say to the distinguished Senator that I think that he has just made the argument that is always made for these kinds of projects, and that is: It is too soon to tell. Therefore, we have to put up some more money because we do not know whether this is going to work.

Of course, earlier today the argument was it is too late to stop.

I understand that when you are doing research both of those are popular arguments. And I certainly do not diminish the possibility of those arguments being valid. But I have also been in this Chamber long enough to know that they are frequently made to keep things moving ahead. Too soon to tell, too soon to tell. A little bit more, a little bit more. Then you cross the line and you have done too much to stop.

I think reasonable men and women can disagree on where that point is. I guess what I am saying is that I see this has $700 million down the road in research and development, I see that it has a demonstration phase of $1 billion or $2 billion. I see this as a much bigger commitment than I think we can afford to make in our current budgetary circumstance.

I am not over here because either I am a physicist or because I am against research. I am certainly not a physicist, nor a researcher. But you have to ask in the current environment, well, how much do you want to spend? What do you want to spend it for? If we do not do this, is anybody going to do it?

I must say that the fact that over 20 years we have put up about $540 billion of public money and the industry has only put up $27 million leads me to conclude that as long as the taxpayers are prepared to do it for them, they will gladly go along with it. I say let us stop.

Mr. JOHNSTON. Mr. President, the too-soon-to-tell, the too-late-to-stop argument, you always have had. We have nuclear fusion that the Senator from New Jersey is very interested in which we have money for in here. We put up billions on nuclear fusion. The electric power industry not only is not putting up money on that, but they say do not put up money on it. They say it will not work, it will never work. But we are proceeding with that because we believe it is too soon to tell, and that the payoff would be sufficient that we ought to pursue it.

I do not say that to be rhetorically cute. I say it to illustrate a very important point, which is that we need to look at these technologies, and not with any technology that comes along and say they always say too soon to tell, they always say too late to stop, and therefore we ought to stop before we can tell and we ought to stop you know, stop any technology. That should not be the attitude. The attitude should be to look at this with cold-eyed reality, and try to fix a point at which you say, go or no-go.

I am not saying spend $1 billion here, make that decision, I am not saying that at all. I say we ought to do this this year, and we ought to take a look at that Russian agreement.

And we ought to have a study on this, being new technology, and find out whether it does offer the kind of promises which on the face of it we think obtain there. I wish the Senator would look at it in that light. This is not another boondoggle research project. This is one that has tremendous promise, where we are close to the point at which we should make a decision of go or no-go.

Mr. BRADLEY. I thank the distinguished Senator from Louisiana for his comments. I am prepared in a very short time, if he would like, to move on from this issue to another issue.

I cannot let the illusion that—I know there was no intention to make a comparison with this. One of the differences in this program is the President recommended $347 million for a fusion program and zero for this program. That is a very significant difference from my perspective. The MHTGR reactor was built in the sixties. We have never really been able to have a fusion reactor that worked. The MHTGR reactor was based on uranium. Fusion is based on water. I know the Senator's intention. I simply urge that we eliminate this $22 million as just part of our efforts to reduce spending at a time where we have to begin to make some choices.

Mr. JOHNSTON. Mr. President, I believe the Senator is saying he is ready to move on to another amendment. As I understand it, we will not have any rollcall votes before 6 o'clock. So I ask the Parliamentarian if I should move to table now, and would that vote occur at 6 o'clock?

The PRESIDING OFFICER. That would require unanimous consent to set the time for the vote.

Mr. JOHNSTON. Do I understand from the floor staff that that is the wish of the majority leader if I should

make a motion to table now, that we have that vote at 6 o'clock?

Mr. President, I move to table, and I ask unanimous consent that a vote on my motion occur at 6 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Reserving the right to object. Do you want a minute or two equally divided prior to the vote?

Mr. JOHNSTON. Mr. President, I think we ought to just go ahead and vote. I do not think a minute will do any good.

Mr. BRADLEY. All right.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSTON. 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.

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

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

Mr. BRADLEY. Mr. President, I ask the committee amendment be set aside.

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

AMENDMENT NO. 990

(Purpose: To reduce the funding levels for certain programs in the Army Corps of Engineers and the Bureau of Reclamation)

Mr. BRADLEY. Mr. President, I send an amendment to the desk 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 New Jersey [Mr. BRADLEY] proposes an amendment numbered 990.

Mr. BRADLEY. 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 2, line 18, strike "$208,544,000" and insert "$157,600,000".

On page 7, line 10, strike "$1,296,167,000" and insert "$1,061,237,000".

On page 17, line 15, strike "$1,673,704,000" and insert "$1,657,700,000".

On page 24, line 17, strike "$14,409,000" and insert "$12,714,000".

On page 25, line 7, strike "$460,898,000" and insert "$431,848,000".

Mr. BRADLEY. Mr. President, I rise to offer an amendment to this Energy and Water appropriations bill that would reduce the Army Corps of Engineers and Bureau of Reclamation figures and would lower the amount of money in this program to the President's request.

I would like to make it clear to all Members that the amendment would not cut into individual projects but would only affect the overall spending level. It would leave the redistribution of the lower funding level up to the conferees in the appropriations conference. In other words, the conferees would have roughly $334 million less to allocate, but this amendment does not reduce funding for any particular project.

For years Congress has routinely funded substantial growth in these projects, more or less ignoring the President's budget request. The President would request 3 percent, and the Congress would give him 4 percent.

This year, if we follow the recommendations of the Energy and Water Subcommittee and the Appropriations Committee, spending for the Corps of Engineers and the Bureau of Reclamation will increase by 6.5-percent, well in excess of the inflation rate; well in excess of what Social Security increased, for example; well in excess of what programs to aid families to send their children to college increased; well above what programs to help the poor increased. It would be a 6.5 percent increase. Simply put, it is business as usual.

The amendment that I offer leaves, as I said, the job of determining what to cut to the conferees. The amendment, I think, does trim down to the President's level. You can say it trims the fat, if you want to. It would eliminate spending that the President did not request, and it does so by reducing the amount of funds in the construction account, the operations and maintenance account, and the investigation account of the Army Corps of Engineers and the Bureau of Reclamation. It reduces it by $334 million, which would still leave in this account and in this appropriation $3.75 billion for water projects. That is what the President asked for. This level equals roughly the total appropriations that were given in fiscal year 1993.

I think for many Members, who have been back in their districts talking about cutting the budget, one of the things that was said for a long time is, well, we ought to just freeze spending.

This would be essentially a freeze on the spending for the Corps of Engineers and the Bureau of Reclamation.

Mr. President, less than 2 months ago, we stood on the floor of this Chamber and delivered lengthy speeches about the need for deficit reduction and the need to cut government spending. We were going to have a special session of Congress. We were going to have special cuts. We were going to have this, that, and the other thing. And everyone was around here wringing their hands because we could not really get at those discretionary programs in the big budget bill. All we could do was cut entitlements or raise taxes. Everybody said, well, when we get to those appropriations bills, we are going to really cut spending then.

We are going through these appropriations bills one by one, and I do not see us cutting spending. To the contrary, spending is going up, and in this category spending is going up 6.5 percent. Everybody has water projects in their State. Everybody has Corps of Engineer projects and Bureau of Reclamation projects. They are important, in a general sense, to the health of a particular State.

The President has requested roughly $3.75 billion, and I am suggesting that we give him what he has requested, not increase it over 6.5 percent.

The President, in his budget request for the Bureau and the Army Corps, delivered on his part of the bargain to say that he was going to try to keep spending down. I think it is up to us to follow through.

Or are we just going to pretend as if the deficit does not get bigger; that we can talk about accounting gimmicks, or we can talk about increasing taxes, but when it comes to cutting spending, we are not willing to step up to the bar.

I would like to place in the RECORD a statement of support from the administration for this amendment.

I ask unanimous consent that it be printed in the RECORD at this time.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 28, 1993.

STATEMENT OF ADMINISTRATION POLICY—H.R. 2445—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FISCAL YEAR 1994

This Statement of Administration Policy expresses the Administration's views on H.R. 2445, the Energy and Water Development Appropriations Bill, FY 1994, as reported by the Senate Appropriations committee. The Administration supports Senate passage of H.R. 2445 and will work with the Congress to address the concerns described below.

SUPERCONDUCTING SUPER COLLIDER (SSC)

The Administration commends Committee action to restore full funding for the SSC. The SSC will maintain U.S. preeminence in basic scientific research and stimulate development of new technologies in areas important to the future health of the U.S. economy.

PRESIDENT'S INVESTMENT PROGRAM

The Committee bill supports several specific investments, including cooperative research and development agreements and most of the increase requested for solar and renewable energy programs.

The Committee bill deletes funding for construction of the Accelerator B-Factory. The Administration expects the Department of Energy to select a site for the B-Factory shortly and urges the Senate to restore the $36 million requested for this project.

The Committee bill would not provide the requested $26 million for construction of the Advanced Neutron Source (ANS), one of the President's priority investment initiatives.

At the same time, the Committee has added $19 million and earmarked an additional $3 million for the Los Alamos National Laboratory to operate and perform neutron scattering experiments at the Los Alamos Meson Physics Facility (LAMPF). LAMPF was proposed for closure in the President's budget. There are several other facilities in the United States that can perform small scale neutron scattering experiments more cost effectively than LAMPF. The estimated long-term costs of upgrading LAMPF to a world class neutron scattering facility are $1.5 billion. An independent advisory committee (the Kohn Committee) has determined that a new reactor such as the ANS would be more capable and cost-effective and is a higher priority neutron source than an accelerator. The Administration urges the Senate to support the Administration's investment program and redirect funds from operation of LAMPF to the ANS project.

BONNEVILLE POWER ADMINISTRATION LANGUAGE

Section 505 of the committee bill would direct the Secretary of Energy "to submit to the Congress by February 1, 1994, a legislative proposal to satisfy the Bonneville Power Administration's entire repayment obligation to the United States Treasury for appropriated investment in the Federal Columbia River Power System." The language in this section would also impose additional specific requirements regarding the content of the required legislative proposal. The Constitution gives the President unqualified discretion to decide whether and when to propose legislation. The Administration objects to this provision on constitutional grounds and would consider such language only as advisory.

ATOMIC ENERGY DEFENSE ACTIVITIES

The Administration is pleased that the Committee has substantially adopted the funding levels in the amended budget request that was transmitted to the Congress on September 8th. Of particular importance is the full funding of the reduced request for operating funds for nuclear weapons research, development, and testing. Further reductions from this level would seriously impair the ability of the Department of Energy to assure the safety and reliability of existing nuclear weapons without nuclear tests and maintain the capability to resume testing of nuclear weapons, as directed by the President.

The Administration is also pleased that the Committee has restored the full $17 million requested for the Dual-Axis Radiographic Hydrotest Facility (DARHT), which was deleted by the House. In the absence of underground nuclear weapons tests, the DARHT facility will be vital to maintaining confidence in the stockpile.

The Administration opposes the Committee's use of additional, uncosted obligational balances as a funding offset mechanism for Defense Activities. The President's request already reflects an aggressive strategy to reduce uncosted balances. The request identifies $708 million in prior-year balances as offsets for the Weapons Activities and materials Support accounts. The House increased that sum to $752 million and identified the source of the extra funds as FY 1993 research and development funds that the Administration had requested be reprogrammed to technology commercialization activities. The Senate Committee has increased the offset to $892 million, without identifying the source of funds.

While program spending has continued to decrease from earlier expectations, there is no assurance that sufficient offsets from prior balances will be available without significantly impacting program activities. The prior-year offsets proposed by the Committee would be most difficult to achieve in the Materials Support account. The additional $100 million offset proposed by the Committee in the account could require significant workforce reductions and result in significant delays in the stabilization and transition of facilities at the Savannah River Site from production to eventual decontamination and decommissioning.

ADVANCED REACTOR RESEARCH & DEVELOPMENT

The Committee has rejected the Administration's proposed termination of unncessary reactor projects, including the liquid metal reactor and the high-temperature gas-cooled reactor. The Administration also proposed to terminate the SP-100 reactor program; Committee action on this program is unclear. Instead, the Committee has added $63 million above the Administration's request to fund continued research and development for these projects. The Administration supports only elements of the actinide recycle program essential to demonstrate technological feasibility.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The Committee has reduced the President's $5,428 million request for Defense Environmental Restoration and Waste Management by $321 million. The Administration requests that the Senate restore $41 million for a budget level of $5,148 million.

URANIUM ENRICHMENT FACILITIES

The Committee has rejected the President's proposal to allow the U.S. Enrichment Corporation (USEC) to determine whether to operate both U.S. uranium enrichment facilities after FY 1995. Absent the President's proposal, the USEC would have no flexibility and would have to lease both facilities for at least six years. If a cost-benefit analysis determined that only one facility is necessary, this requirement would incur a significant cost over the next five years. The Administration urges the Senate to consider the President's proposal.

The Administration objects to a provision of the Committee bill that would provide $80 million to support atomic vapor laser isotope separation (AVLIS) research and development. The Administration has proposed funding this technology only if non-Federal funding is obtained.

OFFICE OF THE INSPECTOR GENERAL

The Administration encourages the Senate to restore full funding for the Office of the Inspector General. This funding is necessary so that critical audit, oversight, and investigative activities can be sustained to complement the Administration's initiatives to improve the management and financial performance of the Department and its contractors.

ARMY CORPS OF ENGINEERING/BUREAU OF RECLAMATION

The Committee has added over $350 million to the president's request for programs of the Army Corps of Engineers and the Bureau of Reclamation. Most of this Increases is for unrequested construction projects and studies that the Administration does not support. The Administration would support an amendment to reduce the funding level of unrequested water projects in the Army Corps of Engineers and the Bureau of Reclamation.

Funds have been included in the Department of the Interior and Related Agencies Appropriations Bill, FY 1994, to support the Administration's follow-up to the April 1993 Forest Conference. In further support of Forest Conference follow-up, the Administration would support shifting $5.0 million originally requested for the Bureau of Reclamation's Yuma Desalting Plant to the Construction program for ecosystem restoration activities in the Klamath and Trinity River Basins.

Section 102 of the Committee bill would prohibit the use of funds to transfer any functions of any Army Corps of Engineers district office. This provision would prevent the Army Corps of Engineers from making management decisions that increase efficiency and provide cost-containment. Such provisions are contrary to the government-wide recommendations of the National Performance Review. The Administration urges the Senate to remove this provision from the bill.

Mr. BRADLEY. Mr. President, I ask unanimous consent that a letter endorsing the amendment from the National Taxpayers Union, the Friends of the Earth, the American Rivers, the Council for Citizens Against Government Waste, the National Wildlife Federation, the Sierra Club, and the League of Conservation Voters be printed in the RECORD.

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

FRIENDS OF THE EARTH, NATIONAL TAXPAYERS UNION, AMERICAN RIVERS, COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE, NATIONAL WILDLIFE FEDERATION, SIERRA CLUB, LEAGUE OF CONSERVATION VOTERS,

September 29, 1993.

SUPPORT BRADLEY AMENDMENT TO CUT WATER PROJECTS TO PRESIDENT'S REQUEST; ADMINISTRATION SUPPORTS THIS AMENDMENT

DEAR SENATOR: When the Senate resumes consideration of the Energy and Water Appropriations bill Thursday, we urge you to vote for Sen. Bill Bradley's amendment to cut funding for water projects of the Bureau of Reclamation and Army Corps of Engineers to the level requested by the President for FY94. The amendment would apply to the two agencies' budget accounts for investigations, construction, and operations & maintenance. No particular project would be cut by the amendment, which would only adjust the overall account totals.

The National Taxpayers Union and Council for Citizens Against Government Waste support this amendment because it represents a serious effort to hold the line against wasteful spending. For FY94, the President requested about $3.75 billion for the accounts covered by the amendment, but the Committee appropriated about $4.09 billion, an increase of $334 million. This money will go to BuRec and the Corps, two agencies in desperate need of "reinvention" given their proclivity toward unnecessary, uneconomic projects and their failure to ensure that beneficiaries pay for the benefits of federal water projects.

Environmentalists support the amendment because many water projects cause damages such as: flood disasters from channelization of rivers, rapid consumption of scarce water resources, construction of dams which destroy ecosystems and habitat, depletion of aquifers, salinization of croplands and water supplies, loss of biodiversity, and harm to

fisheries. Funding in the bill for all or part of projects such as Animas-LaPlata, the Central Arizona Project and the Garrison Diversion represents unacceptable subsidies for environmental destruction.

The Administration supports this amendment, having issued a statement of policy on the bill which says: "The Committee has added over $350 million to the President's request for programs of the Army Corps of Engineers and Bureau of Reclamation. Most of this increase is for unrequested construction projects and studies that the Administration does not support. The Administration would support an amendment to reduce the funding level of unrequested water projects in the Army Corps of Engineers and the Bureau of Reclamation." (28 Sept. 1993)

We would like to alert that the League of Conservation Voter's political advisory committee may consider this vote in the process of compiling the 1993 National Environmental Scorecard at the end of this season.

We recognize that the amendment cuts with a blunt knife, and that senators may feel that their state's projects are particularly worthy. Nonetheless, these agencies must share in the national sacrifice. Funds for any worthy projects not requested by the Administration can be obtained by cutting elsewhere in these agencies' budgets. Please support this Bradley amendment.

Sincerely,

Ralph De Gennaro, Director, Appropriations Project, Friends of the Earth; Jill Lancelot, Director, Congressional Affairs, National Taxpayers Union; Dale Pontius, Vice President, American Rivers; Tom Schatz, President, Council for Citizens Against Government Waste; Mary Marra, Director, Environmental Quality, National Wildlife Federation; Melanie Griffin, Washington Dir, Land Protection Program, Sierra Club; Jim Maddy, President, League of Conservation Voters.

Mr. BRADLEY. Mr. President, this is another one of the attempts to try to say: Are we going to have some discipline here?

Now, it is quite conceivable that at the end of this whole appropriations process we will not have any discipline and we will have demonstrated it to the public. But on this amendment, what it says is $3.75 billion is enough. Spend $334 million less. Take it out of construction, operation and maintenance, and investigations. There is no specific project here that is targeted. It would be up to the conference committee to decide. No single project loses because of this amendment. Ultimately the decision rests with the conferees.

I hope that we will be able to see our way through to vote for this. I am under no illusion that it is likely, but I still think that the effort is worth making, because, if you believe that the deficit is eating away at our children's future, maybe we can freeze some of these water projects for a year—1 year—in order to reduce the deficit another $334 million. That is really what this amendment does.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

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

Mr. JOHNSTON. Mr. President, the committee's recommendation at $3.9 billion for the corps and the Bureau of Reclamation is less than the inflation increase from last year. So this is not even keeping up with inflation.

But a lot has happened since last year, Mr. President. We have had severe flooding on the Mississippi River. We have had the passage of Senator BRADLEY's bill, which I helped him a great deal on, the Reclamation Projects Authorization and Adjustment Act, signed into law as Public Law 102-575, the estimated cost of which is $2.6 billion.

Now, because we passed that bill, we put in this bill, for example, the Los Angeles and San Gabriel water reclamation projects in California for $10.25 million and a central Utah project for $4 million.

We have flood control matters coming out of the Mississippi.

Mr. President, a lot has changed since last year.

I am for budget cutting, but in a year when you have had all of these tremendous floods, and we are already less in real terms than we had last year, where are we going to take it from? Some of these are environmental projects. Those that I just mentioned are environmental projects, and I helped the Senator from New Jersey get those passed.

Sonoma Bay Wetlands, for example. I know the Senator is interested in that. That is $4 million.

The business of the world has to go on, Mr. President. We have already cut below last year in real terms. To be sure, we are more than the President requested, but we are less than last year in real terms. Just how much are we supposed to cut?

Mr. President, there are $215 million—some of those I just mentioned—that were not requested by the President. Some of them involve flood control studies that the President did not know about on the Mississippi, projects like the West Columbus flood control project in Ohio, Molly Ann's Brook in New Jersey, Levisa and Tug Fork in West Virginia, O'Hare Reservoir in Illinois.

Ask the Illinois Senators whether O'Hare Reservoir is important. I can tell you that is not fluff. That is not the cream on top of the pie.

Mr. President, those kinds of projects are the meat and bones and sinew of this bill. I do not know why it was not requested.

Barbourvill and Harlan, KY, projects; Passaic River flood control project in New Jersey. I do not know, maybe the Senator can tell me the importance of that.

Mr. President, here are a few more examples:

In Bethel, AK, we have a $2 million project. Onondaga storm water discharge in New York, $11 million. Mr. President, Onondaga is one of the most polluted lakes in the entire Nation, and Senator MOYNIHAN's initiative gets us started on Onondaga.

O'Hare Reservoir, McCook and Thronton Reservoirs in Illinois, $18 million.

West Columbus flood control project—I just mentioned that— $9 million.

Kissimmee River Restoration in Florida, $5 million. Kissimmee is the environmental project in Florida.

Flood control studies related to the recent record flood on the Missouri and upper Mississippi Rivers.

Kentucky Dam, lock addition, in Kentucky; St. John River conservation project in Maine; Shoshone project in Wyoming; Topeka, KS flood control project; Mid-Dakota and Mni Wiconi projects in South Dakota; Sonoma Bay Wetlands in California; I mentioned the Los Angeles and San Gabriel water reclamation projects; central Utah project; Beaver Lake water transmission project in Arkansas; and the New York Harbor and Channel in New York and New Jersey.

Altogether, I think there are 54 corps projects and about another 10 Bureau of Reclamation projects, ongoing projects. I mean, are we supposed to stop those?

This budgeteering, Mr. President, you get a new crowd over there at OMB and they say, "Well, we want to look good," so they cut back on this project, knowing that the money is going to be there because they are vital things, but it is sort of playing the old budget game.

Mr. President I can tell you, not only is this prudent budgeteering, but not to fulfill these basic fundamental needs would be a terrible injustice to people who are subject to further flooding, who are seeking relief from the ravages of flood control, who are seeking, in some cases, the opening up of navigation, which is essential to the job base in this country, and in other instances to pursue environmental values like the Senator's bill from last year involving the Central Valley of California projects.

So, Mr. President, I think this amendment makes a nice statement. We have had statements about, well, we need to cut here, there, and everywhere. But I can tell you, Mr. President, we are already below last year in real terms, and to cut more would be devastating. I do not believe, in prudence, that the Senate would seriously consider the amendment, so I will not belabor the point. I think it is pretty clear.

May I say, finally, that the bill as recommended is within the 602(b) allocation of this committee. So if this were cut, the money would be available for other priorities. I do not know what the Senator's priorities are. And even if he put in language in violation of the

Budget Act subject to a point of order, which would reduce the numbers, then you go to the conference committee, and the House would just say, "Well, fine. If you do not want to put it in for your priorities, we will put it in for ours."

Mr. BRADLEY. If the Senator will yield on that point, just for a question to clarify the RECORD, because I do think it is an interesting point that he has made.

The Senator is saying, essentially, if this amendment passed there would be $334 million less for these two programs, Bureau and Army Corps. But the $334 million would simply go back to where?

Mr. JOHNSTON. What happens in actual terms is we would cut these back and we would go to conference with the House, which has a similar 602(b) allocation to ours. I think we are $100 million more in budget authority, but identical in outlays. And the outlays are the constraint in this instance.

So we would go to conference with the House, which has their priorities, and we would come with ours, which would have $300 million less than the House, with a different set of priorities. And then we confer.

What would happen is the 602(b) allocation would then be available to meet the House priorities rather than the Senate priorities.

If that sounds like an arcane process, we decided a long time ago to have a 2-stage budget process, a financial process in this Congress. First we battle out the budget resolution, the reconciliation, decide how much we are going to spend. It was a very painful process in both Houses and that played out just a few weeks ago.

The final act of that was, of course, the budget cutting and revenue package, which passed in each House by one single vote. Some said it is not nearly enough money. Others said it is too much taxes. Some said we need this, we need that. But we fought that out and we came up with a number which was then distributed to the Appropriations Committee. That is called the 602(a) allocation. That is the amount of discretionary spending available to the Appropriations Committee. That, in turn, was divided up among the subcommittees, which is called the 602(b) allocation. We were given our allocation, which is roughly $21 billion in budget outlays, and the House has the same outlay number.

To the extent we change this and cut this, we have already had that fight. We are talking about now whether we take the Senate's priorities or the House's. What the Senator from New Jersey would have us do is go bargain over their wish list and not ours. When I say "wish list," I am not talking about a wish list in the sense of fluff list. I am talking about flooding on the Mississippi River. I am talking about the Missouri River. I am talking about navigation. I am talking about those projects in the central valley of California that the Senator did such an outstanding job on, in passing that legislation. That is what we are talking about.

Mr. President, if the Senator cares to discuss it further I will.

Mr. BRADLEY. Mr. President, I would just like to respond very quickly, if I could.

Mr. JOHNSTON. Sure.

Mr. BRADLEY. Mr. President, I think what we see is this is a bill that touches every State and, therefore, it is very difficult to vote for spending cuts. There are projects in every State in this bill. Therefore, it is not likely this amendment is going to be very close.

But at the same time it illustrates a larger point, which is that even if a person stood up on the floor in an appropriations bill and sought to cut spending, in fact you do not cut spending. It reverts back to an earlier decision.

The public ought to understand the process because I think frequently people do not understand why we do not cut spending. The answer is because the process has been so convoluted that it is always easier to manage to tie up in knots someone who wanted to cut spending than it is to actually cut spending.

Mr. JOHNSTON. If the Senator would yield?

Mr. BRADLEY. Yes.

Mr. JOHNSTON. We cut the President's budget request $137 million overall. Was the Senator aware of that? We cut the President's overall spending request by $137 million, real cuts. But what we did is we cut some programs, for example some of the defense programs—we cut those by a bigger amount and offset these so the net is a $137 million cut. We just had different priorities and less spending than the President.

If you are saying the President's priorities—and it is really not the President. Look, it is those nameless, faceless people over in OMB. Do you think the President went down this list and said we need to cut the Passaic River, N.J., or whatever it was—or New York Harbor and Channels? He does not know these things are in here. It is not because he is not very smart. He is working on other things.

You have somebody there in OMB who said, "O'Hare Reservoir, that is not our priority. I would like to put the money,—" so says this gnome, "over there, in nuclear testing or whatever." We just have different priorities, the Congress does.

That is what this is about. Do not tell me we are not cutting spending; $137 million is real money and we cut it below the President's request. We might have later information. I think we have later information on floods in the Missouri and Mississippi Rivers. That budget was put together really before those floods got a full head of steam.

Mr. BRADLEY. I say to the distinguished Senator, I appreciate the points he has made. I think ultimately we should face the fact we are going to be spending more here than we could, in terms of last year's appropriations for the Bureau of Reclamation and the Army Corps. We are going to spend about $334 million more than the President asked, for those programs. And while the Senator read a long list of projects, flood control projects, various projects in this State and that State—many of which I care about, the Senator cares about, other Members care about—this amendment does not cut those projects. This amendment reduces the amount of money to be allocated, and the conference decides which projects are cut, whether all are trimmed a little or whether some are eliminated.

Mr. BAUCUS. Mr. President, the amendment of the Senator from New Jersey would reduce the Army Corps of Engineers and Bureau of Reclamation budget to the President's budget request. I oppose the Bradley amendment.

As the Senator from Louisiana noted earlier, these projects are all authorized projects and worthy of support.

While these projects will put this bill $334 million above the administration's budget request, this request was made months before the recent flooding that has devastated parts of the Midwest.

The levels of funding in this bill will enable the Senate to our priorities and allow the chairman to exert his leadership in the conference with the House.

This overall level in this bill will fall below the President's budget request of $21.13 billion and the current-year funding level of $22.08 billion.

I think the authorized levels for the corps and the Bureau of Reclamation projects should be retained. This will provide some relief for the flood victims in the Midwest.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. Leader time is reserved.

PRESIDENT CLINTON'S U.N. ADDRESS

Mr. DOLE. Mr. President, on Monday, in his speech to the U.N. General Assembly, President Clinton outlined several foreign policy proposals, including greater efforts to strengthen democracies, to stem proliferation, to reform the United Nations, and to promote sustainable development. Other recent speeches by Secretary Christopher, National Security Adviser Lake, and U.N. Ambassador Albright laid the foundation for the President's

speech. This four speech offensive seems designed as a high-level, and extended, rebuttal to the perception of drift and lack of initiative in the administration's foreign policy.

Many of the objectives cited in the administration's speeches are noteworthy. Many deserve our support, including reforming the United Nations and efforts to combat proliferation.

What was missing from President Clinton's speech was a review of what the administration is doing, and as important, what the United Nations is doing, in New York and around the world.

If we look, we will see that there is a large gap between U.S. interests and U.N. operations. When we fail to recognize that gap, we drift into questionable missions, like nation-building in Somalia.

I am encouraged to see that the administration is moving away from involvement in the United Nation's nation-building efforts in Somalia, and that we will be limiting our military role there. As my colleagues will recall, the Senate resolution on Somalia, passed a few weeks ago, urged the President to turn over operations to the United Nations.

We also see the gap between United States interests and United Nations operations in Bosnia-Hercegovina. President Clinton stated that in the post-cold war world we should align ourselves with new democracies—and I agree with that assertion. Well, one of the new democracies and United Nations member state, Bosnia, and Hercegovina, is being dismembered—with the help of the United Nations—and the United States is going along. The Bosnian parliament decided it could not accept what the Bosnian president termed an unjust peace and conditioned its acceptance of the proposed peace settlement on the return of territory seized by force.

Mr. President, for the past 18 months Bosnia has been denied its inherent right to self-defense and has lost most of its territory. The United Nation's approach to the brutal destruction of Bosnia and its people has been to maintain the arms embargo, mediate a plan which rewards aggression and ethnic cleansing, and pressure the Bosnians into accepting such a sell-out.

U.N. Ambassador Albright noted last week that if we had relied on the United Nations to contain communism, the Berlin Wall would still be standing. I could not agree more. But, then why has the United States relied on the United Nations to address the war against Bosnia? If agreed to, the Owen/Stoltenberg plan would erect new Berlin Walls in Bosnia—Walls that impose ethnic partition. And the United States would be asked to send as many as 25,000 troops to defend those ethnic walls. I ask Ambassador Albright and President Clinton, how could U.S. participation in the implementation of such an unprincipled plan be reconciled with U.S. interests in supporting democratic States and upholding international laws and principles? Are there not other options which better serve our interests, support the sovereignty of Bosnia as a U.N. member State, and would not require such a large commitment of U.S. lives and resources?

Mr. President, we are in this terrible position because we have allowed the United Nations to determine the parameters of our policy toward Bosnia. The President said that the United Nations must learn to say "no." Well, the United States must learn to say "no" to the United Nations when its policies are unprincipled and ill-conceived.

It seems to me that since the Bosnians are going back to the negotiating table, we should go back to the drawing board to look at other options—even if the United Nations is not eager to do so.

Turning to Africa—the United Nations has dropped the ball in Angola, certifying an election process which was fraught with problems, and then been mute on attacks on UNITA forces which preceded the renewal of civil war. Meanwhile, there are United Nation plans to send up to 10,000 peacekeepers to Mozambique—a country where the United States has no strategic interests and which has the potential to look more like Somalia than Namibia a few years down the road. The United Nations may have an interest in walking away from Angola into Mozambique, but the United States does not.

And so, although the President outlined operational criteria for U.S. participation in U.N. peacekeepoing operations, he left out the most important consideration: Does a proposed mission promote or protect U.S. interests?

The President laid out some of the right questions for U.S. participation in U.N. operations: a real threat assessment; cost; definition of clear mission. Yet, one of the President's key standards—whether an end point to the mission is identified—has not been defined with respect to United States involvement in Somalia. The President does not need to wait for the United Nations on this. While Somalis are shooting down United States helicopters, and killing American peacekeepers, the American people are waiting for the end to this mission. I hope that the report the President sends to the Congress on October 15 will be a blueprint for United States withdrawal from Somalia.

Yet another new mission was announced on Monday: The deployment of United States peacekeepers to Haiti. I ask President Clinton: Does this new mission in Haiti meet the criteria outlined at the United Nations? Where is the real threat to international peace? Where are the clear objectives? What is the end point? A viable Haitian state? Democracy in Haiti? Will the United States really walk away after 6 months if conditions are unchanged? What will be the rules of engagement for U.S. forces if, for example, they witness a murder by extremists from either side? And, how much will the mission cost? I am not satisfied the President's own questions have been answered for this most recent U.N. operation.

Mr. President, where does the United States have a clear interest? This is not a comprehensive list, but I would like to list a few important areas. In the Middle East: the United States has an interest in the implementation of the Israeli-PLO accord and in follow-on agreements; in South Africa—where the transition to nonracial democracy is in progress, and in Russia, where continued democratic reform is at stake—all of these developments were cited by President Clinton as miracles. But I remind the President that the United Nations had nothing to do with these events and achievements. Indeed, it is the United States which has played a critical role in all of these developments.

I support the President's call for reforms at the United Nations and I stand ready to work with him, especially in reducing the U.S. assessment in a way that reflects global economic changes. But reducing the assessment is just a starting point. The facts are that the U.N. bureaucracy is bloated and inefficient, that duplication and outdated committees are the norm, and that corruption is commonplace. We must be clear, the United Nations does not simply need a makeover, it needs reconstructive surgery. And that surgery should be completed before new responsibilities are undertaken. The United Nations may try to pull the wool over American eyes with face-saving measures such as the appointment of an official to report on corruption. This is not enough. The establishment of an independent inspector general—preferably an American—is long overdue.

While I welcome the call for a broadening of the missile technology control regime and efforts to strengthen biological and chemical weapons agreements, I have serious concerns about the President's proposals to pursue a comprehensive test ban treaty. In my view as long as the United States relies on a nuclear deterrent, we should not take actions which would undermine the safety, survivability or reliability of our nuclear arsenal. As for the global ban on the production of highly enriched uranium and plutonium, I have doubts about such a ban's verifiability.

Absent from the President's remarks on proliferation were the troubling developments in North Korea. The administration's diplomatic efforts have not reversed the course of the North Koreans, they have only managed to

prevent a withdrawal from the Nonproliferation Treaty. In combatting proliferation we have to come to grips with North Korea and other rogue States who are often impervious to international criticism and even sanctions, and uncooperative with the International Atomic Energy Agency.

President Clinton also spoke of sustainable development. What was noticeably absent was any discussion of foreign aid reform, a subject mentioned in the earliest days of this administration.

Instead of foreign aid reform, there has been more business as usual—promised reviews are incomplete, draft reports are not released, and legislative proposals are nonexistent. It now appears the administration has begun meetings with Democrats to plot a course on foreign aid reform. Even the Washington Post has seen the new plan but Republicans have been shut out—not invited and apparently not welcome. As I have said before on another issue, if we are not in on the takeoff, do not expect us to be in for the landing. I hope that the administration will reconsider its decision to leave Republicans out.

Mr. President, the bottom line is that U.S. interests and U.N. interests are not synonymous. There will be times when U.S. interests and U.N. efforts intersect. However, we must avoid adopting the United Nations agenda whether in Somalia, in Bosnia, in Haiti, or elsewhere, when it does not meet our standards and democratic principles. The key to making the world safe for democracies and not for dictators, is not to reinvent the United Nations, but to assert U.S. leadership in support of U.S. interests.

TRIBUTE TO SARA BELDEN

Mr. DOLE. Mr. President, I rise today to recognize a loyal member of my staff who is leaving Senate service today. For the past 6 years, Sara Belden has worked for me and the people of Kansas, starting as a receptionist and working her way up to the position of Kansas press secretary.

A native of Sterling, KS, and a graduate of the University of Kansas, Sara has been an important link between our office and the people of our State. Whether it is responding to individual constituents, traveling throughout Kansas, or reaching out to the scores of weekly papers that serve our State's smaller communities, Sara has been committed to putting Kansas first, which my staff knows is job No. 1.

As Sara leaves our staff for a new challenge at the Renewable Fuels Association, she does so with my sincerest thanks. Mr. President, I know all Kansans join me in wishing Sara Belden all the best in her future endeavors.

Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. JOHNSTON. Mr. President, we have a number of noncontroversial amendments which we are prepared to accept as soon as the Senator from Oregon returns from the dining room. We do not know of any other amendments on our side. I ask the floor staff if there are any that require a vote.

I guess what I am asking, Mr. President, is that the floor staff and leadership put things in motion to determine whether at the end of the votes, which are ordered at 6 o'clock, that we could go directly to final passage, because a rollcall on final passage is requested.

By the way, Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

(The remarks of Mr. DORGAN pertaining to the introduction of S. 1511 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NOS. 991 THROUGH 1000

Mr. JOHNSTON. Mr. President, I will submit a group of amendments en bloc which have been jointly cleared. I would like to explain them before I submit them.

The first is on behalf of Senators CHAFEE and PELL, dealing with Quonset Point-Davisville, RI, and involves the expenditure of $1.875 million on that project.

The second is on behalf of Senators METZENBAUM and GLENN, and deals with a problem in Ohio where the Corps of Engineers many years ago bought an easement for flooding, and the corps has been moving some of these residents out, even though they are in areas that are not likely to flood. This amendment says that none of the funds herein may be used to move those residents, provided those residents are willing to make a hold harmless declaration.

Mr. President, the next is on behalf of Senator WALLOP and the whole amendment states that at least $4.6 million of the amount derived from the fund shall be expended in accordance with the Energy Policy Act. This means that of a fund which is provided for rehabilitation and cleanup of uranium enrichment facilities, that at least $4.6 million of that fund shall be spent on miners' claims, uranium miners' claims. That is in accordance with the Energy Policy Act of 1992.

The next is on behalf of Senator DANFORTH, stating that the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $4.46 million of available funds to complete preconstruction engineering and design on the Ste. Genevieve, MO, flood control structure. Ste. Genevieve, MO, Mr. President, is a national historic monument which was a landmark, which was terribly impacted during the recent floods.

This directs that the design of the flood control facilities be built.

The next is on behalf of Senator MOYNIHAN, directing that $2 million out of appropriated funds be used to carry out engineering design for relocation and comfort and lifeguard stations from the coast of New York City to Rockaway Inlet in North Point. That is within available funds.

The next is on behalf of Senator HATFIELD. I will let Senator HATFIELD explain this amendment with respect to geothermal resources.

The next is on behalf of Senator WARNER, a direction to the corps to utilize $2 million for the Virginia Beach erosion control and hurricane protection project.

Again, that is within available funds. It includes a statement by Senator WARNER.

The next is on behalf of Senator BUMPERS and provides that the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $3 million to provide design and construction assistance for a water transmission line in the northern part of Beaver Lake, AR, and in Benton and Washington Counties, together with a statement by Senator BUMPERS.

The next is on behalf of myself, directing that within available funds, $6.3 million be directed to continue with the authorized Ouachita River levees project, of which $3.8 million shall be used to continue rehabilitation or placement of deteriorated drainage structures. That is an ongoing project.

The next is on behalf of Senator HATFIELD for Senators GRAMM and HUTCHISON, which provides that the Secretary of the Army is authorized to

convey—actually authorized to sell—to the city of Galveston, a parcel of land which is known as the Santa Cinto disposal area east of Galveston Island.

This is, I think, an artificial island created by the corps in disposing of spoil. And it authorizes the corps and provides for compensation at fair market value, and speaks of disposal of the spoil. In any event, that is permissive with the corps.

Mr. President, before I ask that those matters be dealt with, does the Senator from Oregon want to explain the amendment on geothermal?

Mr. HATFIELD. Mr. President, the amendment I have just offered would make the $4.5 million from the geothermal resources development fund available within the total funds appropriated for this bill for the Department of Energy's energy supply, research and development activities. It makes these funds available for use, but does not increase the amount of funds appropriated in the bill.

The bottom line is we are taking this action to have a carryover of such unobligated funds to continue their availability in the fiscal year 1994–95. It has no other purpose. It does not do anything to make the commitments to those funds or to earmark those funds. It is merely a carryover action.

AMENDMENTS NOS. 991–1000, EN BLOC

Mr. JOHNSTON. Mr. President, I now ask unanimous consent that the amendments just explained be submitted and considered en bloc.

I send those amendments and statements to the desk at this time.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and agreed to en bloc.

The amendments (Nos. 991 through 1,000) were considered and agreed to as follows:

AMENDMENT NO. 991

(Purpose: To fund the construction of two elevated water storage towers and the relocation of sewer lines at Quonset Point-Davisville, Rhode Island)

In the matter under the heading "CONSTRUCTION, GENERAL" under the heading "CORPS OF ENGINEERS—CIVIL" of title I, after the item relating to Wallisville Lake, Texas, insert the following:

Quonset Point-Davisville, Rhode Island (for 2 elevated water storage towers and the relocation of sewer lines), $1,875,000.

AMENDMENT NO. 992

(Purpose: To restrict the use of certain funds for the removal of residential structures)

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON REMOVAL.

(a) PROHIBITION.—Subject to subsection (b), no funds made available pursuant to this Act may be used to carry out a policy to remove or demolish any residential structure that is subject to an easement or right-of-way in favor of the United States for the containment or impoundment of waters in the Muskingum River Basin, Ohio, until such time as the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives have reviewed and approved the policy.

(b) AGREEMENT TO HOLD HARMLESS.—

(1) IN GENERAL.—The Secretary of the Army shall offer to enter into a written agreement with the owner of each residential structure that is covered by the prohibition referred to in subsection (a). Under the agreement, the owner shall hold the United States harmless for any loss of personal property, real property, injury, or death that is the result of any flooding of the structure.

(2) FAILURE TO ENTER INTO AN AGREEMENT.—If an owner fails to enter into an agreement pursuant to paragraph (1), the Secretary of the Army may, in accordance with the applicable easement or right-of-way, remove or demolish the structure.

Mr. METZENBAUM. Mr. President, this amendment would stop the Army Corps of Engineers from throwing Ohio property owners out of their homes.

For the past 12 years, the corps has been pursuing a policy of encroachment resolution in the Muskingum River Basin, a policy in which hundreds of families have been forced out of their homes without receiving a single dime of compensation.

Ostensibly, the reason is safety to ensure that people's homes are not flooded.

Last year, however, I learned that the corps was displacing families whose homes had never flooded, and likely never would flood. They were located at elevations exceeding a flood projected to occur once every 500 years.

I stepped in and after some discussion, the corps agreed to conduct additional flood frequency studies. Those studies recognized that the existing policy was overly harsh, and the corps subsequently agreed to modify it somewhat.

But the fact remains, Mr. President, that the policy continues to be a riddle filled with all manner of inconsistency which will continue to cause great harm to my constituents.

This amendment simply says to the corps, hold on, wait until the House and Senate committees have a chance to look at what you're doing.

We should be looking at this policy. Its effects are not limited to Ohio. According to information I obtained from the Corps of Engineers, 345 other families living near corps projects in 13 other States stand to lose their homes by reason of encroachment resolution.

I ask unanimous consent that the corps document listing these projects and States be entered into the RECORD.

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

Summary of unresolved easement encroachments nationwide

Division, district, and project name	*Habitable Structures*
Lower Mississippi Valley:	
St Louis:	
Mark Twain Lake, MO	1
Carlyle Lake, IL	79
Missouri River:	
Omaha:	
Lake Sakakawea, ND	3
North Central:	
Rock Island:	
Saylorsville Lake, IA	1
North Pacific:	
Seattle:	
Albeni Falls, Dam Project, ID	2
Ohio River:	
Huntington:	
Beechfork Lake, WV	1
Bluestone Lake, WV	2
Delaware Lake	6
Dillon Lake, OH	2
Tom Jenkins Dam, IN	4
Louisville:	
Cecil M. Harden, IN	116
Nolin River, KY	1
Rough River, KY	55
Nashville:	
Chetham Lake, TN	1
Cordell Hull Lake, TN	1
Old Hickory Lake, TN	2
Wolf Creek Reservoir, KY (aka: Lake Cumberland)	2
Pittsburgh:	
Berlin Lake, OH	19
Tygart Lake, WV	13
South Atlantic:	
Mobile:	
Lake Sidney Lanier, GA	5
South Pacific:	
Los Angeles:	
Prado Flood Control Basin, CA	12
South Western:	
Little Rock:	
Greers Ferry Lake, AR	8
Millwood Lake, AR	1
Table Rock Lake, MO	7

AMENDMENT NO. 993

(Purpose: To specifically include amounts designated in the Department of Energy's Budget Request for implementation of Title X of the Energy Policy Act of 1992)

On page 33, line 11, strike the period and insert the following: ": *Provided*, That at least $40,600,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, Subtitle A of the Energy Policy Act of 1992.".

AMENDMENT NO. 994

On page 6, line 25 insert the following before the period: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $4,460,000 of available funds to complete preconstruction, engineering and design for the Ste. Genevieve, Missouri flood control project authorized by section 401(a) of the Water Resources Development Act of 1986 (100 STAT. 4118) so that the project will be ready for construction by October 1, 1994: *Provided further*, That all plans, specifications and design documents shall be concurrently reviewed in order to expedite the project".

AMENDMENT NO. 995

(Purpose: To provide funding for engineering design for the relocation of the existing comfort and lifeguard stations on the Atlantic coast of New York City, from Rockaway Inlet to Norton Point)

On page 13, line 1, after the colon, insert the following: "Provided further, That the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall (1) use $2,000,000 of funds appropriated herein to carry out engineering design for the relocation of the comfort and lifeguard stations on the Atlantic coast of

new York City, from Rockaway Inlet to Norton Point, as authorized by section 1076 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2105), and (2) not later than 1 year after the date of enactment of this Act, report to Congress on the results of the expenditure of funds required under paragraph (1):".

AMENDMENT NO. 996

On page 31, line 12, insert the following after the word "expended": ", of which, $4,500,000 shall be derived by transfer from the Geothermal Resources Development Fund".

GEOTHERMAL AMENDMENT

Mr. HATFIELD. The amendment I have just offered would make $4.5 million from the geothermal resources development fund available within the total funds appropriated in this bill for the Department of Energy's energy supply, research and development activities. It makes these funds available for use, but does not increase the amount of funds appropriated in the bill.

The geothermal resources development fund was established in the late 1970's as a loan guarantee account for a Department of Energy program which provided loan guarantees to experimental geothermal power generation facilities. In the spring of 1981, a decision was made to accept no new applications under this program, although prior appropriations were retained against pending claims. At this time, there remains $4.5 million in this account which is unexpended, and against which there are no claims.

Consistent with language in the Senate report to H.R. 2445 (S. Rept. 103-147), indicating that the Department of Energy should make funds available from recoveries or prior year unobligated balances for additional cost-shared efforts with private industry on new geothermal concepts and projects, the Department should use the $4.5 million from the geothermal resources development fund for these same types of efforts.

Mr. JOHNSTON. I agree both with Senator HATFIELD's amendment and his stated intention on how the Department of Energy should utilize the $4.5 million. Directing the funds for geothermal research and development activities for the purpose of funding industry cost-shared programs is an appropriate use of the funds.

Mr. HATFIELD. I thank the distinguished Senator from Louisiana.

AMENDMENT NO. 997

(Purpose: Virginia Beach Erosion Control and Hurricane Protection Virginia project)

On page 6, line 25, before the period, insert the following: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $2,000,000 of funds appropriated herein to engineer and design the Virginia Beach Erosion Control and Hurricane Protection, Virginia project, including storm water collection and discharge, as authorized by section 102(cc) of Public Law 102-580".

Mr. WARNER. Mr. President, I want to thank the managers of the bill for accepting this amendment which will ensure that there will be adequate protection to the oceanfront of Virginia Beach from hurricanes and other severe storms.

My amendment simply restates the authorizing provisions for the city's beach erosion and hurricane protection project as provided in the Water Resources Development Act of 1992 and as first authorized in the Water Resources Development Act of 1990.

Let me make it clear to all of my colleagues that this amendment does not make any modifications to the project as authorized by the Congress.

This amendment is necessary, however, to provide further direction to the Corps of Engineers to comply with the project's authorization and to proceed with the engineering and design of the project accordingly.

The Congress first provided the Corps of Engineers with the necessary authorization in 1976 to examine appropriate hurricane protection measures for the Virginia shoreline in the city of Virginia Beach from the Virginia/North Carolina border to the city of Norfolk.

Following many years of analysis, the Chief of Engineers report was approved and forwarded to Congress in 1985. This report recommended a Federal project for 7 miles of public beach from Rudee Inlet to 89th Street.

Mr. President, this project will protect Virginia's largest public Atlantic Ocean beach and, therefore, it is critical that the project is designed to provide sufficient protections while recognizing the recreational benefits provided by this public beach.

AMENDMENT NO. 998

On page 15, line 22, insert the following before the semicolon: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $3,000,000 appropriated herein to provide design and construction assistance for a water transmission line from the northern part of Beaver Lake, Arkansas, into Benton and Washington Counties, Arkansas, as authorized by section 220 of Public Law 102-580".

Mr. BUMPERS. It is my understanding this bill contains $3 million under the construction general account of the U.S. Army Corps of Engineers for design and construction assistance relating to a water withdrawal facility and transmission line at Beaver Lake, AR. This provision was authorized by the Water Resources Development Act of 1992 and will allow completion of a very important water resource project that will serve the people of Arkansas and will provide benefits to the neighboring States of Missouri and Oklahoma.

I would like to remind the chairman that the amount allowed in this bill is part of a $38 million effort of which more than $20 million will be provided by State and local sources. I would also like to stress how critical the acceptance of this provision is to the viability of this project. Due to a shortfall in funding, the major Federal partner, the Rural Development Administration of USDA, was in a position of scaling back its participation to a level that would very likely have meant that this project would never be completed. Without the $3 million provided in this bill, this project was, in a very real sense, on the verge of a very untimely death.

I will not go into detail here of the many reasons why this project is so important to this region of the country. Factors ranging from health considerations to economic development all play a role, and I am sure the chairman is aware of the work I have pursued along these lines in my role as Chairman of the Appropriations Subcommittee on Agriculture and Rural Development.

Mr. JOHNSTON. I am aware of the work of the senior Senator from Arkansas through the Appropriations Subcommittee on Agriculture and Rural Development and I look forward to continuing my work with him on that subcommittee. The Senator is also correct that the pending bill includes the $3 million as he describes.

Mr. BUMPERS. I thank the distinguished chairman for his comments and for his assistance in providing this important provision in this bill.

AMENDMENT NO. 999

On page 15, strike the proviso starting on line 18 through "manner" on line 22, and insert the following: "*Provided further*, That using $6,300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the authorized Ouachita River Levees, Louisiana project in an orderly but expeditious manner and within this amount, $3,800,000 shall be used to continue rehabilitation or replacement of all deteriorated drainage structures which threaten the security of this critical protection, and $2,500,000 shall be used to repair the river bank at Columbia, Louisiana, which is eroding and placing the project levee protecting the city in imminent danger of failure".

OUACHITA RIVER LEVEES, LA

Mr. JOHNSTON. Mr. President, this amendment simply directs the Corps of Engineers to use $6,300,000 to continue design and construction of the Ouachita River Levees project in Louisiana. This amount includes $3,800,000 to continue rehabilitation or replacement of deteriorated drainage structures in the levee system. This issue has been addressed by the committee in the Energy and Water Development Appropriations Acts of 1991, 1992, and 1993, but for which critical needs still remain. Additionally, there is a critical bank caving problem at Columbia, LA, which is endangering the levee protecting the historic portion of the city. The intent of Congress, as described in Public Law 74-734, the Flood Control Act of 22 June 1936, Section 5, is to provide protection to the people and city

property of Columbia, LA. Therefore, $2,500,000 is needed for the Corps of Engineers to prepare engineering plans and specifications and to construct bank stabilization at Columbia, LA.

AMENDMENT NO. 1000

At the appropriate place insert:

SEC.

(1) IN GENERAL.—The Secretary of the Army is authorized to convey to the city of Galveston, Texas, fee simple absolute title to a parcel of land containing approximately 605 acres known as the San Jacinto Disposal Area located on the east end of Galveston Island, Texas, in the W.A.A. Wallace Survey, A-647 and A-648, city of Galveston, Galveston County, Texas, being part of the old Fort Jacinto site, at the fair market value of such parcel to be determined in accordance with the provisions of paragraph (4). Such conveyance shall be made at the discretion of the Secretary of the Army upon the agreement of all interested parties.

(2) COMPENSATION FOR CONVEYANCE.—Upon receipt of compensation from the City of Galveston, the Secretary shall convey the parcel as described in paragraph (1). Such compensation shall include—

(a) conveyance to the Department of the Army of fee simple absolute title to a parcel of land containing approximately 564 acres on Pelican Island, Texas, in the Eneas Smith Survey, A-190, Pelican Island, City of Galveston, Galveston County, Texas, adjacent to property currently owned by the United States. The fair market value of such parcel will be determined in accordance with the provisions of paragraph (4); and

(b) payment to the United States of an amount equal to the difference in the fair market value of the parcel to be conveyed pursuant to paragraph (1) and the fair market value of the parcel to be conveyed pursuant to paragraph (2)(a).

(3) DISPOSITION OF SPOIL.—Costs of maintaining the Galveston Harbor and Channel will continue to be governed by the Local Cooperation Agreement between the United States of America and the City of Galveston dated October 18, 1973. Upon conveyance of the parcel described in paragraph (1), the Department of the Army shall be compensated directly for any anticipated costs which may be incurred in site preparation and in the disposition of spoil in excess of the present value of current costs of spoil disposition.

(4) Determination of fair market value.—The fair market value of the land to be conveyed pursuant to paragraphs (1) and (2) shall be determined by independent appraisers using the market value method.

(5) NAVIGATIONAL SERVITUDE.—Those portions of a 605-acre parcel of land known as the San Jacinto Disposal Area and more fully described in paragraph (1) supra, are declared to be nonnavigable waters of the United States.

(6) SURVEYS AND STUDIES.—The 605-acre parcel and the 564-acre parcel shall be surveyed and further legally described prior to conveyance. Not later than 60 days following enactment of this Act, if he deems it necessary, the Secretary of the Army shall complete a review of the applicability of section 404 of the Clean Water Act to the said parcels.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to en bloc.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1001

Mr. JOHNSTON. Mr. President, the next unanimous consent is a technical amendment. Let me read it.

I ask unanimous consent the adoption of the committee amendments starting on page 33, line 22, and ending on page 34, line 4, be vitiated and that said committee amendment be withdrawn and that the following amendments, which I send to the desk, be considered in order and agreed to.

I withhold that at this time.

What this does is rearrange the phrases. It keeps them, the money, the same in the bill, and otherwise makes no change. Staff indicates that that is essential.

And I now make that unanimous-consent request.

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

So the amendment (No. 1001) was agreed to, as follows:

AMENDMENT NO. 1001

That on page 33 line 22 strike "$1,194,114,000" and insert "$1,615,114,000".

That on page 33 line 23 strike all after "*Provided,*" over to and including "*further,*" in line 3 on page 34.

AMENDMENT NO. 1002

(Purpose: To clarify the intent of Congress with regard to certain appropriations)

Mr. JOHNSTON. On behalf of Senator BURNS, I send to the desk an amendment with respect to the Northern Cheyenne Settlement Act.

This has been previously cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. BURNS, proposes an amendment numbered 1002.

Mr. JOHNSTON. 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. . (a) Section 7(e) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 is amended by adding at the end thereof the following new sentences: "All costs of environmental compliance and mitigation associated with the Compact, including mitigation measures adopted by the Secretary, are a responsibility of the United States. All moneys appropriated pursuant to the authorization under this subsection are in addition to amounts appropriated pursuant to the authorization under section 7(b)(1) of this Act, and shall be immediately available.

(b) Except for the authorizations contained in subsections 7(b)(1), 7(b)(2) and 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section.

(c) The amendments made by this section shall be considered to have taken effect on September 30, 1992.

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

So the amendment (No. 1002) was agreed to.

Mr. JOHNSTON. I ask unanimous consent that upon disposition of the Bradley amendment No. 990, Senator BROWN be recognized to speak for up to 5 minutes.

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

Mr. JOHNSTON. Mr. President, I think we still have three pending committee amendments. Is there any objection to considering those at this point?

Mr. HATFIELD. Mr. President, I urge adoption of them.

The PRESIDING OFFICER. Without objection, the remaining committee amendments are agreed to, en bloc.

So the excepted committee amendments at page 2, line 18; page 20, lines 4 through 14; and page 42, line 5, were agreed to, en bloc.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 989

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on a motion to table amendment 989. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

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

The result was announced—yeas 41, nays 58, as follow:

[Rollcall Vote No. 299 Leg.]

YEAS—41

Bennett	Gramm	Moseley-Braun
Bingaman	Grassley	Murkowski
Bond	Hatch	Nunn
Boren	Hatfield	Packwood
Boxer	Heflin	Pressler
Breaux	Helms	Sasser
Burns	Hollings	Shelby
Cochran	Hutchison	Simon
Craig	Johnston	Smith
Danforth	Kempthorne	Specter
Daschle	Lott	Stevens
Domenici	Mack	Thurmond
Feinstein	Mathews	Wallop
Ford	McConnell	

NAYS—58

Akaka	DeConcini	Kassebaum
Baucus	Dodd	Kennedy
Biden	Dole	Kerrey
Bradley	Dorgan	Kerry
Brown	Durenberger	Kohl
Bryan	Exon	Lautenberg
Bumpers	Faircloth	Leahy
Byrd	Feingold	Levin
Campbell	Glenn	Lieberman
Chafee	Gorton	Lugar
Coats	Graham	McCain
Cohen	Gregg	Metzenbaum
Conrad	Harkin	Mikulski
Coverdell	Inouye	Mitchell
D'Amato	Jeffords	Moynihan

Murray	Robb	Warner
Nickles	Rockefeller	Wellstone
Pell	Roth	Wofford
Reid	Sarbanes	
Riegle	Simpson	

NOT VOTING—1

Pryor

So the motion to lay on the table the amendment (No. 989) was rejected.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the motion was rejected and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

The question is on agreeing to the amendment of the Senator from New Jersey [Mr. BRADLEY].

The amendment (No. 989) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 990

The PRESIDING OFFICER. The question now is on the motion to table the Bradley amendment numbered 990. The yeas and nays have been ordered on the motion to table and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

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

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—81

Akaka	Exon	Mathews
Baucus	Feinstein	McConnell
Bennett	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Boren	Gramm	Murkowski
Boxer	Grassley	Murray
Breaux	Harkin	Nickles
Bryan	Hatch	Nunn
Bumpers	Hatfield	Packwood
Burns	Heflin	Pell
Byrd	Helms	Pressler
Campbell	Hollings	Reid
Chafee	Hutchison	Riegle
Cochran	Inouye	Robb
Cohen	Johnston	Rockefeller
Conrad	Kassebaum	Sarbanes
Craig	Kempthorne	Sasser
D'Amato	Kennedy	Shelby
Danforth	Kerrey	Simon
Daschle	Kerry	Specter
Dodd	Lautenberg	Stevens
Dole	Leahy	Thurmond
Domenici	Levin	Warner
Dorgan	Lott	Wellstone
Durenberger	Mack	Wofford

NAYS—18

Bradley	Faircloth	Lieberman
Brown	Feingold	Lugar
Coats	Gregg	
Coverdell	Jeffords	
DeConcini	Kohl	
McCain	Roth	Smith
Metzenbaum	Simpson	Wallop

NOT VOTING—1

Pryor

So the motion to lay on the table the amendment (No. 990) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote and I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I think under the unanimous-consent agreement, Senator BROWN is to be recognized. Other than that, I know of no other amendments.

If anybody has any amendments, I wonder if they would so indicate.

Then, I think, after a 5-minute speech by Senator BROWN, we will be ready for final passage. There will be a vote on final passage.

The PRESIDING OFFICER. The Senate will be in order.

Under the unanimous-consent agreement, Senator BROWN from Colorado is recognized for 5 minutes. The Chair recognizes Senator BROWN.

TOBACCO CONTENT RULES

Mr. BROWN. Mr. President, let me thank the distinguished chairman for the time. I will not delay the deliberations of the body other than to alert them to what I believe is a serious problem with regard to trade. Included in our reconciliation measure was a provision that provided a domestic content requirement that was quite extraordinary.

It provided a domestic content requirement for tobacco on cigarettes and other tobacco products manufactured inside the United States, both for domestic sale and, incredibly, for export. In other words, we passed a law that makes it much more expensive to produce products for export from this Nation than if those products are manufactured overseas. Literally, what we have done by the law is urge and force manufacturers to take U.S. products overseas to produce for export sales.

It is incredible. Not only does it violate GATT, but it violates any form of common sense. It virtually forces people to take jobs out of this country and put them overseas.

We had a vote on that provision at that time on reconciliation. We were forced to bring it up as a challenge to a point of order, clearly not considered in the normal process.

At that point, a number of Members were kind enough to come up to me and indicate they felt there was validity in the concerns I had raised; that they would have been willing to vote with me if, indeed, it did not endanger the reconciliation package.

Thus, I intend to introduce a bill that will make it clear this provision cannot be in effect if it is found to violate the GATT Agreement that we have signed and agreed to.

With regard to that, this has become a poster child of our duplicity in international trade negotiations. The very countries we have gone to and urged them to open up their markets to U.S. products are now using this against us.

The Journal of Commerce carries an article from September 24 where a number of Third World countries have taken action against us under the GATT provisions, pointing out that they are GATT illegal. The New York Times carries a provision about this legislation. I might quote from the New York Times with regard to this incident:

> * * * the former Brazilian Ambassador, recalled the United States had formally protested before a GATT panel several years ago when Thailand imposed similar import fees on tobacco. The U.S. was successful.

Mr. President, what has literally happened is when other countries try to impose this kind of domestic content on tobacco, the United States itself went to GATT and called it GATT illegal and brought a protest and won that protest. And now we have gone into the international trade market and have done exactly the same thing we have accused others of doing and branded as an unfair trade practice.

Mr. President, it is very important for this country's trade future that this provision be repealed. I will introduce a bill that does that, and I will offer on the next piece of legislation, where it does not involve legislating on an appropriations bill, an amendment that either repeals this or makes it ineffective until we have a ruling if it violates the GATT Agreement.

Before I yield, I ask unanimous consent to print in the RECORD a copy of the article from the New York Times, a copy of the editorial from the Washington Post, and a copy of the article from the Journal of Commerce.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Sept. 24, 1993]

GATT NATIONS FUME AT THE UNITED STATES OVER TOBACCO-CONTENT RULES

(By John Zarocostas)

GENEVA.—The United States came under fire this week from Latin American, Asian and African nations for its regulation requiring a 75% domestic-content supply requirement for cigarette manufacturers that severely limits the volume of imports.

During a council session of the General Agreement on Tariffs and Trade, Brazil, Argentina, Colombia, El Salvador, Guatemala, Venezuela, Thailand and Zimbabwe jointly protested that amendments, introduced to the tobacco program under the Omnibus Budget Reconciliation Act of 1993, run contrary to international trade rules.

The amendments were signed by President Clinton on Aug. 10.

Geneva-based GATT is the international body that governs trade throughout much of the world.

Speaking on behalf of the eight-nation group, Brazil's Jose Alfredo Graca Lima said "the measures approved result in adverse trade effects to all flue-cured and Burley tobacco exporting countries, but especially to developing countries."

He said last year's exports to the United States from the eight nations mentioned above amounted to 91,537 tons, worth $353 million.

The minimum-requirement provisions also include stiff penalties for manufacturers who fail to comply, plus additional charges to be paid by importers.

The United States agreed to a request for consultations with the group of eight and with Canada, Chile and the European Community.

Chile—which last year shipped 3,095 tons, or 70% of its Burley tobacco exports to the United States, with a total value of $13 million—said the new measures would negatively affect its exports.

Andrew Stoler, assistant U.S. trade representative, told delegates consultations most likely would begin Monday.

If the consultations fail to resolve the grievances amicably, the next likely step will be a call for the establishment of a dispute panel.

One trade diplomat close to the dispute thinks the issue "will probably go to panel."

Senior trade sources said the Colombian foreign minister has written to Secretary of State Warren Christopher warning that the new U.S. measures could undermine the fight against drugs, as tobacco is a cash crop grown near the drug areas.

[From the Washington Post, July 30, 1993]

PROTECTING TOBACCO, INCOMPETENTLY

In a classically perverse attempt at protectionism, Congress is about to do serious damage to tobacco growers and workers through a clumsy effort to help them. Many mischievous and harmful little provisions are being stitched into the huge budget reconciliation bill, and the tobacco amendment is one of them. It's a typically good-hearted endeavor to shield American tobacco growers from foreign competition at the expense of small farmers in Latin America and Africa. But it isn't going to work out the way the sponsors expect.

The tobacco market is changing rapidly. The cigarette manufacturers are fighting fiercely for shares of an American market that, because of the anti-smoking campaigns, is no longer growing. Domestic tobacco is expensive because the government supports the price. To make cigarettes more cheaply, the manufacturers have been turning increasingly to imports.

To prevent that, the conferees on the reconciliation bill have now accepted a Senate provision that would require at least 75 percent of the tobacco in all American-made cigarettes to come from domestic sources. It would also put a tariff on the imports sufficiently high to pay for the domestic price supports.

Congress sometimes finds it difficult to remember that trade runs in both directions—outward as well as inward. The cigarette companies export heavily—at present—from the American plants. The companies believe, for good reason, that all of their future growth will be abroad. But the downward pressure on prices is even more severe in other countries than here. If their American plants can't get access to tobacco at world prices, the manufacturers will move their operations overseas to serve their foreign markets. That will mean even less American tobacco in the cigarettes, not to mention fewer jobs in the American tobacco factories.

Good riddance? Perhaps. Cigarettes are a major threat to public health, and you can argue that the shrinkage of the American industry ought to be welcomed. But that's not the view of the tobacco growers, or the people who work for the tobacco companies or the people in the Senate who represent them and are now successfully pushing this tobacco provision into law. It will give the growers one or two good years, for which the tobacco-state senators will take full credit. Then, as the companies begin to move overseas, the growers will go into a sharp decline that the same senators will naturally blame on foreigners.

[From the New York Times, Sept. 29, 1993]

A CURB ON IMPORTED TOBACCO AIDS FARMS AND PHILIP MORRIS

(By Michael Janofsky)

Faced with the likelihood that taxes on cigarettes will soar as part of the Clinton Administration's health care plan, two leading tobacco state lawmakers, worried about declining sales, rolled a little-noticed provision into the Federal budget bill that gives American tobacco farmers—and the nation's biggest cigarette maker—a big lift.

In the final, harried days of legislative deal-making over the budget, Senator Wendell H. Ford of Kentucky and Representative Charles Rose of North Carolina, both Democrats from major tobacco growing states, pushed through a regulation that American-made cigarettes must contain at least 75 percent American-grown tobacco. That is more than twice the amount now used in some cigarettes.

As the country's first law regulating tobacco content, it instantly lifted the fortunes of America's troubled tobacco farmers, already squeezed by declining consumption, rising costs and competition from imported tobacco that costs as much as 40 percent less.

It also puts additional cost pressure on cigarette manufacturers who, facing higher excise taxes, must decide whether to pass on to smokers the expense of using more domestic leaf.

And by limiting imports of tobacco, it could further complicate the troubled world trade talks under the General Agreement on Tariffs and Trade. "This is the poster child of duplicitous trade policy," Hank Brown, the Republican Senator from Colorado, said of the content rule. He had argued strongly against the measure in the Senate, contending that it would prompt the larger cigarette makers, led by the Philip Morris Companies, to increase production in overseas plants at the expense of jobs here.

"There will be immediate and severe job loss in the U.S. tobacco manufacturing plants," said Representative Stephen L. Neal, Democrat of North Carolina, who opposed the regulation. "There will be trade retaliation. And over the longer term, U.S. tobacco growers will be hurt."

The law also for the first time places a kind of tariff, in the form of an "assessment," on imported tobacco to help finance the Federal tobacco crop subsidy program. The assessment would raise an estimated $29 billion over five years, which was the main justification for including it in the deficit reduction package.

But critics like Representative Sam M. Gibbons, a Democrat from Florida who is chairman of the House subcommittee on trade, suggested that the new regulation was merely a politically motivated exchange to give lawmakers from tobacco-growing states something for their support on the budget measure when the Federal cigarette tax of 24 cents a pack could quadruple.

A LINK IS SEEN

The budget squeaked by both in the Senate and the House by one-vote margins. Among the 34 Democrats from House districts dependent on the tobacco industry, 30 supported the budget package. So did the five Democratic Senators from states in which tobacco is a leading crop—Kentucky, North Carolina, South Carolina, Tennessee and Virginia.

The White House, Senator Ford and others insisted there was no deal made. But Representative Rose, during a July 28 House-Senate conference committee in which the content provision was approved, acknowledged a clear link between that law and the prospect of using higher cigarette taxes to finance health care.

"Those who are drafting the health care proposals for this country have singled out tobacco for special treatment," he said. "And we are working very closely with the White House in an effort to find a middle ground where we can be helpful."

Or, as Mr. Gibbons said in an interview: "They're going to tax the hell out of tobacco. This was a kiss-off."

Representative Rose failed to respond to repeated attempts over a two-week period to reach him for comment.

For years, growers have pushed for a domestic-content law to slow the growth of imported tobacco, the bulk of which has been coming from Brazil, Zimbabwe, Argentina, Thailand and Malawi. Imports more than doubled from 1989 to 1992, according to the Agriculture Department, while domestic tobacco output rose only 26 percent.

LAW IS DIVISIVE

"Imports have been killing us," said Danny McKinney, chief executive of the Burley Tobacco Growers Cooperative Association in Lexington, Ky. "The playing field was not level. So the growers sat around and decided what had to be done."

Yet unlike most issues facing the tobacco industry, including attacks by antismoking groups, which tend to unify all segments, the domestic-content law has been divisive. Philip-Morris, which made Senator Ford and Representative Rose its No. 1 and No. 3 recipients of political contributions in the last election campaign, supported the idea.

But the R. J. Reynolds Tobacco Company and other, smaller cigarette makers favored an alternative plan that would have relaxed the regulation for American-made products for export. The regulation, as written, gives Philip Morris a decided advantage because of its ability to shift production offshore to a worldwide network of plants in 26 countries or territories, from where it can satisfy foreign demand. Just this week, Philip Morris announced that it was acquiring a major interest in the state tobacco operation in Kazakhstan, with plans to produce 20 billion cigarettes a year from there.

Other companies either have more modest international operations or none at all.

For that reason, many tobacco growers say that any law imposing a content regulation on cigarettes made in America to send abroad is unfair. The higher-cost tobacco places farmers at a competitive disadvantage in world markets, where demand for American cigarettes is growing.

Why did the provision that only Philip Morris favored pass Congress?

"Philip Morris got a deal first," said an executive from a rival tobacco company who

spoke on the condition he not be identified. "Once it was penciled in, it was tough to change."

Philip Morris declined to discuss the matter. Barry Holt, a spokesman, said that the company would not respond to questions about its position on the content provision or any role it might have played in helping it pass.

Like the farmer groups, the smaller companies recognize the possibility that benefits from the regulation might be short-lived. They contend that companies will eventually move more of their operations offshore to avoid the law or simply reduce domestic production because of the increased costs. Either way, it would eliminate American jobs and reduce the demand for domestic tobacco after the rule takes effect.

James W. Johnston, the chairman and chief executive of R. J. Reynolds, said in a letter to 3,000 growers in June that a content rule would lower the demand for domestic tobacco in the long run and eventually cost some farmers their jobs. He later warned that the proposal "will do more harm than good."

Mr. Johnston declined to be interviewed for this article.

RETALIATION IS FEARED

Other objections have come from free trade advocates who view the measure as an excuse by other countries to impose their own laws to restrict imports. When the measure was still under debate in Congress, the ambassadors from several tobacco-producing countries protested. Rubens Ricupero, the former Brazilian Ambassador, recalled that the United States had formally protested before a GATT panel several years ago when Thailand imposed a similar import fee on tobacco.

"The U.S. was successful," Mr. Ricupero said in an interview. "The panel decided against Thailand, and Thailand had to change its provision."

Earlier this month, eight countries—including Brazil, the leading tobacco exporter to the United States, and Thailand—filed a formal protest with GATT officials in Geneva. Last week, the United States agreed to respond.

Peter Sutherland, the Director General of GATT, said in an interview last week that any new tariff would be "extremely dangerous," with negotiators trying to conclude world trade talks by Dec. 15. He added, "Within sight of the line, you really have to recognize that if serious disputes are breaking out on specific items, it could have a negative effect."

A spokeswoman for the United States trade representative, Mickey Kantor, declined to comment.

In an interview, Senator Ford stressed that his primary motivation for pushing the content requirement was to protect the interests of tobacco farmers back home in the face of new cigarette taxes. He said he made his feelings clear in a meeting with Hillary Rodham Clinton as she was gathering information on health care changes. He said he told her, "The higher the tax, the greater my emotions."

Rising tobacco imports, he said, have forced 69 percent of the tobacco farmers in Kentucky to take other jobs.

OBJECTIONS TO PLAN

Before the conference members voted for the tobacco content provision, 13 to 8, Mr. Gibbons, the Florida Democrat, said he and others objected to it both as a cushion for farmers against higher cigarette taxes and because it complicated the GATT world trade talks.

At one point, Mr. Gibbons said to Mr. Rose, according to a transcript of the meeting, "I didn't realize this has to do with health care."

"Well it does," Mr. Rose replied in the meeting.

"That may never become law," Mr. Gibbons said in the budget conference. "But this is going to become law. Wouldn't it be more appropriate to deal with this in the health care legislation rather than something that is not related to health care?"

But in the vote on the tobacco provision, Mr. Gibbons was the only Democrat in opposition.

Already, executives from R. J. Reynolds, which employs more than 11,000 people in the United States, have said they could be forced to move several hundred production jobs overseas within a year after the regulation takes effect. That date has not yet been determined.

Then there are the international trade officials straining to conclude the trade talks. Like Mr. Sutherland, the GATT Director General, they view the domestic content provision as a provocation, almost certain to be rebuffed the way Thailand's was. Back then, one of those leading the charge against Thailand was the Democratic Senator from Kentucky, Mr. Ford.

Mr. FORD. I ask unanimous consent that I might have 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator.

Mr. FORD. Mr. President, there are so many holes in the Senator's statement that I can drive an 18-wheeler through it. He says he is going to introduce a special piece of legislation.

I reserve my time then to debate at that point, and I am not going to delay my colleagues this evening.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Are there further amendments to the bill?

Mr. DOMENICI. Mr. President, I rise in support of the energy and water development appropriations bill reported by the Senate Appropriations Committee.

By CBO's scoring, this bill provides $22 billion in new budget authority and $12.9 billion in new outlays for the Department of Energy, the Corps of Engineers, the Bureau of Reclamation, and for other selected independent agencies. With outlays from prior-year BA and other completed actions, the Senate bill is within the subcommittee's section 602(b) allocation.

I particularly appreciate the subcommittee's support for a number of projects and programs important to my home State of New Mexico.

The bill strongly supports technology transfer efforts by our DOE national laboratories. The committee has provided a total of $243 million to carry out the National Competitiveness Technology Transfer Act of 1989, which I coauthored.

The funding initiatives in this bill will encourage the integration of the scientific and technical expertise of DOE's national laboratories with U.S. industry to enhance their capabilities and their ability to compete in an expanding global market.

Moreover, it will provide support for the development of technologies to solve some very complex environmental problems in the weapons complex.

The Senate report does an excellent job in describing how the DOE laboratories are well-suited to take on these significant challenges.

In particular, the Senate report includes language I suggested acknowledging that partnerships between the DOE labs and small- and medium-sized business represent an important opportunity to increase U.S. global competitiveness through the development and application of generic industrial technologies.

The report also states that technology transfer efforts related to environmental restoration and waste management are an appropriate use of these funds.

I commend the subcommittee chairman, the Senator from Louisiana, and the ranking minority member, the Senator from Oregon, for bringing this bill to the floor within its section 602(b) allocation and the spending cap.

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

ENERGY—WATER SUBCOMMITTEE

[Spending totals—Senate—reported bill; fiscal year 1994, in millions of dollars]

Category	Budget authority	Outlays
Discretionary:		
Outlays from prior-year BA and other actions completed	.....	8,775
H.R. 2445, as reported to the Senate	21,990	12,924
Scorekeeping adjustment	.....	.....
Adjusted bill total	21,990	21,700
Senate Subcommittee 602(b) allocation	22,117	21,702
President's request	22,124	21,799
House bill	21,506	21,411
Senate-reported bill compared to:		
Senate Subcommittee 602(b) allocation	−127	−2
President's request	−133	−100
House bill	484	289

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

Prepared by SBC Republican staff for informational purposes only; not to be used for official scorekeeping purposes or for determining Budget Act points of order.

UPPER ARKANSAS RIVER BASIN PROGRAM

Mr. CAMPBELL. Mr. President, I would like to engage the distinguished floor manager in a brief colloquy regarding the Bureau of Reclamation's Upper Arkansas River Basin Water Quality Restoration Program. It is my understanding that the committee has

included $125,000 to continue studies to address the water quality problems in the Upper Arkansas River Basin, particularly heavy metal contamination.

Mr. JOHNSTON. The Senator is correct, the committee has included $125,000, the amount requested by the President, to continue the program in fiscal year 1994.

Mr. CAMPBELL. I thank the distinguished chairman. I believe the Bureau has reported that, as a part of the program, it has identified priority demonstration projects to be implemented under the authority of section 708 of Public Law 102-575.

Mr. JOHNSTON. I understand that the Bureau of Reclamation is working through its multiagency technical work group to identify possible demonstration project sites. It is preparing project implementation plans and could implement the projects in fiscal year. As the Senator knows, implementation is contingent on the establishment of partners for cost-sharing and long-term operation and maintenance agreements.

Mr. CAMPBELL. I thank the chairman for his clarifications. I have been greatly encouraged by reports that much progress is being made in the development of project implementation plans, and that cost-sharing partners have been tentatively identified. If some plans were to be completed this spring, would the committee consider a reprogramming to make additional fiscal year 1994 funds available for project implementation and development?

Mr. JOHNSTON. We would encourage the Bureau to request a reprogramming if project implementation is possible this year. I also understand that progress is being made in data collection, monitoring and planning for these basin-wide restoration activities through the multiagency approach. The Bureau points to less duplication of effort, more efficient utilization of resources, and a practical approach to reaching a consensus among the expert participants. Corrective action projects could conceivably incorporate these advantages.

Mr. CAMPBELL. I again thank the distinguished chairman for his clarifications. The State of Colorado has been an active participant in the technical work group and will continue to play an important leadership role. And, I would add, the residents of the Upper Arkansas Basin are hopeful that they will continue to be included in this consensus building approach to problem solving, and are looking forward to being involved in this successful federal program.

ST. GEORGES BRIDGE

Mr. BIDEN. Mr. President, I would like to take this opportunity to thank the distinguished chairman of the Energy and Water Appropriations Subcommittee for his important role in assuring the smooth and timely construction of the St. Georges Bridge project in Delaware. In particular, I thank Senator JOHNSTON and the committee for clarifying the Corps of Engineers' obligation to reimburse the State of Delaware for the costs of constructing the highway approaches to the bridge, as well as the St. Georges Bridge itself.

Congress has previously determined that it was the corps' responsibility to reimburse the State of Delaware for the new bridge crossing the Chesapeake and Delaware Canal at St. Georges in Delaware. This year, in direct conflict with its own previous position, the intent of Congress and the State's federally approved plans, the corps attempted to revise its duties to the state. The corps claimed that it was not responsible for the cost of approaches to the bridge. This unilateral reinterpretation would have shifted $40 million in costs to Delaware's taxpayers.

The language included with the appropriations for the Corps of Engineers restates congressional understanding of the corps' obligation to direct the $14 million provided for fiscal year 1994—as well as for funds provided in previous and future appropriations—to the costs of building the approaches to the bridge as well as the bridge itself.

This report language is not only consistent with the agreement for the bridge under construction, but is consistent with previous projects in which the Federal Government has provided bridges over the canal in fulfillment of its clear legal obligation to provide "good and sufficient crossings."

The State believes that attempting to build a bridge without access to it fails to meet the agreement reached between Delaware and the Federal Government, and also fails to meet the test of common sense. I share this view and am pleased the Energy and Water Subcommittee, under the leadership of its distinguished chairman, also agrees with the State's position.

Mr. JOHNSTON. The committee is pleased to be able to help clarify the corps' responsibilities in the construction of the St. Georges Bridge and its approaches. The committee agrees that the corps' revision of its responsibilities under an agreement that had governed the project since its inception was contrary to both the intent of Congress and the previous position of the corps.

The committee report restates what we understand is that the existing agreement between the State and the corps, namely that it includes reimbursement for the costs for approaches to the St. Georges Bridge as specified in the State's federally approved plans and as in acts of Congress.

Mr. BIDEN. I thank the distinguished chairman for the subcommittee's longstanding support and for his assistance in clarifying the scope of the Corps of Engineers' duty to reimburse the State of Delaware for construction costs associated with the St. Georges Bridge project.

MINIMUM DREDGE FLEET

Mr. HATFIELD. Mr. President, the fiscal year 1994 Energy and Water Development appropriations bill which is being considered today repeats a provision that was first enacted last year as section 106 of the fiscal year 1993 Energy and Water Development Appropriations Act (Public Law 102-377). The provision allows the Secretary of the Army to advertise for competitive bid an additional 7,500,000 cubic yards of hopper dredge volume during fiscal year 1994. The bill language was worked out originally last year during conference with the House, and in an effort to clarify the conferees' intent of the language for the Corps of Engineers, Senator JOHNSTON and I entered into a colloquy on the floor during consideration of the fiscal year 1993 conference report. Because the provision is repeated in section 106 of this year's Senate bill, H.R. 2445, I believe there is a need to repeat the original colloquy, too.

During last year's conference, we agreed on a compromise amount of 7,500,000 cubic yards in new work to be made available for competitive bidding by private industry during the new fiscal year. The language in section 106 uses the term "at least 7,500,000 cubic yards" in describing the compromise amount. I am concerned that someone in the corps may try to argue that the 7,500,000 cubic yards is the floor and not the target. Someone in the corps might argue that we expect the corps to move up from that amount, not up to that amount.

As a result, I wish to ensure that the legislative history sends as clear a message as possible that the conferees agreed that the target was 7,500,000 cubic yards, and that the term "at least" does not imply a floor to be exceeded. Is this correct?

Mr. JOHNSTON. My colleague from Oregon is correct. Last year we reached a good faith compromise allowing competitive bidding on an additional 7,500,000 cubic yards of hopper dredge work in fiscal year 1993, and our intent remains the same for fiscal year 1994. I join him in emphasizing to the corps that it is a target, not a floor. Of course, they may not be able to hit this precise amount exactly, and our language allows the corps to exceed it by some very small amount.

Mr. HATFIELD. I agree that we need to provide some leeway to the corps to execute its dredging contracts. I understand that calculation of the contracts for competitively bidding the contracts may require a small amount above 7,500,000 cubic yards.

We must stress, however, that Congress agreed to a target of 7,500,000 cubic yards. While I do not ascribe motives to anyone, I want to make it

clear that the corps cannot first put out for competitive bid 7,400,000 cubic yards, and then put out for competitive bid another huge contract that results in far exceeding our target total of 7,500,000 cubic yards. While I agree that this is farfetched, it is better to clarify matters now.

Mr. JOHNSTON. I agree.

Mr. HATFIELD. I thank the distinguished Senator from Louisiana.

MILL CREEK LOCAL FLOOD PROTECTION

Mr. GLENN. Mr. President, I rise today to engage the distinguished chairman in a colloquy concerning a flood control project in the Cincinnati Metropolitan Area—the Mill Creek Local Flood Protection Project. This project, which was intended to provide flood protection covering a 17½-mile section of Mill Creek, was terminated by the Corps of Engineers late last year.

My concern is not with the decision to terminate the project per se, but rather with the manner in which the corps arrived at this decision. Instead of conducting a comprehensive reevaluation of the project beforehand to determine the impact this decision might have on the local community, the corps announced the termination, and then subsequently began a study to determine how to terminate the project. By its methodology, the study will ignore many of the concerns of the residents and landowners who were supposed to be protected by the project. For example, the local communities I have heard from do not know whether walking away from a half-completed project leaves them in a worse predicament, and at a higher risk, than before the project was begun. Now the corps tells me that this could not be the case, but that has not entirely assured our local officials.

Mr. President, it is critical that the corps work in cooperation with officials from the city of Cincinnati and be attentive to their concerns and those of landowners in the region. This is a significant matter that I will be discussing with the new administration leadership.

Mr. METZENBAUM. Mr. President, I rise in concurrence with my colleague from Ohio. I have heard from residents and officials of the city of Cincinnati who are trying to cope with this situation and to act responsible in light of the corps' decision. I would point out that there has been a Federal investment in this project and a rather sizable local financial contribution. I would hope that the Corps of Engineers will consult with the city of Cincinnati and the Mill Creek Conservancy District regarding the scope of the project study currently underway by the corps to determine how the study might address those issues raised by the local communities.

Mr. JOHNSTON. I certainly appreciate the concerns of my two colleagues from Ohio and want to assure them that it is the intent of the committee that the Corps of Engineers should consult and work in cooperation with city officials as it studies the disposition of the Mill Creek project.

ST. AUGUSTINE BEACH RENOURISHMENT

Mr. MACK. Mr. President, I would like to take a moment to briefly mention a project which was not specifically mentioned in the energy and water appropriations bill and to make an inquiry of the managers.

Under the Water Resources Development Act of 1986, the shore protection of St. Augustine Beach was authorized. However, only recently has this project been ready to go forward. In order to do so, the corps must now conduct an economic update study and begin preplanning for the construction and engineering of this beach renourishment project. I have been informed this will require $150,000.

The question I have for the managers of this bill is, given the relatively low cost of the project and its existing authorization, whether it is appropriate for the corps to move forward on this project utilizing funds within existing accounts?

Mr. JOHNSTON. I can appreciate the desire of the Senator from Florida [Mr. MACK] to proceed with work on this project. Since it is in fact authorized, I would urge the corps to move forward with the economic update study and fund this request from within existing accounts.

Mr. HATFIELD. I am well aware of the many needs of the State of Florida in light of its many wetlands and the fact it is surrounded on three sides by ocean. Likewise I appreciate the Senator from Florida's desire to maximize his States limited resources. As such, I concur with my colleague and comanager of this bill, the Senator from Louisiana [Mr. JOHNSTON].

Mr. MACK. I thank the managers for their clarification on this funding issue and am greatful for their willingness to assist the State of Florida.

FLORIDA BAY STUDY

Mr. MACK. Mr. President, I come to the floor today to speak for a moment about funding provided for a study to restore the health of the endangered Florida Bay and to thank the managers and the committee for recognizing the importance of saving this vital environmentally sensitive treasure.

As the committee is aware the Florida Bay sits in between the southern end of the State at the base of the Everglades and the Florida Keys. In part, the diversion of the water flow from the Everglades has resulted in a substantial diminished water flow in the bay. As a result salinity is increasing in the bay jeopardizing the pristine environment on the ocean bottom as well as endangering the indigenous fisheries.

Over the last several years local government entities, the State of Florida and the U.S. Government have joined forces in an effort to restore the health of both the Everglades and the Florida Bay. In fact, as recently as September 23, 1993, the Department of the Interior, the Department of Commerce, the Department of Agriculture, the Department of the Army—civil works—the Environmental Protection Agency, and the Department of Justice signed an agreement to work together with the South Florida Water Management District as well as local and tribal governments in the development and implementation of a comprehensive program to restore the south Florida ecosystem.

Indeed, the agreement includes wording with regard to research on Florida Bay which states such research should include development of a baseline scientific condition assessment and indicator monitoring program, and appropriate biological and hydrological modeling to evaluate ecosystem restoration. Some appropriate uses of these funds would be: Measurement of freshwater flows to Florida Bay; developing a two-dimensional model of Florida Bay; metering for salinity testing; aircraft and satellite remote sensing; expansion of water quality network in the bay. As other entities are also interested in contributing to this research, the corps should be receptive to pooling the moneys provided for this research with other funding sources to provide for the most comprehensive study possible.

I ask the managers of this bill, the Senators from Louisiana and Oregon, if it is their intent that the funding provided to the corps for research into the restoration of the health of Florida Bay be utilized in a manner consistent with the recently signed agreement of the Interagency South Florida Ecosystem Task Force.

Mr. JOHNSTON. I say to the Senator from Florida that I am pleased to hear of this cooperative agreement and would therefore expect that if the corps signed such an agreement for them to move forward in consultation and cooperation with the interagency task force and the South Florida Water Management District as well as State, local, and tribal governments for authorized activities.

Mr. HATFIELD. I would also expect the Corps of Engineers to proceed on this study in the spirit of the recently signed agreement and would expect the State and local government entities to be active participants in the development of this study.

Mr. MACK. I thank the managers for their clarification of this issue and appreciate their willingness to provide for its funding.

PART OF VENTURA, CA

Mrs. FEINSTEIN. Mr. President, I would like to address a question to Chairman JOHNSTON. The Committee report urges the Corps of Engineers to

provide adequate resources and attention to operation and maintenance requirements in order to protect the large Federal investments which have already been made by the corps. The Port of Ventura, CA is one of the harbors specified by your report to receive high priority. I applaud the committee's emphasis of this important project. Once the ongoing work is completed, Ventura Harbor will no longer require annual dredging, which will result in savings to the Federal Government. Is it the committee's intention that, notwithstanding the administration's original budget request, the corps should use the funding flexibility this bill provides to address the operations and maintenance needs at Ventura Harbor.

Mr. JOHNSTON. That is the committee's intention. We have long recognized that operation and maintenance priorities change—sometime overnight. Consequently, we believe the corps should have maximum flexibility within certain limits and guidelines to address these changes. If, as appears to be the case, Ventura's needs have changed, then, by all means, the corps should use its flexibility to meet those needs.

Mrs. FEINSTEIN. I thank the chairman for his assistance and clarification.

ISOTOPE PRODUCTION AND DISTRIBUTION FUND

Mr. CRAIG. Mr. President, I rise to address an issue that is discussed in the report accompanying H.R. 2445, the Energy and Water appropriations bill. Specifically, on page 129 and 130 of the report, under "Isotope Production and Distribution Fund," I note particular reference is made to the need for a domestic source for the production of the isotope, molybdenum-99. As the report states:

[T]he Committee believes that the Department should give high priority to developing a consistent set of policy and operational guidelines for the program, including an expeditious resolution to the issues surrounding the proposed domestic production of molybdenum-99.

With regard to this issue, I was wondering if the chairman and senior republican of the subcommittee were aware that at the Idaho National Engineering Laboratory, or the INEL as we call it, initiatives are currently underway to examine an expanded use of the advanced test reactor, run under the Naval Reactor Programs, as a source for the production of radioisotopes including molybdenum-99?

Mr. JOHNSTON. Mr. President, if I may speak for my colleague, Senator HATFIELD, the committee is aware of the program at the INEL. As I understand it, a strategic business plan has been developed to evaluate the cost benefits and possible Department strategy for leasing out to an external customer, such as a pharmaceutical company, one of the ATR's available "test loops" to produce the molybdenum-99 isotope.

Mr. CRAIG. The chairman is entirely correct. To follow up, Mr. President, could my friend from Louisiana tell me if the advanced test reactor at the INEL could be an additional program to be evaluated by the Department of Energy as a potential source for the production of molybdenum-99?

Mr. JOHNSTON. As the Senate knows, the committee would direct the Secretary of Energy to provide to the authorizing and appropriating committees by January 30, 1994, a strategic plan for its isotope production program. This report would also include recommendations on the domestic production of the Molybdenum-99 isotope.

It is not the intention of the committee or this Senator to limit or direct the Department toward one potential source or one particular evaluation. The report should identify and review all candidate sources. In that regard, and based on my understanding of the current ATR initiative at the INEL, I would certainly recommend that it not be excluded from the Department's consideration and analysis.

Mr. CRAIG. I appreciate the Senator's comments. I would certainly view the potential expansion of the ATR's isotope production to include molybdenum-99 as another important program development for the Department, the Idaho laboratory and the entire U.S. health care industry.

I yield the floor.

THE NAVAJO TRANSMISSION PROJECT

Mr. DOMENICI. Mr. President, the fiscal year 1994 Energy and Water appropriations bill contains $5,000,000 that will be made available to the Department of Energy to implement Indian energy resource programs in accordance with the vertical integration provisions of the Indian energy title of the Energy Policy Act of 1992 [title XXVI]. This appropriation represents an important first step in utilizing the authorities of the Energy Policy Act, which Senator JOHNSTON so ably steered into law, to support the development of Indian energy resources. Does the Senator agree that the Navajo Nation will qualify to receive the $5 million in funding provided in the form of a grant to be utilized to pay costs for environmental review and other preconstruction costs associated with the Navajo transmission project?

Mr. JOHNSTON. That is correct. The committee understands that the Navajo transmission project is a 400-mile, 500-kilovolt electrical transmission line that will run from the Four Corners area to a termination point in Nevada.

Mr. DECONCINI. The Navajo transmission project is a precedent-setting partnership between the Navajo Nation and the Western Area Power Administration. The project will provide public and private utilities and other energy companies strategic access to planned transmission facilities in the southern Nevada area, and will alleviate the transmission bottleneck in the Four Corners Area, which today prevents the efficient delivery of excess electrical generation capacity in the southwest. Does Senator DOMENICI agree that this project offers significant energy benefits for the Nation?

Mr. DOMENICI. Yes. Eliminating the existing transmission bottleneck in the Four Corners Area has long been a high priority Federal objective.

Mr. BINGAMAN. The project will be majority owned by the Navajo Nation which has invested $5 million in the project, has authorized a right-of-way for the project, and has joined with Western in conducting environmental review for the project. However, private financing is not available for preconstruction costs, such as environmental review, and the Navajo Nation is unable to allocate $5 million from its budget to this project without adversely affecting the provision of basic services to the tribe's 200,000 members. Does the Senator from Arizona agree that the Navajo transmission project offers a cost effective means to realize significant energy benefits for the Nation?

Mr. DECONCINI. Yes.

Mr. MCCAIN. The Navajo transmission project is an excellent example of a project in which Indian tribes can become more involved in energy projects utilizing Indian resources. Trough this project, the Navajo people will be able to move from passive lessors of their energy resources to active participants in environmentally responsible energy development on Indian lands, as Congress intended in the Indian energy title of the Energy Policy Act. A you know, the Navajo Nation played an active role in supporting the enactment of this title. Does the Senator from Louisiana agree that this is the type of project Congress had in mind when the Indian energy title was adopted?

Mr. JOHNSTON. Clearly this project furthers the objectives of the Indian energy title.

Mr. DOMENICI. Environmental review for the project has already been initiated. To keep the project on schedule, funds will need to be made available on a timely basis. Is the Senator confident that prompt decisions on the allocation of these funds will be made by the Department of Energy?

Mr. JOHNSTON. It is the committee's intent that the Department move expeditiously in utilizing the funds appropriated for the Indian energy title.

PROJECT CHARIOT

Mr. STEVENS. Mr. President, I am pleased that the Senator from Louisiana gave me the opportunity to have an exchange with him about a very disturbing situation in my State which has given rise to a great deal of concern among the Native citizens. I have

discussed the Project Chariot issue with Senator JOHNSTON on several occasions. The Atomic Energy Commission, as part of a program to use nuclear explosives to excavate a harbor at Cape Thompson in northwest Alaska, performed a study on how radioactive fallout would distribute through the Arctic climate. Various radioactive material was spread out on the tundra. When the study was completed, the radioactive material was buried in a mound. Two Native villages, Point Hope and Kivalina, are each less than 30 miles from that site. Local residents were never notified of the experiments or of the fact that the radioactive material remained at the site.

The Department of Energy completed the removal of the radioactive material early this month. I want to commend the Department for getting to the site to clean it up in a timely manner and for agreeing to complete future studies on the material and its impact on the environment. However, the funds provided the State of Alaska for monitoring the cleanup did not cover the monitoring costs of the local Native villages.

Mr. President, the distinguished Senator from Louisiana and I have discussed this matter. I believe he agrees with me, as other members of the subcommittee, that this is simply not right. These local communities, who never knew about the experiments being done near their homes, were forced to spend much-needed funds in order to ensure that the remediation work was done in a manner which satisfied their residents. These local communities incurred substantial oversight expenses related to the Department's remediation efforts. It is my position that these communities should be reimbursed for reasonable expenses by the Department of Energy. The Secretary should review the request for reimbursement from the local communities and compensate them for reasonably necessary expenses through available funds. It is my hope that these local communities in my State will be fully reimbursed for their reasonable and necessary expenses. Am I correct that the Senator from Louisiana agrees with me on this matter?

Mr. JOHNSTON. Mr. President, the senior Senator from Alaska is correct. I agree with the opinions expressed by him.

Mr. STEVENS. I want to thank and commend the good Senator from Louisiana and other members for all of their help on this matter which is of great concern to me and the people of my State. Does the ranking member of the Appropriations Committee, the Senator from Oregon, agree with my view on this issue?

Mr. HATFIELD. I fully agree with the opinions expressed by Senators from Alaska and Louisiana.

THE TRIPARTY AGREEMENT

Mrs. MURRAY. Would the Senator from Louisiana yield for a question?

Mr. JOHNSTON. I would be happy to yield to the Senator from Washington.

Mrs. MURRAY. The subcommittee included report language asking DOE to conduct risk analyses to attach priorities to cleanup spending based on threats to human health. I am inclined to agree with Chairman JOHNSTON on the merits of this concept; it makes sense to spend money where it will do the most good to protect public health and safety.

As we do this, however, I think we must also protect the structure and goals of existing compliance agreements, such as the triparty agreement between DOE, EPA, and Washington State.

As I understand it, DOE activities carried out pursuant to the language included in the committee report would in no way change or undermine the goals, terms, conditions, and procedures required under existing compliance agreements. Further, any changes to existing compliance agreements would continue to be subject to the procedures contained within these legally binding agreements as executed by the parties. Does the chairman concur in that interpretation?

Mr. JOHNSTON. Let me say first, the Senator from Washington is very correct in saying that the committee report language does not relieve the Department of Energy of its duties under the compliance agreements. The intent of the committee report language is to ask the Department to go out and analyze the problems at the waste sites and analyze all of these agreements and come up with a proposal which involves resetting of priorities and a plan for the expenditure of the funds appropriated. Our objective is to get the cleanup done and to see if DOE cannot come up with a better scheme for getting the work done. We do not want to continue everything as it presently is. It may be that the Department needs to go back in, renegotiate or rework these agreements. DOE needs to identify areas of contamination that left unattended would pose the greatest risk to human health and the environment. They need to adjust the priorities, find out the biggest threats to health and the environment, and make proper risk assessments. That is the committee's overall intent and the spirit of this is not to repudiate agreements, but to seek to negotiate sensible ones that can effect the cleanup.

CLEANING UP OLD WEAPONS FACILITIES

Mr. SIMPSON. DOE's cleanup of old weapons facilities greatly concerns me. I believe that DOE may be overlooking some existing technologies which could greatly assist with their cleanup efforts. In Wyoming, for example, we have a number of companies with extensive experience in removing radionuclides from the environment. These companies mine uranium and have invested millions in extraction, reclamation, and restoration technologies. They have developed techniques such as in situ mining that can remove radionuclides from the soil and ground water.

It is my understanding that DOE is only beginning to evaluate some of the proven, cost-effective technologies that were developed and perfected in the mining industry. Many of DOE's sites require the extraction or mining of the contaminants from the soil and water. The very nature of in situ uranium mining required the development of environmentally sound extraction and restoration technologies. Thus, this seems to be a perfect opportunity for the Government and private sector to work together to share their knowledge and help move the cleanup process forward. I believe DOE should work with the uranium mining industry to determine if these techniques can be cost-effectively applied to DOE's sites.

Mr. JOHNSTON. I am familiar with these technologies and agree that mining technologies could be of use in DOE's restoration program. DOE should investigate these technologies.

Mr. SIMPSON. As my colleague knows, I had wanted to offer an amendment requiring DOE to work with the uranium mining industry on the use of these technologies. I am willing to defer for this year, however, as I understand my colleague's strong desire not to set a precedent regarding earmarking of technologies. I will watch DOE's progress in evaluating in situ mining technologies, however, which could affect my plans for next year.

Mr. JOHNSTON. I thank my colleague. I, too, will closely monitor DOE's progress in investigating mining technologies.

WYOMING APPROPRIATIONS ITEMS

Mr. SIMPSON. Mr. President, I rise to express my appreciation to the Appropriations Committee, and particularly to Senator JOHNSTON, the subcommittee chairman, and to Senator HATFIELD, our ranking member, for their attention and support for some very important initiatives that will have a most favorable and direct impact on Wyoming.

This legislation contains continued funding for crucial rehabilitation and betterment of the Shoshone irrigation project, $1.7 million has been included in the committee's bill, which is $600,000 more than the House agreed to. Without these funds, the irrigation district will not be able to receive full matching funds from the State. Critical work will be delayed, resulting in additional costs to the State, the district, and the Federal Government.

So I do appreciate the committee's support for that funding level for the Shoshone irrigation district in Wyoming.

As many of my colleagues may know, there has been a great deal of contention in Wyoming about the management of water on and around our only Indian reservation, the Wind River Indian reservation in Fremont County.

I am pleased to inform my colleagues that the recent months have seen a new spirit of cooperation, collaboration, and communication between tribal and State governments. This constructive dialog has already done a great deal to ease tensions and restore a sense of community in that area of Wyoming.

One of the major hurdles that has to be overcome is collection of up to date and accurate information on the water supply in the Wind River Basin.

I also appreciate the fact that both versions of the bill include funding for the continuing Wind River Basin hydrologic study.

Finally, I would also express my thanks for the continued support of the rehabilitation of the Owl Creek unit in Wyoming. This irrigation district is directly adjacent to the Wind River reservation and its continued rehabilitation is crucial to sustaining the agriculture industry, and improving both conservation and supply in that area.

TRANSITION PROGRAM BENEFITS

Mr. REID. It is my understanding that the bill appropriates $100 million for programs to protect those employees at the Department's weapons complex who are affected by the transition of these facilities from weapons production operations to environmental clean-up. These funds will support the early retirements, retraining and other transition programs needed to implement section 3161 of the 1992 National Defense Authorization Act.

It is my further understanding that the transition program benefits that are funded under this bill are not limited to Federal employees, but also include the employees of the contractors and subcontractors. Particularly, it is my understanding that construction workers at the DOE sites also are to receive the transition benefits and protections funded under this bill, as authorized by the 1992 National Defense Authorization Act. Am I correct in this understanding?

Mr. JOHNSTON. The Senator is correct.

Mr. REID. Finally, I remain very concerned about the absence of an effective medical surveillance program at the weapons complex sites. Last year, the Office of Technology Assessment issued a very disturbing report on worker health and safety problems at these DOE facilities. OTA indicated that there was a tremendous need for DOE to implement a medical surveillance program throughout its system.

As part of section 3162 of the 1992 National Defense Authorization Act, we directed the Secretary of Energy to establish a comprehensive medical surveillance program. However, nowhere in this appropriations bill has the Secretary asked for funds to implement this program. Without funding, I am concerned that the Department of Energy may not implement the Medical Surveillance Program.

Do I have the Senator's assurance that the committee will raise this concern with the Secretary, and determine how the Secretary intends to implement the medical surveillance program mandated under section 3162?

Mr. JOHNSTON. The Senator may be assured that we will raise his concerns with the Secretary, and urge her to report to the committee on the Department's plans to implement the comprehensive medical surveillance program for the weapons complex.

FUNDING OF THE SP-100

Mr. LAUTENBERG. I oppose continuation of funding of the SP-100. Although the Federal Government has spent over $400 million since 1984 to develop nuclear reactors for space applications, the administration has determined that the SP-100 has no commercial or other identified applications. Unless terminated, the Department of Energy has estimated that it will cost another $1.6 billion over 12 years to complete the current constructions phase of the program with additional costs for completion of flight testing and deployment. The SP-100 also poses grave environmental dangers. The failure of a satellite powered by the SP-100 during launch or reentry into the atmosphere could spread radioactivity from the SP-100's highly enriched uranium fuel.

The administration has asked for $22.5 million to terminate all work on the SP-100. It is my understanding that the Senate version of the Energy and Water Appropriations bill provides the funding requested by the administration to terminate the SP-100. Would the chairman of the subcommittee confirm that this is correct?

Mr. JOHNSTON. The Senator is correct. The bill provides funds to be used to terminate the SP-100 as requested by the administration.

THE MINORITY HONORS PROGRAM AND THE EMCORE PROGRAM

Mr. DOMENICI. Mr. President, I want to bring to the attention of the Senate two successful education programs sponsored by the Department of Energy that are in danger or being significantly reduced or possibly eliminated by this appropriations bill. Each of these programs meets our Nation's energy and high-technology needs in its own unique way, and I am concerned that elimination or reductions in these programs could have a detrimental effect on the future of energy development and research, and our ability to train workers in these vital areas.

The first program I want to bring to the Senate's attention is the Minority Honors Training and Industrial Assistance Program. As many of my Senate colleagues may know, I have been a strong advocate for this program, which helps provide greater opportunities for training and employment for minorities in the areas of high-technology and energy-related fields.

In previous years, this program has had its own line item in the Department of Energy budget in the special programs appropriation. Traditionally this program has received less than $500,000, despite my constant requests that we fund this program at a higher level to help meet increasing needs in the energy industry.

I appreciate the desire to consolidate programs that have overlapping missions. As I understand it, this was the rationale for consolidating the Minority Honors Program with several other programs under the special programs budget.

I wholly agree that we should roll together programs that serve similar needs. However, I hope that consolidation does not translate as elimination. With the proposed consolidation, the DOE budget justifications shows a $344,000 increase in the Minority Honors and Industrial assistance activity to reflect this merger.

Mr. President, I must tell you that this recommendation gives me pause. It is my sincere hope that although the Minority Honors Program was not given a line item, its absence from the committee report does not indicate a lack of interest in the program or intention to eliminate its funding. While I understand the urge to resist giving smaller programs their own line items, I would urge those who will be conferees on this tissue to consider language indicating that this program should be continued, even though in a consolidated account.

Let me tell you a little bit about the impacts of this program in New Mexico. In Las Vegas, NM, the Luna Vocational-Technical Institute has used funding from the Minority Honors Program to serve both its student population and New Mexico's growing energy and high-technology industry. Through this program, DOE and LVTI provide minority students with opportunities for training and employment with energy-related industries and scientific institutions. Through this program, these industries hire high-caliber, well-trained employees.

LVTI has used this program to provide more than 1,000 scholarships to over 450 minority honor students. Over 300 participants have graduated from the program, and over 80 percent of these graduates are now gainfully employed.

LVTI has also established partnerships with private industry and national scientific institutions, such as Los Alamos and Sandia National Laboratories. These partnerships have

helped provide career opportunities for students, assist with curriculum development in high-technology areas, and train students to work with industry and participate in special classroom projects during their training.

Since its inception, LVTI has placed students in Sandia National Laboratories' summer employment programs, which has led Sandia to consider students and graduates for employment. LVTI also cooperates with Kirtland Air Force Base to assist students in pursuing careers in computer programming and electronics. Many of these students have been hired as full-time employees by Kirtland.

The Minority Honors Program is a proven success. One need only to look at the wonderful things being done at LVTI as evidence of this.

The second program at risk is the science education program EMCORE—the Environmental Management Career Opportunity Research Experience Program—funded by the Environmental Restoration and Waste Management arm of DOE. While the overall reduction in funding for the Environmental Restoration and Waste Management Program poses a significant threat to the EMCORE program in itself, language recently approved under the Senate version of the Defense authorization bill places this program in danger of being transferred to another office within DOE without its funding.

The EMCORE Program is administered by Associated Western Universities Inc. through DOE/Idaho. This program funds researchers who conduct environmental research programs in critical areas. EMCORE supports the researchers and their students, both graduate and undergraduate, at DOE laboratories.

In New Mexico, for example, a number of students at New Mexico State University in Las Cruces have received EMCORE scholarships for summer research at a program in New Mexico I'm certain many of you are familiar with—the Waste Isolation Pilot Plant, or WIPP, in Carlsbad. The WIPP site has provided numerous students and teachers with an exceptional laboratory for examining the safe burial of nuclear waste.

Through EMCORE, researchers and students were able to measure nuclear waste vault deformations. Over a period of 10 weeks, these students witnessed first-hand the technical—and political—issues involving WIPP and the ability of man to dispose of nuclear waste safely. Clearly, EMCORE funding is being put to good use with projects of this type.

While EMCORE provides many advantages to students through real-world research settings, its most important advantage is, perhaps, the enthusiasm it fosters among students who will soon be called on to address the increasingly complex issues involved in environmental management. As one professor pointed out to me, waste management does not hold the same appeal and glamor as many other high-profile scientific projects, such as the space program or particle acceleration. EMCORE's emphasis on mentoring students in areas of waste management helps to pique students' interest in what at the outset may appear to be an overly technical and nonglamorous field.

Now, however, we find that EMCORE's funding is at risk due, as I mentioned before, to a reduction in funding to the Defense Environmental Restoration and Waste Management Program—by some $321 million—and the transfer of the scholarship program to another DOE office without the accompanying funds.

This transfer without funds is particularly disturbing. Because many students participating in EMCORE receive tuition and fee assistance, as well as monthly undergraduate research stipends, this elimination of funds now leaves these students without their funding for the current academic year. Because of the delay in moving to this appropriations bill, many students were not notified of this suspension of funds until only a few days before classes were to begin. Many of them now face the very real possibility of being unable to meet the costs of attending school.

Mr. President, I will close today by quoting the renowned scientist James Bryant Conant, who was not only a great scientist, but a thoughtful and devoted letter writer. In one of his many letters to the New York Times, Mr. Conant wrote:

> There is only one proved method of assisting the advancement of pure science—that of picking men of genius, backing them heavily, and leaving them to direct themselves.

These programs have provided our students—men and women alike—with the backing they need to recognize and expand upon their own individual gifts. They have provided countless students with the advantages and hands-on training they will not find anywhere else. In many cases, experience in these programs has led these students to full-time employment in research and other high-technology industries.

The Minority Honors Program and EMCORE have helped finance and fulfill the dreams of students who may not have normally had the opportunity to pursue careers in science, math, engineering, or other high-technology fields. These programs work, and they're proving it every day in New Mexico and across the country.

Again, it is my sincere hope that consolidation of these projects into other programs does not spell out their ultimate demise. I urge the conferees to keep the important contributions of these programs in mind during the conference, and consider the consequences these consolidations will have on student advancement in the sciences. Their loss will ultimately be our loss as well. I do not believe we can afford to let this happen.

I thank the conferees for their consideration of my remarks.

Mr. LAUTENBERG. Mr. President, the Fiscal Year 1994 Energy and Water Appropriations Act includes funding for design of the Tokamak physics experiment [TPX], which is the second generation fusion machine. Fusion energy holds the promise of providing our Nation with an abundant supply of clean energy in the next century and this bill will allow industry and research community to move toward this goal.

The administration strongly supports fusion research as well as design and construction of TPX and I ask unanimous consent to insert the following letter in the RECORD from the Secretary of Energy, Hazel O'Leary, in support of the Tokamak physics experiment [TPX] scheduled to be built at the Princeton Plasma Physics Laboratory.

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

THE SECRETARY OF ENERGY,
Washington, DC, September 22, 1993.

Hon. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is a follow up to a meeting held September 8, 1993, in which you were briefed by the Department on our plans for United States participation in the International Thermonuclear Experimental Reactor program. The Department of Energy regards the International Thermonuclear Experimental Reactor as setting a standard of excellence for carrying out a collaborative international scientific endeavor, and we appreciate your interest and support.

I understand there was a candid and productive discussion of this program. However, my staff also reported that you see a need to delay our domestic initiative, the Tokamak Physics Experiment, until international agreement has been reached on beginning construction of the International Thermonuclear Experimental Reactor.

We strongly urge you to support our full $20 million request for continued design of the Tokamak Physics Experiment for the following reasons:

(1) The Tokamak Physics Experiment constitutes a forward-looking step for the United States fusion program and addresses issues in improved tokamak design and pulse length that go beyond the International Thermonuclear Experimental Reactor mission. It represents an experimental focus for the United States fusion program at the beginning of the next century when existing experiments will have been fully exploited.

(2) The Tokamak Physics Experiment has been conceived in such a way that it will be able to provide critical guidance for the operation of the International Thermonuclear Experimental Reactor. The size and scale of the International Thermonuclear Experimental Reactor enterprise are such that operational improvements derived from the tokamak design could save time and money.

(3) Another objective in the Tokamak Physics Experiment is to bring United States industry into the project very early in the design phase, in part to incorporate industrial manufacturing knowledge, but more importantly to provide an opportunity for technology transfer as the United States prepares to participate in the International Thermonuclear Experimental Reactor construction. Also, some of the technologies concerned, such as superconductivity, robotics, and computer control systems, have relevance beyond fusion.

(4) The proposed fiscal year 1994 budget of $20 million for the Tokamak Physics Experiment already constitutes a minimal start on preliminary design activities for the project. These funds are needed in order to continue the present design efforts, to bring industrial contractors into the design team, and to begin research and development that is needed to validate the design concepts.

From the beginning, the International Thermonuclear Experimental Reactor was designed to ensure equal participation from the four partners. With this concept of parity and shared responsibility, it represents an international endeavor that is already breaking new ground on both technical and political horizons. However, international agreement to begin construction will take considerable time even with the best intentions of all the participants.

The Tokamak Physics Experiment, on the other hand, is ready to move forward, and I urge that we continue the design process. This experiment will provide the United States with the technical basis to be a productive partner in a future international fusion program. Failure to proceed with the Tokamak Physics Experiment at this time will be perceived as a sign of weak resolve on the part of the United States fusion program and, thereby, will undercut our participation in the International Thermonuclear Experimental Reactor.

Again, the Department values your continued support of the International Thermonuclear Experimental Reactor project.

Sincerely,

HAZEL R. O'LEARY.

FLOOD CONTROL FOR STE. GENEVIEVE, MO

Mr. DANFORTH. Would the Senator from Montana, the chairman of the Environment and Public Works Committee, respond to a question regarding a flood control project for Ste. Genevieve, MO?

Mr. BAUCUS. I would be happy to yield to the Senator from Missouri.

Mr. DANFORTH. As the Senator is well aware, the problem with this project is that it is not a normal flood control project. Under normal circumstances, a town the size of Ste. Genevieve, population 4,400, would never qualify for flood protection of this nature. It does not have the means to pay the required 25-percent local share of a $41 million project, and the benefits of protecting such a small town would not be worth the costs of the project, according to the corps analysis'. In 1986, Congress authorized this project despite these facts. This is because Congress recognized a fact that the corps' statutory requirements do not permit it to recognize—that the historic value of Ste. Genevieve is worth a great deal to the country. This project will protect a National Historic District which is made up of the best collection of original French colonial architecture in North America. Those who visit Ste. Genevieve recognize what a beautiful and important historic resource the town is.

Once again, Congress needs to act to move this project along. It must modify the local cost-share requirement in order for this project to be constructed. As the chairman of the Environment and Public Works Committee knows, I have, for some time, been trying to alter the cost share to a level that is attainable for the community of Ste. Genevieve. It is a very high priority of mine to change legislatively the cost-share requirement so that construction on this project can begin by fiscal year 1995.

My question is: Will the Senator from Montana work with me to help me enact a provision to modify the local cost-share requirement before the end of fiscal year 1994?

Mr. BAUCUS. I share the Senator's assessment of the needs and the uniqueness of this project, and I will work with him to deal with the cost-sharing issue before the end of 1994.

Mr. DANFORTH. I thank the Senator from Montana for his commitment. Does the Senator from Rhode Island, the ranking Republican of the Environment and Public Works Committee, agree with the assessment of the Senator from Montana?

Mr. CHAFEE. The flood control project for Ste. Genevieve presents a truly unique situation deserving of a unique legislative response. I will work with the Senator from Missouri to deal with the cost-sharing issue before he retires from the Senate.

Mr. DANFORTH. I thank the chairman and ranking Republican of the Environment Committee for their commitment to making this important project a reality.

Mr. BYRD. Mr. President, I commend the chairman of the subcommittee, Mr. JOHNSTON, for the outstanding job he has done in shepherding this bill through the hearings process, in subcommittee, and in managing this bill on the floor. He has been most ably assisted by the ranking member of both the subcommittee and the full committee, Mr. HATFIELD. These two make a formidable team.

The Energy and Water Development appropriations bill provides funding for a major portion of our Nation's infrastructure and science research and development. The chairman has demonstrated this afternoon in debate his mastery of the complex scientific and technological issues that are addressed in this bill. His expertise has been put to fine use in forging a successful bill.

I commend managers for a job well done on this bill. I call attention to my colleagues of the expert jobs performed by Proctor Jones, David Gwaltney, and Gloria Butland for the majority, and Mark Walker and Dorothy Pastis for the minority. These professionals have labored tirelessly to produce this bill.

The PRESIDING OFFICER. 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 the third time.

The bill was read the third time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2446

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the third reading of the pending bill, the Senate now proceed to consider H.R. 2446, the military construction appropriations bill under the following limitations: That the committee amendments be adopted en bloc; that they be considered as original text for the purpose of further amendments; that no points of order be waived by this agreement; that the only floor amendments be the following, and that they be subject to relevant second-degree amendments, where applicable, and that all time for debate be equally divided and controlled in the usual form, unless otherwise stated.

The amendments are: An amendment by Senator BYRD that is relevant; an amendment by Senator HATFIELD that is relevant; an amendment by Senator SASSER that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator BURNS that is relevant; an amendment by Senator GORTON that is relevant; an amendment by Senator INOUYE regarding land transfer, 10 minutes; an amendment by Senator SASSER regarding funding for the International Guard, 10 minutes; an amendment by Senator LAUTENBERG regarding burdensharing, 1 hour; that there be 1 hour for debate on the bill, with an additional 15 minutes under the control of Senator MCCAIN; that once the listed amendments have been disposed of and all time has been used or yielded back, the bill be read a third time and the Senate, without intervening action or debate, proceed to vote on final passage; that upon disposition of H.R. 2446, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object, I wonder if we can dispose of this measure tonight, along with the one we just had third reading on.

Will the distinguished majority leader give me the schedule for the remainder of the evening and tomorrow?

Mr. MITCHELL. It is my expectation that if we complete action on the energy and water appropriations bill and the military construction appropriations bill, that there be no further votes this evening and no session tomorrow.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Reserving the right to object, and I also will not object, I just ask the majority leader, is there any way to anticipate when the votes will occur this evening on the amendments that will require votes, and on final passage, or is it possible to lump those at a particular time? I did have a commitment this evening.

Mr. MITCHELL. It is my understanding that there will not be any votes on amendments; that the only vote will be final passage, but I will defer to the chairman of the subcommittee and the manager of the bill.

Mr. SASSER. I thank the distinguished majority leader. There will be no votes on amendments, and I will tell my colleagues that I think the time on the relevant amendments, such as the 1 hour for Senator LAUTENBERG, can be squeezed down very, very considerably.

I hope we will get to final passage on this bill in a fairly short period of time, within an hour.

The PRESIDING OFFICER. The unanimous consent request is pending. Is there objection?

Mr. BUMPERS. Reserving the right to object, Mr. President, and I will not object. Is there anything in the unanimous consent request about the Agriculture conference report?

Mr. MITCHELL. No, there is not.

Mr. BUMPERS. Does the leader not anticipate taking that up tonight?

Mr. MITCHELL. That is correct; I do not anticipate taking it up tonight.

Mr. DOLE. Mr. President, I have been advised on this side that there will be no request for a rollcall vote on the military construction appropriations bill. If that is the case, we can vote now on energy and water, and some Members who have to depart can be accommodated.

Mr. MITCHELL. Mr. President, we had a lengthy and difficult and unpleasant exchange this morning on the question of whether or not there would be votes on appropriations bills. I was told that it is an absolute standing request that there be a recorded vote on every appropriations bill.

I am perfectly prepared to do that, but I want it clearly understood that when the Republican leader says it in this case, he is speaking for all Republican Senators.

Mr. DOLE. All who are here.

[Laughter.]

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I hope we could dispose of the military construction bill without a rollcall vote this evening. Two of our colleagues have come to me. One's child is having a birthday party this evening that he wants to attend. Frankly, I think that is a pretty important occasion. Another Senator has come to me and has indicated he would like very much to go to a parent-teachers' evening at his son's school this evening. I happen to think that is a pretty important function.

So I hope we could handle this military construction bill—there is nothing controversial in here. It has been cleared on both sides. I hope that we could handle this without a rollcall this evening.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have always felt the need of and have always requested we have rollcall votes. I was not involved in any unpleasant exchange. Let me first of all say that. And I do not want to be involved in an unpleasant exchange at this moment either. But I have always felt that on matters of appropriations we should have rollcall votes. Now, that has been my position, and I think we should do so. Maybe if there was a vote, a rollcall vote for certain on the conference report, we could do it that way. But let me just consider this for a moment.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that he reserves his right to request a rollcall vote when there is a conference report.

Mr. WELLSTONE. Mr. President, let me just be direct about it. I think we should have a rollcall vote on matters of appropriation, and so I would call for a rollcall vote.

Mr. SASSER. Mr. President, I am pleased to assure the distinguished Senator from Minnesota that we would bring it back from conference and have a rollcall vote on it at that time. I do not anticipate this bill is going to change substantially in conference, and I anticipate we will probably pass it by unanimous vote. Most of these military construction bills are. So I hope our friend from Minnesota could find it in his heart this evening to let us vote on this bill when it comes back on the conference report.

Mr. HARKIN. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I am sorry that someone has to go to a parent teacher event at school. Two weeks ago I had a similar situation where I wanted to go to my daughter's school; it was parents' night at school. I made that request known, but we still had to stay here and vote. And so I find it kind of curious that now we have the same situation.

I hope that in the overall we could start getting out of here a little bit earlier, those of us who have children at home and families could get out of here a little bit earlier tonight so we could have dinner once in a while with our families.

Mr. WELLSTONE. Mr. President, let me take a popular position here tonight, which is as follows: We will have a rollcall vote on the conference report for certain. I will not ask for the rollcall vote tonight. But could I say to my colleagues, I am just kind of wilting under this, not pressure but just good looks from good friends. But I really do believe that on appropriations bills we should have rollcall votes, and I am going to be calling for those votes. But tonight, given plans that have been made, we will not do it. We will have a rollcall vote on the conference.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none. It is so ordered.

Mr. MITCHELL. Mr. President, I am going to repeat now so there cannot be any misunderstanding, I am taking the words expressed here by the Senators who have spoken and the silence of others as an indication that there is no request for a rollcall vote——

Mr. FORD. Mr. President, please, let us hear the majority leader.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. MITCHELL. That there is no request for a rollcall vote on the military construction appropriations bill with the assurance provided the Senator from Minnesota that there will be a rollcall vote on the conference report on that bill. That being the case, I suggest we have the vote now on the energy and water appropriations bill, and that will be the last vote until Monday.

Now, there will be votes on Monday, and Senators should be aware of that. I will announce that schedule either later tonight or via Senate offices tomorrow. We hope to be on the transportation appropriations bill at that time. We have that and defense appropriations to do next week.

Mr. WELLSTONE. Mr. President, I would ask for a rollcall vote on the water and energy bill tonight.

The PRESIDING OFFICER. A rollcall vote has already been ordered.

The bill having been read the third time, the question is, Shall it pass? On this question, 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 Arkansas [Mr. PRYOR] is necessarily absent.

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

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—89

Akaka	Durenberger	McCain
Baucus	Exon	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Gramm	Murkowski
Bradley	Grassley	Murray
Breaux	Harkin	Nickles
Bryan	Hatch	Nunn
Bumpers	Hatfield	Packwood
Burns	Heflin	Pell
Byrd	Hollings	Pressler
Campbell	Hutchison	Reid
Chafee	Inouye	Riegle
Coats	Jeffords	Robb
Cochran	Johnston	Rockefeller
Cohen	Kassebaum	Sarbanes
Conrad	Kempthorne	Sasser
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Lautenberg	Simpson
Danforth	Leahy	Specter
Daschle	Levin	Stevens
DeConcini	Lieberman	Thurmond
Dodd	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	Wofford
Dorgan	Mathews	

NAYS—10

Brown	Helms	Smith
Faircloth	Kerry	Wellstone
Feingold	Kohl	
Gregg	Roth	

NOT VOTING—1

Pryor

So the bill (H.R. 2445), as amended, was passed.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on behalf of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. JOHNSTON, Mr. BYRD, Mr. HOLLINGS, Mr. SASSER, Mr. DECONCINI, Mr. REID, Mr. KERREY, Mr. HATFIELD, Mr. COCHRAN, Mr. DOMENICI, Mr. NICKLES, Mr. GORTON, and Mr. MCCONNELL conferees on the part of the Senate.

Mr. JOHNSTON. I extend my sincere thanks to especially Senator HATFIELD and Senator BYRD, who worked so closely with us on this bill. I thank all my colleagues and the outstanding staff, who have done such a terrific job on both sides of the aisle. We are very pleased.

I yield the floor.

MILITARY CONSTRUCTION APPROPRIATIONS ACT

The PRESIDING OFFICER. The clerk will state the bill, H.R. 2446, by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2446) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by Law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[$837,644,000]** *$723,505,000*, to remain available until September 30, 1998: *Provided*, That of this amount, not to exceed **[$109,441,000]** *$88,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 102-136, $4,700,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 102-380, $9,200,000 is hereby rescinded.*

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, **[$575,971,000]** *$580,033,000*, to remain available until September 30, 1998: *Provided*, That of this amount, not to exceed **[$64,373,000]** *$59,373,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 101-148, $7,662,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 102-136, $23,630,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 102-380, $37,660,000 is hereby rescinded.*

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, **[$913,297,000]** *$969,926,000*, to remain available until September 30, 1998: *Provided*, That of this amount, not to exceed **[$63,882,000]** *$58,180,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 102-136, $14,480,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 102-380, $2,230,000 is hereby rescinded.*

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, **[$618,770,000]** *$524,165,000*, to remain available until September 30, 1998: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed **[$42,405,000]** *$37,405,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Defense Agencies" under Public Law 102-136, $15,500,000 is hereby rescinded.*

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$203,980,000]** *$291,250,000*, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the

Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$161,761,000] *$245,723,000*, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$87,825,000] *$124,794,000*, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$28,647,000] *$25,013,000*, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$66,136,000] *$68,427,000*, to remain available until September 30, 1998.

[NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

[For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, $140,000,000, to remain available until expended.]

OUTSIDE THE UNITED STATES

Notwithstanding any other provision of law, for military construction and family housing construction outside the United States for the Army, Navy, Air Force, and Defense Agencies and for the North Atlantic Treaty Organization Infrastructure Programs, as currently authorized by law, $300,000,000, to remain available until expended, Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction and family housing and the North Atlantic Treaty Organization Infrastructure account as he may designate, to be merged with and to be available for the same purposes, and for the same period, as the appropriation or fund to which transferred.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$218,785,000] *$228,385,000*, to remain available until September 30, 1998; for Operation and maintenance, and for debt payment, [$1,067,922,000] *$1,125,601,000*; in all [$1,286,707,000] *$1,353,986,000*.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$367,769,000] *$354,738,000*, to remain available until September 30, 1998; for Operation and maintenance, and for debt payment, [$781,952,000] *$835,055,000*; in all [$1,149,721,000] *$1,189,793,000: Provided, That of the funds appropriated for "Family Housing, Navy and Marine Corps" under Public Law 101-148, $25,018,000 is hereby rescinded.*

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$192,197,000] *$195,035,000*, to remain available until September 30, 1998; for Operation and maintenance, and for debt payment, [$805,847,000] *$853,912,000*; in all [$998,044,000] *$1,048,947,000: Provided, That of the funds appropriated for "Family Housing, Air Force" under Public Law 102-136, $6,400,000 is hereby rescinded: Provided further, That of the funds appropriated for "Family Housing, Air Force" under Public Law 102-380, $48,702,000 is hereby rescinded.*

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $159,000, to remain available for obligation until September 30, 1998; for Operation and maintenance, [$25,711,000] *$27,337,000*; in all [$25,870,000] *$27,496,000*.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $151,400,000, *to remain available until expended.*

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), [$27,870,000] *$12,830,000*, to remain available for obligation until September 30, 1995: *Provided*, That none of these funds may be obligated for base realignment and closure activities under Public Law 100-526 which would cause the Department's $1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded[: *Provided further*, That not less than $19,800,000 of the funds appropriated herein shall be available solely for environmental restoration].

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), [$1,800,500,000] *$1,526,310,000*, to remain available until expended: *Provided*, That [such funds are available solely for the approved 1991 base realignments and closures: *Provided further*, That] not less than $262,300,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $1,200,000,000, to remain available until expended: *Provided*, That such funds will be available only to the extent an official budget request is transmitted to the Congress: [*Provided further*, That such funds are available solely for the approved 1993 base realignments and closures:] *Provided further*, That not less than $300,000,000 of the funds appropriated herein shall be available solely for environmental restoration.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account, shall be transferred to the appropriations for Family Housing, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 117. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 118. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 119. Of the funds appropriated in this Act for Operation and maintenance of Family Housing, no more than $13,000,000 may be obligated for contract cleaning of family housing units.

(TRANSFER OF FUNDS)

SEC. 120. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 121. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization and Japan and Korea to assume a greater share of the common defense burden of such nations and the United States.

[SEC. 122. (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1994, without reimbursement or transfer of funds, to the Architect of the Capitol, a portion of the real property, including improvements thereon, known as the Army Research Laboratory, Woodbridge Research Facility, located in Prince William County, Virginia, consisting of approximately 100 acres, more or less, as determined under subsection (c).

[(b) The Architect of the Capitol shall, upon completion of the survey performed pursuant to subsection (c) and the transfer effected pursuant to subsection (a), utilize the property to be transferred to provide facilities to accommodate the varied long term storage and service needs of the Library of Congress and Legislative Branch.

[(c) The exact acreage, legal description and apportionment as to the portions of the property to be transferred under this section shall be determined by a survey satisfactory to the Architect of the Capitol and the Secretary of the Army.]

SEC. 122. Notwithstanding any other provision of this Act, each amount appropriated by this Act is hereby reduced by four percent.

SEC. 123. Proceeds received by the Secretary of the Navy pursuant to section 2840 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) are appropriated and shall be available for the purposes authorized in that section.

[SEC. 124. Defense access roads for Camp Dodge, Iowa, (86th Street improvements) shall be considered as fully meeting the certification requirements specified in section 210 of title 23 of the United States Code.

[SEC. 125. COMPLIANCE WITH BUY AMERICAN ACT.

[No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

[SEC. 126. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

[(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

[SEC. 127. PROHIBITION OF CONTRACTS.

[If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligiblity procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 128. Of the funds appropriated in this Act for "Military Construction, Army," $4,400,000 shall be obligated for a DIAL Central Office Facility at Fitzsimmons Medical Center, Colorado.

SEC. 129. Of the funds appropriated in this Act for "Military Construction, Air National Guard," $2,800,000 shall be obligated for an ACMI support facility at the Gulfport-Biloxi Regional Airport, Mississippi.

This Act may be cited as the "Military Construction Appropriations Act, 1994".

Mr. SASSER. Mr. President, I am pleased to bring before the Senate the military construction appropriations bill and report for fiscal year 1994.

This bill was reported out of the full Appropriations Committee last Thursday by a unanimous vote of 29–0. The bill recommended by the full Committee on Appropriations is for $9.754 billion. This is $1.041 billion under the budget request and $520 million under the House bill.

This bill is within the committee 602(b) budget allocation for both budget authority and outlays.

However, compared to last year, the bill is $1.357 billion over fiscal 1993 appropriations. In fact, the military construction accounts are the only national defense accounts which have substantial real growth from last year.

The reason for the growth is twofold: First, last year the previous administration instituted a program pause in the military construction investment

accounts. This year, we are having to play catch-up ball. We are finding that you simply cannot wish investments away. Even though we are closing bases and reducing our Nation's military infrastructure, we must continue to invest in the remaining core base structure. We must not allow our family housing, and our barracks, and our maintenance spaces to deteriorate. For if we do, morale and readiness will surely suffer. We believe the Pentagon should adopt a floor for modernization and quality of life investments in future budget submissions. Without minimum investments, we will be mortgaging the future. We will be risking the creation of military ghettos. The Appropriations Committee will not allow that deterioration to occur.

Second, with each passing year we are finding that it is costing more on the front end to close and realign military bases. Despite the fact that significant appropriations must be provided for base closures and realignments, we must continue that process, as painful as it is to many of our States. We are eliminating at least 30 percent of our military manpower, measured from the mid-1980 levels. However, base closure actions to date have identified only 15 percent of our base structure for closure. So, none of us need to be under any illusion. The 1995 round of base closures is going to be significant. The Department of Defense simply cannot continue to pay for unneeded bases and overhead. We must continue to invest in the bases we keep open, that is for sure. But we must close the bases we no longer need, as difficult as that is.

Mr. President, it was very difficult to draft the military construction bill this year. The authorization bill which passed the Senate a few weeks ago authorized $1.6 billion more for military construction than the 602(b) budget allocation granted to the Subcommittee on Military Construction Appropriations. So, we have had to make some difficult cuts and reductions in order to make room for projects Senators added to the authorization bill. It was our view on the subcommittee that we would make every effort to fund most of those projects authorized in order to get Senators projects to conference with the House.

To do that, we approved no unauthorized projects; we cut overseas expenditures by one-third; we continued to phase-fund large hospital projects; and we provided for general reductions.

So, Mr. President, we are taking to conference more than 150 projects which were not included in the President's budget request but were included in the Armed Services Committee's authorization bill which has passed the Senate.

Now, Mr. President, I do not want my colleagues to be under any illusion. We will not be able to secure approval of all 150 of the Senate's add-ons in conference. In prior years, we have been able to secure an additional allocation from the conferees on the Defense Appropriations bill. While we may be able to secure a modest increase in our allocation this year as we proceed to conference, we will not likely be able to secure enough additional allocation to provide for every project we take to the conference table.

I would add that there are more than $1,100 million in differences between the House and Senate. When you back out the bill the must-spend appropriations such as the minimum amount necessary for base closures and payments for the operations of family housing, the differences between the House and Senate are more than 20 percent of the entire bill. Those are significant differences, Mr. President. We will have to conference those differences with only a modest increase in our budget allocation.

I take the time of the Senate to explain this situation because I want my colleagues to be on notice that the conferees will not be able to approve everything in this bill. We are going to have to make some cuts. So, I take this opportunity to ask each Senator to provide the subcommittee with your priorities. The conference will need to know what Senators' priorities are because cuts are going to have to be made.

Mr. President, the committee report discusses several other issues of importance. However, in the interest of time, I will not discuss those issues today. The committee does expect, however, that the Department take seriously our recommendations and comments in the committee report. For the past several years, we have been working with the Department to reduce thresholds and reduce the amount of reports and notifications to the committee. However, we expect the Department to continue to provide the committee with the information it needs to provide oversight on behalf of the American people.

Mr. President, before I yield to the ranking minority member, I want to note that this is Senator GORTON's first year as the ranking minority member. It has been a pleasure to work with him this year as we developed our recommendations for the military construction bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, my sincere thanks go to my colleague from Tennessee. Senator SASSER has presented a precise outline of the provisions of this bill. I must say that I greatly appreciate his efforts and the assistance of his staff as we have worked together on the measure. But perhaps the greatest tribute to that work is the ease with which it apparently will be accepted by the Senate. It is a thoughtful and quality product.

There are a few elements that I would like to discuss and I believe deserve the attention of the Senate.

First, the committee has agreed with the President's effort to provide the necessary funding for the planning, design, and construction of military facilities worldwide. This includes generous funding for the National Guard. The bill also finances the construction and operation of an increased supply of high-quality military family housing.

Second, the administration budget included more than $450 million for projects outside the United States. A new account was set up placing all outside projects and NATO infrastructure into one account.

The committee does not agree with the administration's proposed funding for these programs. We propose $300 million. This reduction, however, is still a 276-percent increase over last years appropriation for similar projects.

Third, the administration's request asked for full funding of hospital construction projects. The funds could not be expended in fiscal year 1994 so the committee has continued to phase fund the hospitals.

We were obviously not able to meet all of the requests of our colleagues, but we made every effort to do so where those projects were of high military priority.

The bill will not be complete, of course, until we have conferenced it with the House. As the House had a considerably higher 601(b) budget allocation, there may be some real difference when it comes back.

Again, before I close, I want to say that the quality of work performed by the chairman, Senator SASSER, the other members of the subcommittee, the subcommittee staff, Mike Walker, Jim Morhard, and others, has been superb and deserves the gratitude of the Senate.

It is a good, fair bill, and I urge my colleagues to support it.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Washington for his very kind comments this evening.

AMENDMENT NO. 1003

Mr. SASSER. Mr. President, I send an amendment to the desk on behalf of Senator INOUYE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for Mr. INOUYE, proposes an amendment numbered 1003.

Mr. SASSER. 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:

The Secretary of the Navy may grant a perpetual easement for drainage and other public purposes to the City and County of Honolulu over approximately fifty to seventy (50–70) acres of land at West Loch Branch, Naval Magazine Lualualei, on condition that the consideration received shall be no less than fair market value as determined by the Secretary and that the Secretary shall receive such consideration in the form of either the actual design and construction of certain roadway, fencing, physical security, and other improvements at West Loch Branch, Naval Magazine Lualualei to the satisfaction of the Secretary, or the payment of funds for use by the Secretary for the design and construction of such improvements, or any combination thereof.

Mr. SASSER. Mr. President, this amendment is legislative in nature. However, the requirement for the amendment was not known when the armed services authorization bill was debated and passed by the Senate.

What this amendment does is provide for a land transfer in Hawaii. It has been discussed with the Armed Services Committee. It has been cleared by the Armed Services Committee with the understanding that this legislative language will be dropped from the Appropriations Committee if the conferees on the authorization bill are able to incorporate it into their conference.

The amendment does not increase budget authority or outlays.

Mr. President, I will say that this amendment has been cleared on both sides of the aisle.

Mr. GORTON. Mr. President, that is correct. The amendment has been cleared. We support it.

Mr. SASSER. I thank the Senator.

Mr. President, I yield back the time.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1003) was agreed to.

The SASSER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1004

Mr. SASSER. 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 Tennessee [Mr. SASSER] proposes an amendment numbered 1004.

Mr. SASSER. 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 6 line 10 strike "$245,723,000" and insert in lieu thereof "$254,923,000".

On page 4 line 6 strike "$969,926,000" and insert in lieu thereof "$963,726,000".

On page 11 line 23 strike "$1,200,000,000" and insert in lieu thereof "$1,197,000,000".

Mr. SASSER. Mr. President, this amendment provides $9.2 million to extend the runway at Maxwell Air Force Base, AL.

I am reluctantly offering this amendment. This project is, I might say, however, the No. 1 priority for the Air Force. My concern has been and continues to be that we are extending a runway at an active Air Force base that does not have a flying mission that requires a longer runway.

I tell my colleagues that the delegation from Alabama has unanimously asked that we take this issue to conference so that it can be decided there. The delegation from Alabama and the Air Force point out that the extension is primarily needed to provide an alternate airfield for the Alabama Air National Guard. There is some justification there.

With that understanding, I am willing to offer this amendment as an Air National Guard project. I will review this project again as we go to conference.

I might say, Mr. President, this project does not increase budget authority or outlays, as we make general reductions elsewhere in the bill to accommodate it.

Mr. President, I believe this amendment has also been cleared on both sides of the aisle.

Mr. SHELBY. Mr. President, I am pleased to join the subcommittee chairman and the senior Senator from Alabama in offering this amendment to H.R. 2446, the military construction appropriations bill for fiscal year 1994.

Last year, $10.7 million was added to the Air Force military construction account in the Department of Defense Authorization Act for fiscal year 1993 to extend the length of the runway at Maxwell Air Force Base in Montgomery, AL, from 7,000 to 8,000 feet. Regrettably, there was no appropriation for this project in fiscal year 1993.

However, when the fiscal year 1994 Defense budget was submitted to Congress by the Clinton administration it included $9.2 million for a 1,000 foot extension of the runway. Despite this request, the Senate Appropriations Committee, in the belief that no existing or future mission requirement has been validated in support of the project, denied the request for the runway extension.

Mr. President, there is a real requirement for this runway extension. This runway was built over 40 years ago for trainer and light transport aircraft of that era. Everytime the Air Force or other visitors travel to Maxwell Air Force Base they have to fly into Dannelly Field which serves both the Air National Guard and the Montgomery area. This adds to ground handling time; to tight schedules; makes security more difficult; and requires additional transportation and aircraft maintenance support requirements.

Moreover, the primary AETC T–38 Aircraft and high performance fighters that fly into Maxwell need waivers to land on the 7,000 foot runway. Safety considerations require runways with a minimum length of 8,000 feet. Finally, when Alabama National Guard and Reserve units deployed for the Persian Gulf during Desert Shield and Desert Storm they had to embark from bases hundreds of miles away. The length of the runway and the weight bearing capacity of the ramp not only prevented a direct overseas deployment, but also resulted in higher operations and maintenance costs.

Mr. President, I want to take this opportunity to thank the senior Senator from Tennessee, the chairman of the Military Construction Subcommittee for his support in this effort and I urge my colleagues to adopt the amendment.

Mr. GORTON. Mr. President, I suspect my chairman and colleague does not know that this Senator has both been stationed at Maxwell Air Force on active duty in the Air Force and on one occasion during the Reserves.

Of course, it is not an active flying Air Force base. It is the location of the Air University, and the justification to the extent that there is one, is for the Air National Guard.

I agree with the remarks of the distinguished chairman, and we have certainly cleared this amendment on our side.

Mr. SASSER. I thank the Senator and yield back all time on the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1004) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1005

(Purpose: To limit the availability of certain funds for overseas military basing activities)

Mr. SASSER. Mr. President, I send to the desk an amendment, which I offer on behalf of the distinguished Senator from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for Mr. LAUTENBERG, proposes an amendment numbered 1005.

Mr. SASSER. 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 8, beginning on line 2, strike out "*Provided*, That such amounts of this appropriation" and insert in lieu thereof "*Provided*, That $120,000,000 of such amount shall not be available unless the Secretary of Defense certifies to Congress that (1) the amount requested by the Department of Defense for overseas basing activities (as that term is defined in section 1301(b) of the Public Law 102-484 (106 Stat. 2544)) for each fiscal year after fiscal year 1994 is expected to be significantly less than the amount requested for such activities for the previous fiscal year; (2) negotiations for revised host-nation agreements as required under section 1301(e) of Public Law 102-484 (106 Stat. 2545) have commenced; (3) such negotiations will result in agreements that provide in fiscal years after fiscal year 1993 for an assumption by host-nations of greater costs of the United States military installations covered by the agreements; and (4) progress is being made in such negotiations to reduce the United States share of the costs of all overseas basing activities: *Provider further*, That such amounts of this appropriation as are available and".

Mr. LAUTENBERG. Mr. President, as my colleagues know, I have a particular interest in ensuring that our allies pay a greater share—a fairer share, a more proportional share—of the costs of collective security. Specifically, I believe the United States should be paying less of the overseas basing costs in Europe and Korea.

The amendment I am offering today would move us in that direction. It would fence $120 million of the $300 million this bill provides for overseas projects. The fenced money would be released only when the Secretary of Defense certifies that burdensharing negotiations are underway and that the United States is making progress in securing greater commitments from our allies.

Before the fenced money is released, the Secretary must certify that our budget request for overseas basing activities is expected to decline next year and beyond. He must also tell the Congress that progress is being made in negotiations to reduce the U.S. share of all overseas basing costs.

Mr. President, the bill before us includes a limited burdensharing initiative. It provides $300 million in a new account for NATO infrastructure and overseas military construction projects. The bill reduces the administration's budget in these areas by $150 million or 33 percent. I congratulate Senator SASSER for his leadership in this area.

Because a new account is created and less funds are provided for overseas projects, the bill forces the administration to set priorities. It puts pressure on the Department of Defense to determine exactly how much the United States can continue contributing to the NATO infrastructure account and how much we can continue spending on other overseas military construction projects. We can't afford to do it all.

The provision included in this bill moves our Nation forward one step. But it does not move us far enough. I believe we should do less to bankroll the collective security and that we can do more than reduce these budgets by $150 million. But I am told that many of the overseas military construction projects are at bases in the U.S. territories. I am told that some of the funds are for housing for our troops, child care facilities, and environmental restoration projects.

While I believe our allies should pay for a greater portion of these costs, I do not want to penalize U.S. troops and their families while our Government seeks increased contributions.

However, I do want to create a greater incentive for the administration to move forward aggressively. I want to provide a greater incentive for the administration to secure increased contributions from our allies sooner, rather than later. I want to provide a greater incentive for the administration to relieve the American taxpayer of the burden they have been carrying for far too long.

The amendment I am offering today would provide that incentive by fencing 40 percent of the funds provided in this bill—$120 million—pending a certification by the Secretary of Defense. It would immediately provide the remaining 60 percent—$180 million—for the most worthy NATO infrastructure fund and overseas military construction projects.

This amendment is entirely consistent with the burdensharing vote in the Senate on the fiscal year 1994 Department of Defense authorization bill. In that amendment, the Senate expressed its view that our overseas basing costs should decline significantly.

The Senate also called on the President to intensify his efforts to negotiate more favorable host-nation agreements. We explicitly called for agreements under which the allies assume an increased share of the labor, utilities, and service costs associated with U.S. military installations.

We called for the allies to pay more for military construction projects and real property maintenance as well as for leasing requirements associated with U.S. military bases. We called for greater contributions for actions necessary to meet local environmental standards and for efforts that would relieve the Armed Forces of relevant tax liabilities.

This amendment would move our Nation and our allies in the direction of meeting these goals. I urge my colleagues to support this amendment.

Mr. SASSER. Mr. President, I commend the Senator from New Jersey for offering this amendment.

Frankly, what this amendment does is call for more burden sharing on the part of our allies. I think we are getting the attention of our allies on this issue.

I know that the Clinton administration is committed to the proposition that our allies should pay their fair share. The leadership that Senator LAUTENBERG has exhibited on this issue I think is getting the attention of our allies, and our allies are responding.

So I comment Senator LAUTENBERG for his continued leadership on this issue and for his energy in continuing to press it.

I support the Lautenberg amendment and ask unanimous consent that I be made an original cosponsor.

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

Mr. SASSER. Mr. President, this amendment, which is legislative in nature, I might say has been cleared with the authorization committee, and the majority is willing to accept the amendment.

I inquire of my friend from Washington what his position is on it.

Mr. GORTON. Mr. President, this side will be pleased to accept the amendment.

This Senator would like to point out that the distinguished chairman has very definitely put his money where his mouth is.

The original request for this account in the President's budget was $450 million. The amount which is included in this appropriation is $300 million. That, I think, is an extremely eloquent message that the chairman has just stated.

Nevertheless, there is justification for this NATO infrastructure. The following is a statement on NATO infrastructure that I ask to be inserted in the RECORD.

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

THE NATO INFRASTRUCTURE PROGRAM

The NATO Infrastructure Program is the premier example of an effective burdensharing program, based on the notion of common funding through collective cost sharing. (The US national share is about 27%.) The program provides the facilities, installations and C3I capabilities the Alliance needs to conduct its ground, air and maritime collective security missions.

NATO has completely re-directed it away from its former Cold War orientation. Major categories of projects and systems no longer eligible for common funding include facilities and programs for forces stationed in their country of origin, like frontier fortifications, forward storage sites, national bases (e.g., German air bases); and facilities supporting de-mobilized land-based nuclear systems like Lance, GLCM and Pershing II.

The new program is directed toward reinforcement and mobility requirements; advanced C3 systems; advanced information support systems for enhanced political consultation and crisis management; surveillance, reconnaissance and intelligence gathering systems; logistics and resupply activities; training and exercise support systems, and continuing security of residual nuclear weapons.

Under the new program criteria, forces stationed outside of their national boundaries (75% US) and support for reinforcing forces (embarkation/debarkation ports, etc.) will receive program funding. Also included is O&M support for US storage facilities in Europe.

Historically, US forces have been direct beneficiaries of some 30–40% of the program. These percentages could be expected to increase under the new program. Additionally, US industry consistently wins about 50% of the high tech projects, and because of the often close interface between NATO and related projects in allied countries, US industry can successfully compete for these national projects.

Based on new criteria and force structures, a minimum of approximately $600M worth of multi-year Infrastructure projects in direct support of still evolving US requirements in Europe have been identified for common funding.

Significant mobilization and reinforcing requirements in support of the new NATO strategy and ongoing operational requirements currently generate some $320M worth of multi-year projects in the US eligible for NATO funding. As in Europe, requirements are still evolving. Examples include airfield and railroad improvement projects in Georgia, South Carolina, Texas and Kansas; and storage and loading projects in North Carolina, New York and New Jersey, among others.

We will not be able to realize any of these projects, however, unless the Program receives sufficient funding to allow it to implement the new reforms and procedures.

BASIC INFORMATION ON THE NATO INFRASTRUCTURE PROGRAM

Established in 1950, the NATO Infrastructure Program is designed to support the wartime requirements of NATO-assigned forces for permanent and mobile installations, facilities and capabilities.

It has a number of unique characteristics which have contributed to it durability, flexibility and success, including a common funding mechanism, theater-wide operational requirements set by the Major NATO Commanders, management by NATO committees and decentralized (host nation) project execution.

To date, the program has produced approximately $20 billion in operational inventory in 13 categories of approved works, including airfields, naval bases, POL facilities, communications and navigation aids, training, war headquarters, warning installations, surface-to-surface and surface-to-air missiles, ammunition and forward storage sites and reinforcement support.

Most recently, these facilities, installations and equipment played a key role in support for Operation Desert Shield/Desert Storm, Provide Hope and Provide Comfort. They are also playing an increasingly important role in regard to the crisis in former Yugoslavia.

The program and its collective expression of Alliance cooperation and funding has long been recognized by the US Congress and the Allies as the premier defense burdensharing program.

The majority of the program is financed by the 15 nations within the Integrated Command Structure, on a cost sharing basis—the US share is about 27%. France participates on a limited basis on some warning facility, communications and pipeline projects.

The total inventory of facilities, installations and equipment now exceeds $20 billion. Annual programs during the late 1980s averaged about $1.6 billion, with the US share averaging about $440 million. Return, in terms of projects supporting US forces, averaged about $600 million.

Historically, US forces have been the direct beneficiaries of some 30–40% of the program. US industry consistently wins about 50% of the contracts for high technology products and systems and, because of the often close interface between NATO and related projects in allied nations, the program offers a window through which US industry can successfully compete for allied national projects which might not otherwise be accessible.

For a variety of political, military and financial reasons, all associated directly with the significantly changed European regional security environment, both the scope and content of the Infrastructure Program have been re-assessed.

In future, the Alliance will place increased emphasis on new mission areas, such as peacekeeping and conflict prevention operation; communications and information processing in support of increased political consultation and crisis management; expanded logistics re-supply, reinforcement and throughput support; and enhanced environmental awareness programs, among others.

With that, we are happy to accept the amendment.

Mr. SASSER. I thank the Senator from Washington and yield back all time on the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1005) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MALMSTROM AIR FORCE BASE

Mr. BAUCUS. I would like to express my appreciation for this bill and commend the chairman on the hard work it represents. I would like to clarify the status of a proposed construction project at Malmstrom Air Force Base in Great Falls, MT.

It is my understanding that the Air Mobility Command is interested in constructing additional ramp space at Malmstrom for 10 additional KC–135 tankers. I believe that Malmstrom is the right base to expand parking space for the KC–135 tankers for a number of reasons: Encroachment is not an issue, nor are noise profiles a problem; and, significant area exists for expansion. Further, Malmstrom has a new, state-of-the-art wash-rack hangar; and the base has a newly installed upgraded fuel-pit system.

Mr. SASSER. That is my understanding as well.

Mr. BAUCUS. It is also my understanding that it would be premature to fund the construction of this ramp space prior to design work being initiated.

Mr. SASSER. The Senator from Montana is correct.

Mr. BAUCUS. Is it the chairman's understanding that there are sufficient funds in this bill to complete the design work for additional ramp space at Malmstrom Air Force Base?

Mr. SASSER. Yes, there is money in this bill to do just that.

Mr. BAUCUS. If enough design work is completed this year, does the chairman anticipate that the funding for construction would be readily available next year?

Mr. SASSER. Yes, I think that would be the case.

Mr. BAUCUS. I thank the chairman.

REGARDING THE IDAHO TRAINING RANGE

Mr. KEMPTHORNE. Mr. President, I seek recognition for the purpose of a colloquy with the ranking member of the Military Construction Appropriations Subcommittee, Senator GORTON. Has the senior Senator from Washington read the report language concerning the proposed Idaho Training Range?

Mr. GORTON. Yes, I have read the report language.

Mr. KEMPTHORNE. Does the Senator understand the report language to mean that, assuming the Secretary of Defense certifies that the Idaho Training Range is required for training and readiness, the range proposal should move forward?

Mr. GORTON. Yes, that is my understanding.

Mr. KEMPTHORNE. Has the Senator read the letter from Gen. John Conaway, chief of the National Guard Bureau, expressing the National Guard's strong support for the proposed training range?

Mr. GORTON. Yes, I have read General Conaway's letter.

Mr. KEMPTHORNE. Is the Senator from Washington aware of the fact that the Idaho Air National Guard and 366th Composite Wing based at Mountain Home Air Force Base will be able to greatly improve their training capability and readiness through the use of the proposed new range?

Mr. GORTON. Yes, I understand that these units would benefit from the increased training capability that the proposed Idaho Training Range would provide.

Mr. KEMPTHORNE. Does the Senator know that the Idaho Air National Guard will manage the proposed range? And, is the Senator aware of the Idaho National Guard's outstanding record of environmental protection?

Mr. GORTON. Yes, I know that the Idaho Air National Guard will manage the proposed range and I am familiar with the impressive record of environmental protection of the Idaho National Guard.

Mr. KEMPTHORNE. Does the distinguished senior Senator from Washington know that, as recently as last year, the Idaho National Guard has received awards for its stewardship of the land and its efforts to protect the Idaho environment?

Mr. GORTON. Yes, as I recall, in 1992 the Idaho National Guard received the Department of the Army's Natural Resources Conservation Award. I also recall that was the first time that a National Guard unit received such an

award and that is quite an accomplishment.

Mr. KEMPTHORNE. Does the ranking member of the subcommittee know that the Democratic Governor of Idaho, Cecil Andrus, Idaho's two Senators, and the Congressman from the affected district, Congressman CRAPO, strongly support the appropriation of funds to acquire land for the proposed training range? In addition, has the Senator seen Governor Andrus' letter in support of the range?

Mr. GORTON. Yes, I am aware of the bipartisan support for the proposed training range and I have read the Governor's letter.

Mr. KEMPTHORNE. Is the Senator aware of the fact that military aircraft from the other services, and from other States, including Nevada, will occasionally use the proposed range to increase their training and readiness?

Mr. GORTON. Yes, I understand that the proposed range will make a significant contribution to the overall readiness of our Armed Forces.

Mr. KEMPTHORNE. Is the distinguished ranking member of the subcommittee aware of the fact that the effort to build the Idaho Training Range will comply with every applicable law including the National Historic Preservation Act, the Native American Grave Protection and Repatriation Act, the State Historic Protection Act, the Federal Land Management and Policy Act, and the National Environmental Protection Act?

Mr. GORTON. Yes, I understand that the range proposal will comply with all applicable laws.

Mr. KEMPTHORNE. I ask unanimous consent that letters from Governor Andrus and General Conaway, as well as a press release describing one environmental award won by the Idaho National Guard, be printed in the RECORD.

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

DEPARTMENTS OF THE ARMY
AND THE AIR FORCE,
NATIONAL GUARD BUREAU,
Washington, DC.

Hon. JOHN MCCAIN,
Ranking Republican, Subcommittee on Military Readiness and Defense Infrastructure, Committee on Armed Services, U.S. Senate Washington, DC.

DEAR SENATOR MCCAIN: We have been requested by Senator Kempthorne's office to provide you with the Air National Guard's position on the Idaho Training Range Proposal. The Air National Guard fully supports the State of Idaho proposal to establish a new air-to-ground training range complex. The proposed Idaho Range will support the quality and completeness of current composite wing training at Mountain Home Air Force Base, Idaho and meet the training needs of the Idaho Air National Guard at Boise, ID. The range will enhance the flexibility for future force structure decisions affecting the total Air Force.

The existing Salyor Creek Range, located in Idaho, is capable of supporting much of the basic weapons delivery training needed by the composite wing's mission and the 124th Fighter Group at Boise, ID. However, Saylor Creek's size limits unilateral composite force training inherent in the wing's mission. The State of Idaho's proposal for the Idaho Training Range is an important step towards mitigating this limitation. The proposed Idaho Training Range will enhance operations benefits by accommodating the Idaho unit's ability of working, planning, and training together as a composite wing.

We strongly encourage your support for this Idaho initiative.

JOHN B. CONWAY,
Lieutenant General, USAF, Chief, National Guard Bureau.

OFFICE OF THE GOVERNOR, BOISE, ID,
September 14, 1993.

Hon. JIM SASSER, *Chairman, Subcommittee on Military Construction Senate Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR SENATOR SASSER: Over two years ago, acknowledging the Air Force's decision to station a composite wing of aircraft at Mountain Home Air Force Base, I proposed the state of Idaho develop a new tactical training range in southwestern Idaho. This range would include a variety of tactical targets and provide an expanded training capability for both the Composite Wing and the Idaho Air Guard with its F-4G Wild Weasel mission. These units currently use the Saylor Creek Range, which has some significant limitations.

General Merrill A. McPeak, Air Force Chief of Staff, commenting on the range issue, said "We need expanded range capability for the readiness of our forces stationed at Mountain Home Air Force Base. I have used the existing range and it does not meet our total training requirement."

To develop the new range target areas, the state of Idaho has offered state lands in exchange for lands owned by the Bureau of Land Management. This exchange is progressing in a timely manner.

The environmental examination of this proposal has had the continued involvement of many Idahoans, and the environmental impact statement should be completed this year. Under this plan, the Idaho Air Guard will both use and manage the range. Incidentally, the Idaho National Guard is recognized nationwide for its stewardship of our public lands. Our Army Guard was recently awarded the Department of the Army, Chief of Staff, Natural Resource Conservation Award and Department of Defense Citation of Meritorious Achievement for its management of the Orchard Training Area. As you know, the Snake River Birds of Prey Area also overlaps a large portion of our Orchard Range.

To have complete control over lands immediately adjacent to the target areas and to preclude uses that might adversely affect the future operations of the range, the state of Idaho needs to purchase approximately 7,000 acres of privately-owned land in Owyhee County, Idaho. Therefore, I hope you and your colleagues on the subcommittee can support the enclosed request for a $6.76 million military construction add-on for the Idaho Training Range.

I strongly endorse the development of this new range as a long-term military asset to the Air Force and the Idaho Air Guard. I would be glad to discuss this issue with you in more detail, at your convenience, if you desire.

With best regards,
Sincerely,

CECIL D. ANDRUS,
Governor.

[Joint Staff Public Affairs Office Press Release, July 6, 1992]

NATIONAL GUARD CLAIMS ENVIRONMENTAL AWARD

Years of observation, scientific research and exhaustive field work, as well as close to ties with environmental and conservation groups have culminated in winning the Department of the Army's Natural Resources Conservation Award for the Idaho Army National Guard. In the Army Chief of Staff's office at the Pentagon in Washington, D.C. on June 17, 1992, Maj. Gen Darrell Manning, Adjutant General, Idaho, accepted the award on behalf of the State. Manning credited Lt. Col. Richard Sheehan State Environmental Officer, and his team, Marjorie Blew, Training Site Environmentalist, and Dana Quinney, Land Condition, Tend Analysis Program Manager, for the success of the program.

The Natural Resources Award Program was initiated by the Secretary of Defense in 1962 to recognize military installations and Defense Department employees for outstanding accomplishments in the management of flora, fauna, soil, water, cultural resources and outdoor recreation.

The Idaho Army National Guard was recognized for its stewardship of the Orchard Training Area (OTA), a 138,000 acre training range in southwestern Idaho. The OTA is one of the largest heavy force (armor/mechanized) training areas for the Army National Guard in the United States. The Idaho Army Guard established an Environmental Management and Analysis Program (EMAP) in 1987, with a goal of analyzing existing and potential environmental impacts of ongoing training and operational activities on the OTA. In 1989, the EMAP implemented an Integrated Training Area Management Program to assess and monitor environmental resources.

The EMAP managers have since integrated their programs with the Bureau of Land Management's Snake River Birds of Prey Area Environmental management programs.

Important features of Idaho's program include instant reaction to extinguish fires on the training range which devastate native plant life and allow more flammable exotic area grasses to gain a foothold increasing the risk of more damaging fires in the future; replanting already damaged areas with native vegetation, and closely regulating access to more fragile areas of the range both to military and grazing uses. The guard environmentalists also work closely with environmental and conservation groups and institutes of higher learning and local school systems. Exhaustive scientific research projects are also underway studying the effects of military activity and grazing on the ecosystem.

REFORMING THE MILITARY CONSTRUCTION FUNDING PROCESS

Mr. MCCAIN. Mr. President, the military construction bill we are debating today is in many ways a system we can no longer afford. It calls for us to spend a total of $9.75 billion in new budget authority and appropriations on military construction for fiscal 1994 programs. This total is a 16-percent increase over the fiscal year 1993 military construction appropriation.

There is no doubt that we need military construction. In fact, we have underfunded the replacement and upgrading of many military facilities, including housing for our military personnel.

There is no doubt that much—even most—of the funds we are being asked to vote upon are needed and justified. In fact, even when items lack priority, they almost always have some short term value to our military forces.

I think, however, that it is time that we stood back and took a close look at what we are really voting on. We are not voting on a military construction plan that was carefully prepared by the Department of Defense. It is inherently out of balance with the cuts we are making in manpower and defense spending.

In fact, Secretary Aspin has made a point of stressing that we have only cut our expenditures on bases and infrastructure by 15 percent at a time when we are cutting forces by 30 percent and defense spending by 43 percent. In spite of the results of the Base Closure Commission, the Department of Defense is sending forward military construction plans that inevitably mean pouring hundreds of millions of dollars, if not billions, into facilities that ultimately will have to be closed to bring our defense spending back into balance.

There is, however, a more immediate issue at stake. The Department of Defense and the Congress are locked into a system where the Department of Defense knows that Members of the House and Senate rush each year to add military construction projects to the list it includes in its budget request. As a result, the Department deliberately underfunds its military construction request.

We in the Congress respond by forwarding new requests from our States and districts. These requests go to the authorizers and appropriators. They go to me as the ranking Republican on the Subcommittee on Military Readiness and Defense Infrastructure. They go to Senator GLENN as chairman of that subcommittee, to the chairman and ranking member of similar subcommittees in the House Armed Services Committee, and to our counterparts in the Senate and House Appropriations Committee.

Letter pour in from Members. We and our staffs are confronted by far more requests than we can possibly evaluate, and the review by the Department of Defense consists only of telling us whether they do or do not object to the request. Quite often, the Department simply accepts requests as free money—making no real effort to determine the priority for the request at issue.

There is no practical way to ensure that the taxpayers money is properly spent even if the request is received in time for review. In practice, however, many requests are deliberately sent forward at the last minute. The National Guard is particularly good at timing such requests to come in while we are in the process of markup, but every element of the military is guilty.

Much of this flood of requests never sees the light of day. Staff must sort out the resulting mess. There is no item by item review by Members. No overall analysis. No open review by the Department of Defense. Committee markup consists of approving long lists, listening to Member special requests, and rushing through a budget process that involves billions of dollars.

The problems that result are illustrated by a review the Congressional Research Service has completed for me of the add-ons we made last year to the military construction bill. The authorizing committees added $900 million in military construction projects and $743 million in family housing requests. The appropriators added $788 million in military construction and $212 million in family housing.

Even by our standards, this was real money. It was a critical part of the $10.5 billion in unrequested projects and defense activities that the authorizers added to the fiscal year 1993 defense budget, and the $12.6 billion added by the appropriators.

This year, an analysis by the U.S. Senate Republican Policy Committee notes that the Senate Armed Services Committee added more than $1 billion to this bill that was not included in the President's request. The appropriators funded most of this request, although we appropriators came in with a budget $1.6 billion higher than the one approved by the authorizers and they cut military construction across the board by 4 percent to stay within their fiscal targets.

Let's look at the total numbers for a moment. Even if we ignore the fact that we have reprogrammed many of the funds the administration requested to meet member requests, we are still far above the administration's total request. The administration asked for $8.4 billion in the adjusted 1993 request. We propose to spend $9.8 billion.

Mr. President, the time has come for this process to stop. The time has come for open and proper review of all military construction requests. The time has come to halt last minute add-ons in markup and on the floor. There is no conceivable reason to classify any aspect of the military construction authorization and appropriation process. There is no reason not to insist on full review of each request by the Department of Defense. There is no reason that markup of these requests should not be fully open to the public.

I have already talked to Senator GLENN about this process, and said that this mix of waste and need must not occur again. I wish to make it clear to all my colleagues that I will insist next year on open and systematic hearings on all such military construction requests. The time has come to shed the full light of public review on this military construction process, and to put an end to waste and pork.

EXCESS FEES FROM CONTRACT OFF-LOADING AT TVA

Mr. LEVIN. Mr. President, I had intended to send to the desk an amendment to require the Tennessee Valley Authority to return $8.3 million to the taxpayers. The reason for this amendment was that the TVA currently has in its accounts $8.3 million of taxpayer money which was not appropriated to it, and TVA has refused to return this money to the Treasury or to the agencies to which it was appropriated.

TVA accumulated this surplus through its Technology Brokering Program, by charging officials in other agencies a premium to help them circumvent their own procurement laws. This program was established, in theory, to promote the economic development of the Tennessee Valley region through interagency agreements with other Federal agencies.

In practice, however, the program was abused by sending most of the money to companies with no connection to the Tennessee Valley at all, for purposes unrelated to the development of the valley. Even today, more than 2 years after the DOD inspector general and the TVA inspector general first identified the abuses in the Technology Brokering Program, TVA has acknowledged that 87 percent of the money going to new projects under the program today is being spent on projects outside the Tennessee Valley.

Under the Technology Brokering Program, TVA charged other agencies fees in excess of the cost of the services it provided. As of July 1993, the total fees collected from other agencies under the Technology Brokering Program were $12.9 million, but the program's operating costs were only $4.6 million. The $8.3 million surplus is available to TVA for other purposes.

The $8.3 million of excess fees now in TVA's accounts were never authorized by Congress for TVA, never appropriated to TVA, and do not belong to TVA. This money should be returned to the taxpayers, and my amendment would have required TVA to take this step by conditioning TVA's appropriation in this bill on the return of this money to the Treasury.

My colleague from Tennessee has suggested that we give the TVA an opportunity to address this issue on its own before we consider reducing the availability of appropriations. And he has agreed to work with me to get TVA to reconsider its decision on this matter. I welcome his interest and support and for this reason I will not offer my amendment at this time.

Mr. SASSER. Mr. President, I thank the Senator from Michigan for withholding his amendment. I believe that we need to address the problem of the inappropriate use of interagency purchasing procedures on a comprehensive basis. The actions of a number of agencies involved in contract offloading, including but not limited to TVA, should

be carefully scrutinized. For this reason, I am pleased to work with my colleague from Michigan and urge the TVA to reconsider its decision relative to the return of the $8.3 million in question to the Treasury.

At the same time, however, I do not believe that it is fair to single out the TVA for special legislative treatment. While my colleague from Michigan has harshly criticized TVA for its actions in brokering contracts from other agencies, TVA argues with some persuasion that it was merely using legal interagency contract procurement practices to its advantage. The bottom line is that all agencies that have collected excessive fees should be subject to the same rules. I look forward to continuing to work with Senator LEVIN to achieve that result.

Mr. LEVIN. I agree with the Senator from Tennessee that no Federal agency should be charging excessive fees to other agencies. The procurement laws and regulations that TVA helped other agencies to circumvent were written to protect the taxpayer; the circumvention of the purposes of these laws and regulations has led to numerous cases of wasteful spending.

I thank the Senator again for his willingness to work with me and urge the TVA to reconsider its decision relative to the return of these funds to the Treasury. I must say, however, that if, upon reconsideration, the TVA still does not agree to return these funds to the Treasury, I will pursue legislative and other courses of action. This case is too well documented, and the issues too important, to ignore.

Mr. COHEN. I agree with my colleague from Michigan that agencies must not be allowed to profit from overcharges associated with contract offloading. For that reason, I was prepared to cosponsor the amendment to require the return of the amount TVA had overcharged other Federal agencies, plus interest, to the Treasury before it could receive full funding in fiscal year 1994 appropriations. While I am willing to withhold legislative action at this time, I also intend to pursue legislative and other courses of action if this money is not returned.

Mr. GORTON. Mr. President, I should like to discuss one issue that relates to the home port at Everett, WA, with the distinguished chairman of the committee. Just this week the Navy has informed me of the urgent need during the course of the completion of that Naval station for bachelor enlisted quarters on the Naval station itself.

The design for that project is 35 percent complete. The Navy states to us that it needs these quarters before the facilities at Sand Point in Seattle, WA, close at the end of fiscal year 1995, which they will do as a part of the first base closure round.

This project, however, has not been authorized at this point. I am informed that this comes close to being the first military construction bill in history that includes not a single unauthorized project, which is a tremendously important mark. For that reason, I have not asked for an amendment on the subject.

I am seeking authorization for the project by the conference committee on the armed services authorization bill. If that authorization is included, I simply ask my friend and colleague from Tennessee for his help, if we can work out an appropriation during the conference on the appropriation bill.

Mr. SASSER. I will assure the Senator that the conferees will fully consider his project during the course of the conference.

Mr. GORTON. That is entirely satisfactory.

I thank the chairman.

Mr. BYRD. Mr. President, I commend Senator SASSER, chairman of the Military Construction Subcommittee, and Senator GORTON, the ranking member of the subcommittee, for their diligent efforts in managing this bill through committee and on the floor in such an expeditious manner.

Year after year, the Senator from Tennessee has shown his keen understanding of the matters contained in this legislation and has shown real leadership as our Nation faces the ongoing drawdown of our military establishments. His expertise is appreciated and valued by this Senator.

Mr. SASSER. Mr. President, I know of no further business to come before the Senate relative to this military construction bill. I am prepared to yield back all time.

Mr. GORTON. This side has nothing further to offer. I yield back the remainder of our time.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on the engrossment of the amendments and the 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.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2446), as amended, was passed.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GORTON. 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 Chair appoints the following conferees.

The Presiding Officer appointed Mr. SASSER, Mr. INOUYE, Mr. REID, Mr. KOHL, Mr. BYRD, Mr. GORTON, Mr. STEVENS, Mr. MCCONNELL, and Mr. HATFIELD conferees on the part of the Senate.

Mr. GORTON. Will the Senator yield?

Mr. SASSER. Yes.

Mr. GORTON. Mr. President, I simply would like once again to offer my congratulations to the distinguished chairman. This may not be a world's record for the ease with which this bill was passed, but I am sure it is a personal record for the distinguished chairman. It reflects the quality of the work which he has done in preparing the bill.

Mr. SASSER. I thank the distinguished ranking member for his comments. Let me say that we could not have done this as expeditiously and as smoothly without the counsel and cooperation of our friend from Washington.

Mr. FORD. Mr. President, let me, too, compliment the Senator from Tennessee [Mr. SASSER] and the Senator from Washington [Mr. GORTON] for the fine and expeditious job they have done on the military construction legislation tonight. It indicates that when good work is done, the Senate can meet its obligations.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that we now have a period for morning business, with Senators permitted to speak therein.

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

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

LACK OF FISCAL DISCIPLINE TO REDUCE FEDERAL SPENDING

Mr. FEINGOLD. Mr. President, I rise to express my growing amazement at lack of fiscal discipline that this body has exhibited over the past several weeks as we have debated and defeated opportunity after opportunity to reduce Federal spending.

Just today, the U.S. Senate voted to continue funding for two enormous deficit-producing projects, the superconducting superconductor and the advanced liquid metal reactor.

Both of these projects were terminated in the House-passed appropriations bill, but resuscitated right here in the Senate.

In just one afternoon—this afternoon, today—we have voted to spend an additional $11 to $13 billion on two projects that we do not need.

Like the billions of dollars we voted last week to continue spending on the space station, these projects were fiercely defended by Senators from the States where the funds were targeted for expenditure.

Mr. President, over three decades ago, President Eisenhower spoke with great foresight about the dangers posed by the military-industrial complex.

Today, on the floor of this Senate, we saw an evolution of that concept into a

military/industrial/scientific complex that is locked into draining the Federal Treasury of billions and billions of dollars for enormous projects of questionable value.

When we voted to continue the space station last week, I was very concerned and disappointed that it was a sign that we were unable to restrain Federal spending. Mr. President, after today's votes, I am outraged at the message that is being sent to the American people by the U.S. Senate.

Earlier this year, when the President's budget package was being considered, I heard colleague after colleague, on both sides of the aisle, call for more cuts in Federal spending.

Time and time again, we heard Members of Congress say, "The President's package doesn't have enough spending cuts. We should cut spending, not raise taxes. We need more spending cuts. Cut spending first."

Many Senators said that.

But these statements stand in stark contrast to what has recently happened over and over and over again on the floor of the U.S. Senate when we have been presented with specific opportunities to cut Federal spending.

Amendment after amendment to cut Federal spending—amendments which have come from both sides of the aisle, from all political perspectives, have been defeated one after another.

Even when the Senate has decisively voted to cut a program, like the wool and mohair program, we have watched the spending cut shrivel and wither away in some other part of the congressional process, be it in the conference committees or in the back Halls of Congress where the lobbyists and the special interests have their hands buried deeply in the pockets of America's taxpayers.

I have tried to identify votes in the Senate since the deficit reduction bill was enacted where the spending cut side prevailed.

I am sorry to say, Mr. President, the list is very short.

There have only been four or five instances since the budget reconciliation bill passed where the Senate has adopted an amendment to cut Federal spending.

In contrast, the list of expensive, deficit-busting projects that have been continued at a time when our annual deficit and national debt have reached staggering levels is simply unbelievable.

Amendments to cut spending for next year for four costly projects whose merits are subject to serious debate—the space station, the superconducting super collider, the advanced liquid metal reactor, the advanced solid rocket motor—have been defeated along with similar amendments to cut spending on a number of other programs.

Last night, the Senator from Arkansas, Senator BUMPERS, who has been one of the foremost leaders in the fight to achieve deficit reduction, listed the cumulative cost of the programs and projects that the Senate has refused to cut in just the last 2 weeks.

Senator BUMPERS made the very appropriate point that when the Federal Government has to go out and borrow the money to fund these deficit-creating programs, we incur not only the actual cost of the program, but the additional interest that the Treasury must pay for the borrowed money.

The vote to retain the space station program will cost the Federal taxpayers far more than just the $2.1 billion in fiscal year 1994. The Senator from Arkansas calculated the cumulative savings that the Senate has rejected in the past 2 weeks is really closer to $260 billion when interest payments are included in the totals.

I recognize that taken one by one, there may be valid arguments that compel individual Members to vote to continue a program.

I have faced those questions myself on this floor.

Two nights ago, I agonized over voting for the amendment to eliminate the $30 million increase that the Appropriations Committee had approved for the Corporation for Public Broadcasting.

I strongly agree that we should support CPB and that the funding for this program has fallen in past years below the clear need.

I know many of the people who work for Wisconsin Public Broadcasting and I know what difficult financial constraints they face.

But I found that I would not justify a $30 million increase for public broadcasting in a year when we are asking Americans across all walks of life to make sacrifices so that we can restore fiscal sanity to our Federal budget.

I voted last week for an amendment to freeze certain new construction for VA hospitals while important decisions are made about health care reform and utilization of available resources although I am strongly committed to maintaining the VA health care system and meeting our moral obligations to those who have served in our Nation's armed services.

On the other hand, I did not support amendments to terminate funding for NEA or for the World Bank. In the latter case, I told the sponsor of the amendment that although I could not justify voting to terminate funding entirely, I wanted to work closely with him in curbing the Government waste and lavish spending that he had identified. I intend to work on an amendment to do that.

I understand that each Member of the Senate must read an individual judgment as to what programs he or she consider vital and which programs have a lower priority.

And I don't think it is necessary to vote for every spending reduction amendment put before the Senate to show that you are committed to reducing Federal spending.

But collectively, as a body, we have shown over and over why the Federal deficit is out of control.

We apparently lack the will to make virtually any hard decisions, cut any Federal spending programs that might benefit some constituency.

We have over 3,000 farmers in Wisconsin who collect wool subsidy payments from the Federal Government.

I told them when I ran for the U.S. Senate that they might have to give up those kinds of payments if we were ever going to balance the Federal budget.

Two nights ago, even before I had heard about the CPB amendment, my office started receiving phone calls from public television stations in Wisconsin, urging me to oppose any amendment that would freeze their funding at last year's level.

I have heard from timber communities, urban constituencies, rural voters, school districts, highway and transportation interests, environmentalists, universities—everyone asking for more Federal spending for their programs.

I have tried to be consistent and give the same message. It is a simple message. We have to cut Federal spending.

I do not enjoy telling my constituents that a program they benefit from is going to be terminated or have its funding reduced. That is no fun.

But that is the kind of tough medicine that all Americans are going to have to take if we are going to get the Federal deficit under control.

But I did not think it would be so difficult to achieve a consensus in the U.S. Senate to enact any meaningful spending reductions beyond what was contained in the budget reconciliation bill.

I have heard on the floor of this Senate and in the hallways some of the most amazing arguments in support of continuing the most marginal spending programs.

It is said we need the superconducting super collider because some 2,000 scientists have moved their families to Texas and we should not let them down.

It is said we should continue to spend $21 million a year operating the Selective Service System, although no one realistically expects to see the kind of large scale draft that would justify that system, because it does not really cost very much. That is what is said.

That is one of my favorite arguments: "this or that program is too small to bother with; it won't save that much if we kill it, so let's just keep the program going." I have heard that argument a lot in the last couple of weeks.

Somehow, that argument does not fly back home in Wisconsin.

The voters in my State actually believe that a million or two million dollars is a lot of money.

And when you start talking about a $10 or $20 million program, they actually think we are talking about big money.

Maybe they feel that way because it is their money.

Maybe they do not like sending their hard earned money back to Washington so that we can spend it on programs that no longer make sense.

One of the most frustrating lessons I have learned in the past 8 months is how hard it is to stop funding a program once it has started.

No matter how much the world or the conditions that led to creation of a program have changed, no one wants to end a program.

If the original need is no longer valid or politically popular, we, or somebody, create a new reason.

Let me give you a few examples.

Breeder reactors have become undesirable because of their costs, so a new rationale is being advanced that they are needed for disposal of nuclear waste, rather than energy production.

The end of the cold war makes it hard to argue that we still need to spend more than $200 million a year on Radio Free Europe to undermine Communist governments, so the new rationale for supporting 1,600 employees in Munich, Germany is called alternative radio—so that people in Poland and Hungary can hear a United States-taxpayer funded broadcast, in addition to the CNN, BBC, ABC, CBS, and NBC broadcasts that can now be freely received throughout much of Eastern Europe.

If we no longer need the mohair support program for military uniforms, it supposedly has become a rural development program.

I heard an argument made that we must continue the superconducting super collider because it is needed to support the next generation of physicists.

I cannot help but ask myself is there not a more productive way to support science than pouring billions and billions of dollars into a research activity which is probably already obsolete?

Although the cold war has vastly changed our defense and national security needs, I keep hearing that advanced weapons systems and military bases are needed to provide work for defense contractors and military personnel.

Can we not find a less costly and more productive employment program for displaced workers?

Now I understand why many Members are giving serious consideration to changing their positions regarding process-oriented budget proposals, such as the balanced budget or line-item vetos.

I think it is because we just seem incapable of imposing any serious discipline on ourselves.

Yet, I recognize that the lesson of the past few weeks is that special interests have a powerful ability to defend Federal spending that is of far lower priority than programs that provide services to the average American.

I fear that with a balanced budget amendment, the situation could grow worse, not better.

Programs that are protected today would remain insulated from real deficit reduction and the burden would fall upon more worthy programs that simply do not have the same political clout that has been demonstrated under current law.

Would we vote to terminate the space station or superconducting super collider if the balanced budget amendment were enacted?

I do not know the answer but I fear the answer is probably no. We would still find a way to fund these projects that cannot be justified anymore.

I am also fascinated by the fact that many of the Members who call for across-the-board spending cuts or caps on entitlement programs have voted over and over for the big ticket Federal deficit producing projects that are very difficult to justify during the current fiscal crisis.

Too many Members seem to have adopted the view that spending reductions are OK anywhere but my State.

If that is true, it is very hard to see how we are ever going to cut Federal spending.

I also want to respond to the remarks made last night by the Senator from Nebraska [Mr. KERREY], when he asked that Members of the Senate not stand "on this floor and say that those who vote against the superconducting super collider are demonstrating that this Senate cannot exert its will when it comes to spending cuts."

With all due respect to the Senator from Nebraska, I am going to stand here on the Senate floor and say that those same who vote against these amendments, time after time, are demonstrating that the Senate is not committed to spending cuts.

I recognize that on individual votes, there may be differences of opinion and I agree that it is not fair to take any single vote, and use it as the benchmark of whether a Member is for or against deficit reduction.

But taken together, the Senate has sent a deafening message to the American people in this series of votes that we are not at all serious about changing the direction of the Federal Government on Federal spending.

And I disagree strongly with the argument made last night that the problem with the deficit lies in mandatory spending programs, not discretionary programs.

The problem lies everywhere.

It is in every dollar, every line item in the Federal budget that we are not willing to scrutinize and trim.

I do not agree that the only way we can produce meaningful deficit reduction is to cut entitlement programs like Medicare or Social Security.

I just do not buy the argument that it is OK to vote for billions of dollars in unnecessary spending for things like the space station or the superconducting super collider on the Advanced Solid Rocket Program or the advanced liquid metal reactor because the real money is in mandatory spending programs.

I do not think my constituents in Wisconsin care whether a program is an entitlement program or a discretionary program—they care about whether we are spending more money than we have.

I think a wasted Federal dollar is a wasted Federal dollar whatever account it comes out of, and until we stop playing games and start cutting the fat out of the Federal budget, we are not going to reduce the Federal deficit.

Mr. President, in conclusion, I want to make two observations.

First, a lot of people like to say that the problem in Congress is the process, the procedure; that we are caught up in gridlock and cannot get anything done.

That is not what has happened in the Senate in the past several weeks.

We have had plenty of opportunities to vote for amendments to cut unnecessary spending. Any one of us could bring up an amendment. There was no rule stopping us. We had a chance to vote. It was not a procedural problem. The problem is we voted down those amendments.

The problem is not the process; it is our lack of commitment to the principle.

We want to cut Federal spending; we say we want to reduce the Federal deficit and retire the national debt.

We just do not want to make the hard choices that are necessary to achieve those goals.

Second, a lot of people say the problem with you folks out there in Washington is there it is too much Republican and Democrat, it is too much partisan talk; "why can't the two parties get together and work together?"

That is not the problem. This Federal deficit is not a partisan issue.

Amendments to cut Federal spending on all of the issues I mentioned tonight have been offered by Democrats and Republicans alike. And those efforts have been rejected by a bipartisan majority. This is a bipartisan problem. It is not going to be solved by procedural of partisan gimmicks.

Mr. President, to conclude, this problem with the Federal deficit will only be resolved when there is a real commitment in this town, in Washington, DC, to cut Federal spending. That is the message that the American people have been sending us, and I am afraid we better start listening soon.

Thank you, and I yield the floor.

Mr. FORD. Mr. President, I enjoy my new friend from Wisconsin. He is a gentleman. He is very articulate. He is very thorough, and I enjoy him very much. He has been an addition to the Senate in the best possible light since he has arrived here. I enjoy him very much.

But let me just make a point or two here with the Senator, if I may, in the best of contingents.

The Senator said that each Senator will have to make up his or her mind. That is what this Chamber is all about: We have the debate, we have the vote, and the Senators make up their minds.

The Senator said, and I did not get all of it, but I believe the Senator said some cuts should not be made. That is another decision: What do you cut or what do you not cut?

So the Senator is giving his position as he believes it. I voted with him to cut the space station. I thought we were going too far and spending too much money. But on some of the other things, I did not vote with him. And so this Senator made up his mind on what he thought was best.

He said Members vote to save jobs in their States. Let us just look at how it arrived in that State. This legislative body, House and Senate, debated for years scientific efforts for this country, and once the decision was made, then a location for that scientific endeavor was made and States had the opportunity to put forth an effort to secure that scientific effort. A lot of people believed in it.

So States who believed in it, wanted to go out and say, "Come to our State, we will even help financially." And on the superconducting super collider, Texas was chosen, for instance. They put up a billion dollars to support that effort, a scientific effort, by the way.

A decision was made to go to advanced science because the world is changing and we want to be on the edge. I want to give my children and my grandchildren and their children every opportunity. So I have to pick and choose.

I am a little bit older than the distinguished Senator from Wisconsin and probably have had a few more lashes across my back politically than the Senator from Wisconsin. But the decision was made to go to advanced science to be sure that we were there and we offered them what we considered to be the best.

A lot of us believe that the world is changing and science is a part of that future. And so we have made some decisions. We can always find something wrong with every big project. I can go to any big company and spend a couple of days and come out with horror stories. But, nevertheless, when you look at the total, the horror stories are not very much.

He says we have missed opportunities to cut. That was the Senator's decision on what he thought we ought to cut, and the Senate did not agree with him.

I know it is frustrating. I came here 19 years ago. It was so frustrating. I had a hard time because I came to this body with a file of projects for my State: Sewer, water, roads, all those things. I thought that the Federal Government gave help to the States, and as Governor I understood the need of my State, one of the poorer States. So I came here to try to get those projects.

Those who had been around here a long time said to me, and I could quote what the Senator said,

> Son, just relax, just relax. If we don't get to it this week, we'll get to it next week and maybe the week after that, but just relax and we'll get to it.

This is a Chamber of debate. The distinguished Senator has put forth his position, and I respect him for that. Some of us felt the other way. We were together on some and opposed on others.

So I hope we will not give up his tenacity, or whatever good word I might use for his effort, his strong effort, and that he continues to let us have the benefit of his thoughts, the benefit of his effort. I believe he is going to make a contribution to this Senate, and I hope not getting his way in the last couple of days, or last couple of weeks, would indicate that he is not gaining, so we will pick and choose on projects in the future. We will have good debate. We will have long debate.

There will be some issues here you wish would go away, you have heard enough of it. It does not apply to your State hardly at all, but it is part of the country and you will have to help us make a decision on what is right to make it for our State. We are going to help you make a decision on basically what is right for Wisconsin.

Again, I compliment the Senator on his effort and look forward to it. I just wanted to make these points to him tonight. I did not want him to get down on his ability to win on every one. It was hard not to win. I am a poor loser, very poor loser, and I am sure he is, too. Every once in a while, as my daddy told me, and I have a lot of daddy stories, he said: "In politics, when they tear the hide off politically, when it grows back, you're tougher."

So after a while, in politics, they tear the hide off you, you become tougher and you become patient, and patience in this body is sometime a great asset.

Mr. FEINGOLD. If I may briefly respond.

Mr. FORD. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I want to thank the Senator from Kentucky for not only his kind words, but also for the guidance and help he has given me as I enjoyed the experience of getting used to being a Member of this body in the last 9 months.

He has been enormously considerate and helpful. I appreciate his words. This is not the first legislative body I have had the pleasure of serving. I spent 10 years in the Wisconsin State Senate and had some members there who had been there a while who were among the best friends I had, and ones who helped me do more to learn how to get things done in the body than anybody else.

All I want to say, Mr. President, is on this issue, the problem is that I sincerely believe when we passed that deficit reduction bill that it was only going to be the first step. In Wisconsin, we have a term for when you want to get things passed later on but not in this bill, when you get reassured that it will actually be taken later. It is called a trailer bill in Wisconsin.

Yes, I knew deep down that the later spending cuts were probably just trailer bills, and these trailer bills never get passed. It is a standing joke in the State legislature. I hope that is not the case here.

I assure the Senator I have only begun to fight on this issue. Frankly, I see people like the senior Senator from Arkansas, who has been here 18, 19 years, he is still out here fighting every day on those deficit reduction issues, as are many other Members. And I hope, for however long I am here, I will continue to fight them. I enjoy the battle. I find that in legislative bodies you loose more often than you win.

I am not saying this tonight out of discouragement at all. I am trying to point out that the people in my State and throughout this country really do feel differently about Federal spending than they did a couple of years ago. I think we are going to realize that either sooner or late. I think it is better we realize it sooner.

I thank the Senator. I look forward to working with the Senator on each of these items later.

I yield the floor.

TRIBUTE TO GEN. COLIN POWELL

Mr. DOLE. Mr. President, today is Colin Powell's last day as Chairman of the Joint Chiefs of Staff, and his last day in the armed services.

As General Powell returns to civilian life, I want to join with those around the world who are saluting the remarkable career of this outstanding soldier—a soldier who was devoted to the cause of freedom and the cause of peace.

When Colin Powell entered the armed services in 1958, his fellow cadets said that he displayed rare leadership abilities and that he motivated many others to succeed. The skills those cadets identified were the same skills that have been the hallmark of Colin Powell's life and career.

For the past three and a half decades—from the swamps of Vietnam to

the Oval Office of the White House—Colin Powell has earned the total respect and admiration of everyone he served and everyone he led.

As he rose to the highest military position in this country, Colin Powell never forgot the needs of the most junior soldier, sailor, airman, or marine.

General Powell knew from personal experience that wars and battles are not won in offices. As the recipient of 11 medals for courage in battle, General Powell knew that victories are won in the field.

And for Colin Powell the readiness and the morale of the soldier in the field was always the top priority.

Mr. President, if there is one word that describes Colin Powell, it is the word "integrity." He has survived the battles of Washington, DC, with his moral character intact and his honesty unquestioned.

General Powell will tell you the values he lives are the values he learned from his Jamaican immigrant parents, who told their children that they fully expected them to "do something with their lives."

In speeches and articles, General Powell has told America's youths that he expects the same thing out of them. He has been and will continue to be a shining example to our youth of what can be accomplished through hard work and personal resolve.

Mr. President, General Powell and I have often talked of the years he spent at the base in Fort Leavenworth, KS. And, on behalf of all Kansans, I want to extend an invitation to General Powell and his wife, Alma, to become permanent residents.

I don't know what the general has planned for the future, but I would remind him that a Kansas connection seemed to do wonders for a soldier named Dwight Eisenhower.

Mr. President, I believe that history will reflect the fact that the restoration of the American military and the commitment to freedom that were part and parcel of the Reagan and Bush administrations were some of the most important actions of this century.

And history will also reflect that when the decisions were made—decisions that would mean more freedom around the world—Colin Powell was either influencing, implementing, or making those decisions.

I wish General Powell and his family nothing but the best in the years ahead, and I look forward to the contributions I am confident he will continue to make to his county and his fellow citizens.

QUESTIONS ABOUT THE CLINTON HEALTH CARE PLAN

Mr. DOLE. Mr. President, this morning I had the privilege of listening to Hillary Clinton talk about the President's health care plan. She and the President deserve a lot of credit for taking on a very complicated issue and moving the entire health care debate forward.

It is important to keep in mind that we are talking about reforming a system that comprises one-seventh of America's economy—an estimated $900 billion a year. America has the highest quality health care delivery system in the world, and I can't think of anyone who wants that to change.

But, that does not mean we should embrace anything that is called reform. We need to proceed carefully. We have heard good speeches and excellent testimony, but the details are what will determine the success or failure of health care reform. Before we act, the American people need to understand how this plan will affect their jobs and their lives.

We need to start asking questions now.

President Clinton is essentially promising middle-class Americans that his health care plan can reduce the deficit and provide working people with a host of new benefits that they will not have to pay for. These promises all sound good, but we need to see if the Clinton health plan can actually deliver. We need to understand the real costs of this plan in terms of jobs, dollars, choices, and quality of care.

The morning I read an editorial in the Wall Street Journal entitled, "Health Plan's Devilish Details." Dr. Elizabeth McCaughey, the author of the article, suggests that the actual Clinton plan may be far different from what we have heard for the past week from the administration.

Essentially, this article makes three points.

The first is that under the Clinton plan most people will not be able to buy the kind of insurance they have now, which lets them choose their own doctor, go to a specialist when they think they need to, and get a second opinion if they have doubts.

Second, there will be price controls on doctors.

And third, Americans have been told that the quality of care will not decline, but many experts believe that it will.

These are important issues.

I ask unanimous consent that this article be printed in the RECORD immediately following my remarks.

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

[From the Wall Street Journal, Sept. 30, 1993]

HEALTH PLAN'S DEVILISH DETAILS

(By Elizabeth McCaughey)

The news from the White House wasn't adding up. An estimated 38 million uninsured Americans would be given health coverage, yet the only new tax would be on cigarettes. The nation would limit health care spending, but no one would sacrifice choice or quality. I felt uneasy about the missing pieces.

So I called the office of Sen. Harris Wofford (D., Pa.) and asked for a copy of the Clinton health plan. I read it and reread it—all 239 pages plus charts—poring over the details, consulting doctors and health care experts, and shaking my head at how different the plan is from what we are hearing.

Here are the facts that surprised me, and that will probably trouble most people. Page numbers refer to the latest draft of the plan—the blueprint made available to Congress two weeks ago.

Under the Clinton plan, most Americans will not be able to hold onto their personal physician or buy the kind of insurance that 77 percent of Americans now choose. Such fee-for-service insurance allows them to pick a doctor, go to a specialist when they feel they need one, get a second opinion if they have doubts, and select the hospital they think is best.

The Clinton plan will make almost all Americans buy basic health coverage through the "regional alliance" where they live. Regional alliances are huge, government monopolies that will purchase basic health care for everyone in the area.

Alliance officials will negotiate benefit packages and prices with insurers and health maintenance organizations (HMOs)—groups of physicians and hospitals that provide total health care through cost-conscious methods to each consumer for a prepaid premium. Unless you now receive health care through Medicare, military or veterans benefits, or unless you or your spouse works for a large company, the law will require you to buy basic health coverage from the limited choices offered by your alliance. It will be illegal to buy it elsewhere. (Pages 13, 15, 81.)

Under the plan, the federal government will set ceilings on how much each regional alliance can spend on payments to insurers and HMOs annually. The goal is to limit private health care spending. Alliances can reject any health insurance option that would push spending through the ceiling. Fee-for-service insurance, which tends to be more costly than HMO coverage, will be the first to go. (Pages 42, 61.)

In addition, an alliance cannot offer any plan that costs 20 percent more than the average price of all plans it offers. (Page 60.) Plans with added benefits (such as Pap smears every year instead of every third year) and many fee-for-service plans will be excluded by the 20 percent rule. A primary goal of the Clinton plan is to eliminate a two-tier health care system, where people who can pay more for medical care will receive more. The plan mandates "care based only on differences of need." (Page 11.)

Annual ceilings and the 20 percent rule will make it virtually impossible for some alliances to offer choose-your-own-doctor health insurance. Americans have been told that they will always have the option to buy fee-for-service insurance. But the plan says that, with a waiver from the National Health Board, alliances can exclude all fee-for-service plans, effectively forcing millions of citizens to join an HMO. (Page 62.)

Where a fee-for-service plan is offered, an alliance can impose a costly surcharge that will discourage consumers from choosing it. (Page 98.) Another rule, "community rating," requires insurers to offer the same basic package to everyone in the region for the same price. (Page 224.) Smokers and nonsmokers, drug abusers and nonusers pay the same. Community rating means that the sick are not thrown overboard, but it also makes those who adopt healthy behavior subsidize those who do not, and it pushes fee-

for-service insurance out of reach of many Americans who now can afford it.

It will be hard to buy additional insurance. The basic benefit package is skimpy in some areas. But because of the community rating rule, insurers must offer supplemental policies to every person in a region at the same price. (Page 81.) High risk individuals will line up, but insurers will not. Cara Walinsky of the Health Care Advisory Board and Governance Committee, which advises 800 hospitals world-wide, explains that the plan "will make it as difficult as possible for you to buy more" than the standard package.

Seeing a specialist and paying for it out-of-pocket will be almost impossible. Few doctors will be practicing outside HMOs. The Clinton proposal is designed to drive doctors out of private practice. The plan has "very strong incentives built in that work against fee-for-service, not only on the consumer side, but also on the provider side," explains Ms. Walinsky. Even Drs. David Himmelstein and Steffie Woolhandler, leading proponents of a Canadian-style single-payer system, warn that the plan will "obliterate private practice."

Price controls will make private practice unfeasible. Americans have been told that there are no price controls. But the plan empowers alliances to set fees for doctors seeing patients on a fee-for-service basis. The plan states: "A provider may not charge or collect from a patient a fee in excess of the fee schedule adopted by an alliance." (Page 62.)

Americans have been told that the quality of health care will not decline. Many experts believe it will. In HMOs, gatekeepers, or primary care physicians, tightly limit patient use of specialists. Physician-subscriber ratios at HMOs average 1 to 800, half the ratio of physicians to the nation's population. Under the plan, pressure on gatekeepers to curb access to specialists will increase. Ms. Walinsky predicts that above a threshold level of "reasonable quality," alliances will choose HMOs based on lowest cost, not highest quality, in order to meet federal spending limits.

A parent lying awake, worried about a child's illness and whether the gatekeeper will OK a specialist, might think about bribes or even going outside the system. The Clinton Plan anticipates the problem, with new criminal penalties for "payment of bribes or gratuities to influence the delivery of health service." (Page 9.) Doctors, meanwhile, joke about "offshore" practices, hospital ships outside the three-mile limit, and other ways for families to escape controls and buy the health care they want.

The plan also takes away from HMO users the legal protection many state lawmakers believe they should have. Some states have passed "any willing provider" laws to prevent HMOs from arbitrarily excluding hospitals, pharmacies, or physicians from their networks. HMOs have protested that these laws hobble cost containment. The Clinton administration apparently agrees. The plan preempts state laws protecting consumer choice. (Page 76.)

The plan's biggest surprise is who bears the cost of universal health coverage. The plan requires states to create health alliance regions—similar to election districts. How those alliance lines are drawn will determine which areas of the state are hit with the highest health care premiums, because they are shouldering the costs of health coverage for the inner city poor. The system promises to pit black against white, poor against rich, city against suburb.

The average treatment cost of a baby born addicted to drugs is $63,000. Because of community rating, anyone who lives in an urban alliance is going to pay high premiums, regardless of his health or behavior. Part of the premium covers his own care; part is a hidden tax to provide universal health coverage within the alliance. Some alliances will bear especially heavy social burdens, others will not. Everyone will figure out that you get more health care for your dollar or pay lower premiums in an alliance without inner city problems. The plan will be an incentive for employers to abandon cities and relocate.

Considering the number of court battles when states draw election districts, lawsuits over "medical gerrymandering" are inevitable. The plan sets out rules that will be dissected in courtrooms across the nation: States may not "concentrate racial or ethnic minority groups, socio-economic groups, or Medicaid beneficiaries," and may not "subdivide a primary metropolitan statistical area." An alliance drawn to include a city and its surrounding suburbs will be considered in compliance. (Page 50.) Home prices and litigation fees will rise and fall depending on which suburbs are sucked into a metropolitan alliance and which escape.

Suppose a state fails to establish its regional alliances on time, or to meet all federal requirements? The plan empowers the Secretary of the Treasury to "impose a payroll tax on all employers in the state. The payroll tax shall be sufficient to allow the federal government to provide health coverage to all individuals * * * and to reimburse the federal government for the costs of monitoring and operating the state system." (Page 47.) The plan does not set any limit on this tax.

The Clinton plan is coercive. It takes personal health choices away from patients and families, and it also imposes a system of financing health care based on regional alliances that will make racial tensions fester and produce mean-spirited political struggles and lawsuits to shirk the cost of medical care for the urban poor.

Members of Congress should read the 239-page draft, rather than relying on what they hear, and then turn their attention to alternative proposals that aim to provide universal coverage while avoiding the devastating consequences of the Clinton health plan.

WASHINGTON DOUBLE STANDARDS

Mr. DOLE. Mr. President, the double standard is right up there with the Cherry Blossom Festival as one of the venerable Washington traditions—and judging by some recent events, it's fair to say this tradition is alive and well today.

This past July 13, I wrote to Attorney General Reno requesting the appointment of a special counsel to conduct an independent investigation of the so-called Travelgate affair. As I pointed out to the AG, the White House's own internal Travelgate report raised a number of disturbing questions that merited scrutiny by someone with an office outside the west wing.

Did Harry Thomason, a close friend of the President, violate the Federal conflicts-of-interest statute when he intervened on behalf of his own airline charter company, which was seeking White House business? Did executive branch officials exert pressure on the Internal Revenue Service to initiate an investigation of Ultrair, the airline charter company that formerly did business with the travel office? Did the FBI act properly when it played along with White House political damage control?

On September 16, more than 2 months after my original request for the appointment of a special counsel, I finally received a response to these questions from the Attorney General's Deputy, Mr. Philip Heymann.

According to Mr. Heymann, Attorney General Reno is reviewing the White House's travel office report "to determine what further action, if any, is necessary and appropriate." The letter goes on to say that the "Department of Justice is aware of no facts or circumstances that would warrant turning to an outside special counsel."

Mr. Heymann adds that:

> Even if the independent counsel provisions of the Ethics in Government Act * * * were in force, we have received no specific, credible allegations of criminal wrongdoing by individuals who would have been covered by the act. * * *

Cut through all the legal underbrush and the bottom line is that the Justice Department has stamped "case closed" on the Travelgate files.

Earlier this month, we learned that Travelgate-style antics may have spilled over to the State Department. According to press reports, a former Clinton campaign official now working at the State Department had asked the State Department archives to produce the personnel files of 160 political appointees who had served during the Bush administration. The contents of at least two of the confidential files were publicly disclosed.

My colleague from Kentucky, Senator MCCONNELL, has since written to Attorney General Reno requesting the appointment of a special counsel to determine whether any Federal laws were broken. We have also written to Secretary of State Warren Christopher requesting a full accounting of the unauthorized file search as a condition to the Senate proceeding to the State Department authorization bill. This request still stands.

So far, no word from the Attorney General. No word from the Secretary of State either. We have received a letter from the Assistant Secretary of State for Legislative Affairs, stating that the matter has been turned over to the State Department's inspector general. So stay tuned for the IG's report.

This somewhat casual approach contrasts sharply with the firestorm that engulfed Washington last year when State Department officials were charged with tampering with then-candidate Bill Clinton's passport files. Clinton campaign officials protested. The media had a field day. And the Republican Attorney General at the time

ultimately named an independent counsel to identify the passport culprits. This independent counsel is still in business today.

Mr. President, Washington is a town full of double standards, so I am not surprised when Republican administrations get raked over the coals by a Democrat Congress, while Democrat administrations receive the kid-glove treatment from their congressional friends. What we see is politics, pure and simple. And you can be certain that if a Republican were in the White House at the time Travelgate took off, there wouldn't have been enough camera crews in Washington to cover all the congressional hearings.

But beyond double standards, what concerns me most is the deceit of masking politics with the protective veneer of the law. Saying there is no specific, credible evidence and that there are no facts or circumstances warranting a Travelgate special counsel sounds like good political spin, particularly when it's clear to anyone with a little common sense that there are plenty of facts and plenty of circumstances that deserve investigation.

Mr. President, I ask unanimous consent that the letter from Deputy Attorney General Heymann be inserted in the RECORD immediately after my remarks.

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

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, DC, September 16, 1993.

Hon. BOB DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: The Attorney General has asked me to respond to your letter outlining your concerns surrounding the investigation of allegations relating to the White House Travel Office and your suggestion that an outside special counsel be appointed. The Attorney General is reviewing the White House Report relating to the Travel Office to determine what further action, if any, is necessary and appropriate.

Exercise of the Attorney General's authority to appoint outside special counsel to investigate allegations of criminal wrongdoing has traditionally been reserved for extraordinary circumstances, where there is a compelling reason to believe that a criminal investigation or prosecution by the Department of Justice would be compromised by the presence of an actual or perceived conflict of interest. At this point, the Department of Justice is aware of no facts or circumstances that would warrant turning to an outside special counsel in connection with the White House Travel Office matter. Even if the Independent Counsel provisions of the Ethics in Government Act, 28 U.S.C. §§591–599, were in force, we have received no specific, credible allegations of criminal wrongdoing by individuals who would have been covered by the Act, and therefore, the provisions of the Act would not be triggered.

To address your second concern, Associate Attorney General Webster Hubbell is the third-ranking official within the Department of Justice, enjoys the Attorney General's and my complete confidence, and is thus an appropriate alternative contact for the White House should it have an inquiry for the Department of Justice concerning a criminal matter and the two of us are unavailable. He is the contact on most civil matters; I, on most criminal matters. But it is important that we be able to backstop each other.

You also ask about the timing of a letter that I sent to the White house requesting that Travel Office employees not be interviewed in the course of the White House inquiry into the matter. You are quite right in your observation that "[s]urely, [someone] within the Justice Department had conveyed [the Department's] concerns about interviewing the Travel Office employees before July 1." In fact, the letter merely memorialized my position on the issue, a view that had been communicated to the White House as soon as the issue was first raised.

Finally, with respect to your concerns about OLA's communications with your staff on the subject to making FBI personnel available for a meeting, I regret what appears to have been a miscommunication. It was our understanding that a member of your staff wished to question John Collingwood, the FBI's Inspector in Charge of Public and Congressional Affairs, concerning his own conduct in the course of the Travel Office inquiry. As you know, except in the most unusual circumstances, the Department has been reluctant to make Departmental personnel available for direct congressional questioning about their handling of ongoing matters. Your request for questioning Mr. Collingwood seemed to fall within this general prohibition; as a result of this position, we agreed to make Mr. Collingwood available for a meeting with your staff. We regret that we appeared uncooperative. We were in fact making every effort to accommodate your request.

On behalf of the Attorney General, thank you for you inquiry. I hope that this information is of assistance to you.

Sincerely,

PHILIP B. HEYMANN,
Deputy Attorney General.

TRIBUTE TO GEN. COLIN L. POWELL ON THE OCCASION OF HIS RETIREMENT FROM ACTIVE MILITARY SERVICE

Mr. WARNER. Mr. President, I rise today to pay tribute to a great American, an outstanding military leader and one of the true heroes of our age, the Chairman of the Joint Chiefs of Staff, Gen. Colin L. Powell.

General Powell will end his active military career effective today, retiring in ceremonies at Ft. Myer, VA, after 35 years of distinguished military service.

I was privileged to introduce legislation in March 1991 on behalf of 51 of my colleagues to authorize the award of the Congressional Gold Medal to General Powell following the magnificent performance of this Nation's Armed Forces in driving Iraqi forces from Kuwait in the war in the Persian Gulf.

In receiving the Congressional Gold Medal, General Powell along with his colleague Gen. Norman Schwarzkopf, joined the distinguished ranks of previous recipients, beginning with the first medal going to Gen. George Washington, and subsequently, a medal to John Paul Jones. Other awardees include General Pershing of World War I fame and Generals Marshall, Eisenhower, MacArthur, and Ridgeway of the World War II and Korean war era.

General Powell's extraordinary leadership, competence, and professionalism clearly instilled great confidence and pride in our Nation's Armed Forces and contributed greatly to the allied victory in Operation Desert Storm.

It was my privilege to work with General Powell in drafting and introducing the legislation that, upon passing the Senate by a narrow margin of just five votes, provided the congressional concurrence in the President's decision to commit U.S. forces to combat action in the Persian Gulf.

Mr. President, General Powell is an extraordinary military leader. He truly deserves the many accolades he has received and which have been paid to only a few of his predecessors. General Powell is truly a soldier's soldier. He has earned his way to the top of his profession by displaying at every level his unique leadership, perseverance, and toughness.

General Powell has also been extremely fortunate to have his dedicated and charming wife, Alma, by his side throughout his military career. She met and exceeded every tradition of the good Army wife. Military wives are known for their resilence and sacrifices. Alma Powell stands out even among this group of women who accompany our military professionals through the hardships, difficulties, and many tour separations of their careers. The Nation owes a great deal of gratitude to Mrs. Powell for the sacrifices she has made over the years and the contributions she has made to our Nation as a military wife and partner to one of our Nation's greatest military leaders.

General Powell's life is truly an American success story. Born of Jamaican immigrant parents in New York City on April 5, 1937, and raised in the South Bronx section, he later graduated from the City College of New York in 1958 and was commissioned a second lieutenant in the regular Army through the Reserve Officer Training Corps Program.

The ability of Colin Powell to rise through the ranks, predicated solely on his ability to lead and instill confidence in others and to meet the other very high standards of military professionalism is not only a tribute to his character and capabilities but indicates also the full and equal opportunities the Army provides today to the entire officer corps. This is a significant footnote in the history of our Nation and our Armed Forces.

General Powell comes from a very fine family. He related to me on more than one occasion how proud he was of

his parents, who instilled in him the confidence that he would succeed, and, indeed, he has succeeded. I recall reminiscing with General Powell once when he told me that when he became a second lieutenant in the Army, his salary was higher than the salary his father was then earning. He was genuinely proud of his parents, their sacrifices and accomplishments and his family background.

Perhaps because of the closeness of his own family, General Powell has been sensitive to the importance of the family role in the military professional life—both for enlisted as well as officers. Throughout the conflict in the Persian Gulf, it was apparent that he was extremely conscious of the importance of the steadfast resolve and support of the families at home, of the loved ones and others, who did so much to sustain those who had gone to fight the war in the gulf. General Powell's concern for the military family was always apparent in his actions and decisions.

General Powell has had an illustrious military career. He chose the infantry, which is, in most respects, the most challenging of the specialities offered in a military career. He had two combat tours in Vietnam. He commanded effectively in units from company level up to U.S. Forces Command.

He is a decorated combat soldier, very modest about his combat decorations, including the award of the Purple Heart. Because of his calm, decisive and confident manner, he has increased greatly the confidence of the American people in our armed forces.

General Powell is well-liked and highly respected by military personnel throughout the ranks—from the enlisted ranks up through his general officer colleagues. His popularity among the young soldiers, sailors, airmen, and marines is directly attributable to his genuine and obvious concern for their welfare. He truly cares for them and it shows in all that he does.

Mr. President, from December 1987 to January 1989, General Powell served as the Assistant to the President for National Security Affairs. I am proud that I had the opportunity to lead the effort in the Senate to assure his appointment for this critical position while still retaining his status as an active duty military officer. His service as Assistant to the President for National Security Affairs was outstanding and the Nation was truly fortunate that he could put his uniform back on upon completion of those duties and resume his military career, leading to his appointment by President Bush as the 12th Chairman of the Joint Chiefs of Staff in October 1989.

Mr. President, General Powell has clearly been one of the most effective and most popular Chairmen of the Joint Chiefs of Staff we have ever had. In conflicts in Panama, the Philippines, the Persian Gulf and numerous others, he demonstrated the decisiveness, judgment, and skills the situation required.

We have all grown to rely on his advice and judgment. In some cases, his judgment was considered by some to be overly prudent. He was even referred to on occasion as a reluctant warrior. It is understandable and fitting that he insisted that we exercise great caution before sending our sons and daughters into battle. Because of his experience in Vietnam, he knew that it was important to examine carefully the involvement of our national interests and to ensure that the Nation supported an effort before committing our Armed Forces to combat.

General Powell has served as an outstanding role model for young people. He is truly the kind of example we have long sought for the youth of our country to emulate. Whatever General Powell decides to do in the future, I am certain that he will continue to fulfill this role. In a nation which seeks heroes, General Powell stands out today, above all others. The Congress and the American people clearly trust him and have great confidence in him. His credibility on national security matters is unsurpassed by any other General officer or government official in recent history.

Mr. President, General Powell has served his country long and faithfully. He has earned his place in our Nation's history. He and his wife, Alma, have earned the retirement they so richly deserve. General Powell has already indicated, however, that, at sometime in the future, he would hope to do something in service of the Nation in some capacity. I am certain that the Nation will benefit greatly from General Powell's future service, in whatever capacity he chooses to serve.

I join the Nation in expressing our heartfelt appreciation to General Powell for his outstanding service to our country and which he and Mrs. Powell Godspeed and a long and happy retirement.

SMALL BUSINESS BECOMING ANOTHER ENDANGERED SPECIES

Mr. BURNS. Mr. President, small business entrepreneurs in America today are worried. They are worried about the future of their business enterprises and the future of their employees.

They are worried, and I am too. Everyday it seems that people in Washington, who have absolutely no idea of what it takes to run a small business, are passing laws, writing regulations and making decisions that wrap small businesses in red tape.

Before my government service began as a county commissioner just 7 years ago, I owned and operated my own small business. I know what it's like to figure out how to make ends meet, how to make sure your employees get a good salary and benefits, how to struggle to keep your head above water, and all the time it seems like government keeps throwing road blocks in your way.

These road blocks make many entrepreneurs want to throw their hands up in despair, and I have been working hard to move these obstacles out of their way.

I am looking for ways to keep taxes down and to reduce the red tape and regulations that small business entrepreneurs face. I am also working to pass legislation to improve small businesses' access to credit. I have also joined with Senator ROTH of Delaware to introduce Real Jobs for America. This bill is designed to undo the damage that has been done to small businesses over the last several years. To encourage businesses to hire new workers, the bill gives a 13.8-percent tax credit for new employees. It also calls for the indexing of the capital gains tax. And, I am working on a bill to reinstate the ability of small business owners and self-employed individuals to deduct expenses for offices in their homes for tax purposes.

These are just a few of the initiatives I am working on in Washington to ease the concerns of small business, and let me tell you, Mr. President, that for those of us in Montana, these concerns are very real. With some 98 percent of the businesses in our State being small businesses, our State's economic success rests on their economic success.

Business entrepreneurs are the cornerstones of our communities. But they are at the end of their rope and feel frustrated that career politicians and government bureaucrats simply do not understand the impact government mandates, rules and regulations have on small business.

The best expression of the frustrations we have comes from J. Riley Johnson, who is the State director for the Montana chapter of the National Federation of Independent Business. He represents over 8,600 Montana small business owners, and an editorial he wrote recently appeared in a newspaper in eastern Montana.

Mr. President, Mr. Johnson's words ring true and I think my Senate colleagues and the Members of the House should know what he has to say. I ask unanimous consent that Mr. Johnson's editorial be entered into the RECORD. I truly hope that all Senators and Congressmen will take the time to read it.

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

SMALL BUSINESS IS BECOMING ANOTHER ENDANGERED SPECIES

(By J. Riley Johnson)

Dick and Winnie Greenshields liken themselves to the spotted owl, and they are worried.

For 21 years, they have carefully and painstakingly built a small business by following the rules. They studied their market niche, laid it all out on paper, borrowed no more than absolutely necessary, hired the right people and pinched their pennies. Today, Dick and Winnie's East Glacier Park grocery store affords them some financial rewards, provides six jobs and is a vital cog in the economy of this small Montana community.

Why are Dick and Winnie worried?

Because they, like thousands of other small-business owners, are feeling increasingly threatened by one ill-conceived governmental scheme after another. They fret over the constant tinkering with tax rates, new and changing regulations, more and more paperwork and the unceasing fear of government enforcers peering over their shoulders.

From Washington comes such things as the proposed Budget Deficit Reduction Bill that will take $500 billion off the main street of this country and send it all back to Washington to pay for more government. Then there are the new mandates on small business like maternity leave and parental leave. And, of course, the new Health Care Reform Proposal that could add up to 12 percent to every small-business payroll, looms in the immediate future. This is not to mention the continual hikes in Social Security and Medicare payments and proposed new gasoline taxes.

But that is only part of the story.

From Helena comes a new income tax bill that will take another $70 million off the main streets of Montana and send it back to Helena for more government. Worker's compensation rates are skyrocketing. Unemployment taxes are rising. There's a new gasoline tax, and government agencies are daily drafting new rules and regulations for small business on health, safety and the environment.

"I watch the news, and it scares me," said Dick. "All I hear is bad. More government, more taxes, more paperwork. Sometimes I ask myself why I'm even trying to run a business. Why should I be taking the risks and creating jobs?"

You wouldn't think that operating a small business would be that frustrating, but today there are no areas of small business in which government fails to dabble.

The average Montana small-business owner never becomes one of the fat cats—contrary to what you might hear on the street. The average NFIB member in Montana last year took home $31,500 before taxes, and that was, for the most part, a husband and wife both working in the business. Yet, these are the so-called "fat cats" who are being asked to shoulder the social ills of this state and, indeed, this country.

But Dick and Winnie have made the decision to stick with it. Entrepreneurship is in their blood. Nevertheless, their confidence is fading, and they wonder if the struggle is really worth the rewards.

That's a sad but growing commentary on the free-enterprise system that made America what it is today.

The Greenshields' story represents a dangerous trend. Small-business owners are tired of being the whipping posts for social reformers and government. The established and experienced small-business owners in Montana—the very ones that could best create the new jobs and expand the economy in hundreds of Montana communities—are cutting back inventories, cutting back full-time employees and cutting back expansion. More and more, I am seeing "Mom and Pop" and a few family members running the small businesses on main streets from Libby to Baker, from Hamilton to Plentywood. Look around. You'll see it too.

The worried Dick and Winnie Greenshields and thousands of other struggling small-business owners in Montana find them selves, like the spotted owl, on the endangered-species list.

NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH

Mr. MITCHELL. Mr. President, I am pleased to be a cosponsor of Senate Joint Resolution 122, a resolution to designate December 1993, National Drunk and Drugged Driving Prevention Month.

Drunk and drugged driving is the most frequently committed violent crime in our Nation. Last year alone, impaired driving killed nearly 18,000 people, and injured 1.2 million others.

Too often and for too long too many of us have treated these statistics with indifference. But each of those statistics is a human being with a family, with responsibilities, and too often with a blighted future. The injuries Americans sustain from the accidents caused by impaired drivers are among the most severe, costly and permanent that the human body can endure.

There are few Americans whose lives have not been affected in some way by drunk or drugged driving.

The financial costs of impaired driving to our society are staggering—$46 billion last year, including $5.5 billion in medical costs.

The toll that drunk and drugged driving takes on the lives of Americans, however, is even more staggering. The grief that must be borne by those whose sons, daughters, parents, friends have been killed or injured is immeasurable.

This year, the Senate grieved when the disastrous consequences of drunk driving struck at one of our colleagues, the senior Senator from South Carolina, whose daughter was killed by a drunk driver.

It is tragic when promising young lives are ended or healthy young bodies are crippled by the carelessness and apathy that allows too many of us to disregard the potential danger that an impaired driver represents. It is a tragedy too often played out in American homes. It is a tragedy because it can so easily be prevented.

It is necessary for all Americans to treat impaired driving as the crime that it is. Friends and families have to learn that being tolerant of somebody who's drunk and insists on driving isn't polite, it's dangerous. People have to learn to have the courage to tell their friends, their family members when they aren't capable of driving safely. That's something we can all learn.

The public education and information efforts that organizations like Mothers Against Drunk Driving and Students Against Driving Drunk have already made have had an enormous effect in making us more aware of our personal responsibility for preventing impaired driving.

The designation of the holiday month as a special time of awareness is a valuable way to augment those public information and education efforts. It deserves to be approved, and I urge my colleagues to join with me in supporting National Drunk and Drugged Driving Prevention Month.

CLAUDIE COOKE: A CAREER OF SERVICE TO SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, most Members of this body are blessed with a core group of loyal, reliable aides who have been with them from the outset of their Senate careers, men and women who have stuck with them through thick and thin, and to whom they owe a special debt of gratitude. Claudie Cooke of my Columbia staff is one such aide.

Claudie fought alongside me in my winning Senate campaign in 1966, and since then she has served with exceptional dedication as a case worker in my Columbia office. For 27 years, she has served the people of South Carolina in a very direct and personal way.

Claudie's specialty is resolving constituents' problems vis-a-vis the whole gamut of Federal agencies, from Social Security to VA to Medicare. Over nearly three decades, she has assisted countless thousands of South Carolinians. She has done this with dedication, skill, and a very special brand of compassion. Bear in mind that unlike staffers in Washington, who usually deal with constituents at arm's length over the phone, staffers based in our State offices deal face to face with citizens of all walks of life. This requires a special skill and patience, which Claudie Cooke possesses to an unusual degree. Her trademark is her remarkable capacity for caring, for treating everyone with the same high measure of respect and courtesy. In this regard, Claudie has been the epitome of everything a Senate case worker should be.

So, Mr. President, I rise today to say thank you to Claudie Cooke, to express my own gratitude and the gratitude of people across South Carolina whose lives she has touched in ways big and small. I wish Claudie and her husband Thomas all the best in the years ahead.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Tuesday, September 28, the Federal debt stood at $4,386,348,704,685.85, meaning that on a per capita basis, every man, woman, and child in America owes $17,076.87 as his or her share of that debt.

HISPANIC HERITAGE MONTH

Mr. LEVIN. Mr. President, I would like to take this opportunity to remind us all that September is Hispanic Heritage Month—a time for us to appreciate and celebrate the myriad contributions that the Hispanic-Americans of this country have made. Hispanic-Americans are a dynamic, growing segment of our country and they bring their unique language, traditions, and culture to our communal melting pot. Hispanic-Americans have played and will continue to play a significant role in the areas of art, science, and business across our country. Certainly, they are members of a vital and important community in my home State of Michigan.

I would like to take a moment to highlight one of the many events that took place in Michigan to celebrate Hispanic Heritage Month. The Hispanic Independence Awards Committee of the Flint area held the Fifth Annual Hispanic Awards Ceremony at the Harding Mott Center in Flint on Saturday, September 18. The Hispanic Independence Awards Committee was founded in 1989 to recognize outstanding Hispanics who made positive contributions to the local community. Membership in this committee has grown as the need to honor more and more deserving individuals has increased.

The service awards presented by the Hispanic Independence Awards Committee at the awards ceremony included the Pedro Mata, Jr. Award for leadership, the Tano Resendez Award for service, the Joe Benavidez Award for education, the Labor Involvement Award, the Veteran Award, the Maria DeLeary Student Award, the Bruno Valdez Arts and Entertainment Award, and the Pedro Mata, Jr. Scholarship Award.

I would like to commend the Hispanic Independence Awards Committee for its work in recognizing excellence and I am sure that all the award recipients can be justly proud of their achievements. I know the profound impact that the Hispanic citizens of the Flint area, and throughout Michigan, have made to enriching the quality of life in my home State. The Hispanic Heritage Month gives all of us the opportunity to appreciate the contributions that Hispanic-Americans have made all across our great Nation.

CALLING FOR GAO REPORT ON END-OF-YEAR SPENDING

Mr. KOHL. Mr. President, for most Americans, tonight is no different than any other early autumn night. But in Washington, DC, tonight is New Year's Eve. September 30 is the last day of the Government's fiscal year; October 1 begins fiscal year 1994.

All over this city, today and tonight, Government employees will be celebrating New Year's Eve in a way not unlike the rest of us will spend December 31. They will be staying up late, and they will be spending lots of money. The only difference is, the money they are spending is yours. And you are not invited to the party.

I am not here today to condemn these Federal employees' actions. Under the Government's arcane budget rules, agencies must spend most of the money appropriated to them in fiscal year 1993 by today, or they lose it. Worse yet, if they come in under budget on some project or program—if they save money—their agency will lose that much money in next year's budget. There is absolutely no incentive to save taxpayer dollars. There is every incentive to spend, spend, spend as the fiscal year draws to a close.

This is not a newly discovered problem. Vice President GORE, in his report, "Reinventing Government," recognizes the perverse incentive system that encourages end-of-year spending.

And everyone who has worked in the Washington bureaucracy has their own end-of-year spending story. One former Defense Department official called September a feeding frenzy at the public trough.

Representative LAMAR SMITH investigated travel expenditures for the 20 years between 1971 and 1991. He found more than $2 billion, or 4 percent of total Federal travel spending, was thrown away in the last 30 days of the fiscal year. That $2 billion represents travel spending in September over the monthly average.

Unfortunately, Representative SMITH's study is the only hard evidence we have of the end-of-year wasteful spending we all believe is going on. For the last several years, the Treasury has stopped releasing to the public information on the monthly spending of Federal agencies. Those numbers are now available only on a quarterly basis—and not in enough detail to discern end-of-year spending trends.

Therefore, today, I will ask the General Accounting Office to investigate how great and pervasive the problem of end-of-year spending is. I will ask GAO to choose at random several appropriations made by Congress and track them through the year to see whether the money was spent as Congress intended or whether excess money was shifted to other purposes at the end of the fiscal year. I will also ask the GAO to look at the spending in several general, controllable spending categories—travel, printing, supplies—and see whether there is a historical record of spending increases toward the end of the year.

If GAO documents the kind of waste that I am afraid exists, I will be prepared to offer and push legislation to end end-of-the-year feeding frenzies. We must be able to guarantee taxpayers that their tax money is spent rationally—not thrown away at the end of the year in an attempt to conform with our current, ridiculous budgeting rules.

I ask that a copy of my letter to GAO be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, DC, September 30, 1993.

Hon. CHARLES BOWSHER,
Comptroller General of the United States, General Accounting Office Building, Washington, DC.

DEAR COMPTROLLER BOWSHER: I have become concerned over reports of wasteful end-of-fiscal-year spending by agencies. Vice President Gore, in his report Reinventing Government, identifies a budget system that penalizes agencies that spend less than they are allocated by the end of the fiscal year. I am worried that the result is agencies making wasteful, hasty, and inappropriate spending decisions in the last month of the fiscal year.

Unfortunately, there is little but anecdotal evidence identifying an end-of-year spending problem. Because the Treasury Department now reports obligations of agencies only by quarter, it is impossible to discern end-of-year spending trends.

I am interested in addressing legislatively the problem of end-of-year spending, but I would like to craft a solution based on a sound exposition of the problem. Therefore, I would like you to examine this issue. I would like GAO to choose several appropriations made by Congress and track them through the fiscal year to determine whether the money was spent as Congress intended—or whether it was shifted to other purposes because of the pressures of the approaching end of the fiscal year. I would also like your office to examine spending in several general, controllable categories—for example travel, printing, or supplies—and determine whether the month-by-month historical record of spending on these items demonstrates an end-of-year spending problem.

I would certainly be interested in any suggestions you might have on these or other ways to pinpoint the end-of-year spending problem. Because I hope to act legislatively in time to stop this sort of waste next fiscal year, I would like you to design a report on which I could have an interim report in January and June of 1994 and a final report in August of 1994.

I look forward to working with you on this important issue. Thank you for your help on this critical project.

Sincerely,

HERB KOHL,
U.S. Senator.

LT. GEN. JAMES H. DOOLITTLE.

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of our Nation's most legendary and innovative military leaders, Lt. Gen. James H. Doolittle, who passed away earlier this week.

In his almost 100 years on this Earth, General Doolittle accomplished many great things, but is best known for his feats as an Army Air Corps officer during the Second World War. In particular, though, he is remembered as the architect of a daring 1942 bombing mission of Japan.

Mr. President, not many Members of this body remember what life was like

back in the days shortly after Pearl Harbor was attacked by the Japanese on December 7, 1941. In just a brief period of time on that Sunday morning, almost the entire American Pacific Fleet was destroyed, enabling the Japanese to conquer outpost after outpost. Those were discouraging days for the United States. The Japanese were close to obtaining their objective of controlling the Pacific and Hitler's forces were blitzing across Europe in every direction. While no one doubted that the United States would ultimately triumph over the dark forces of fascism and imperialism, there did not seem to be any light at the end of the tunnel. America very badly needed a morale boost and General Doolittle was able to provide it.

On April 18, 1942, a little more than 4 months after hostilities broke out, General Doolittle led 16 long-range bombers off the deck of the U.S.S. *Hornet* in an attack against Japan. The aircraft bombed the cities of Tokyo, Yokohama, Nagoya, and Kobe, inflicting light damage, but letting our enemy know that we were ready and willing to bring the war back to their turf. Almost all of the Doolittle raiders made it safely to China and returned to the United States where they were heralded as heroes. General Doolittle was awarded the Medal of Honor for this raid by President Roosevelt.

After retiring from the Air Force in 1946, Doolittle held a string of executive positions in the private sector, ranging from a vice presidency of Shell Oil to serving on the board of Mutual of Omaha Companies. Not one to idly sit by in his retirement, the general continued to respond to numerous letters and requests for photographs and autographs.

Mr. President, James Doolittle lived a full and rich life for 96 years, giving generously of his time and talents to our great Nation. In his long life, many kind things were said of him, but nothing kinder than these words of remembrance by his son, Col. John Doolittle, who said: "He served his country very well, his family beautifully and he was successful in business. If you want one word to define him, that word is integrity."

I would like to take this opportunity to extend my deepest sympathy to General Doolittle's family in their time of sorrow.

THE CONFERENCE REPORT TO H.R. 2295, THE FOREIGN OPERATIONS APPROPRIATIONS BILL

Mr. BRADLEY. Mr. President, I want to applaud today's passage of the conference report to H.R. 2295, the foreign operations appropriations bill. As a result of this legislation's successful passage, $2.5 billion will go toward assisting the new Independent States of the former Soviet Union in their efforts for democratic and free-market reform. It is in America's interest to see the NIS become democracies with market-based economies that raise living standards, with a much smaller Defense establishment, and with an acceptance of free-flowing capital, trade, and ideas. We should do what we can to help them make this transition.

I am particularly pleased that this legislation includes funding for educational and cultural exchange programs with the NIS, which I believe to be one of the most cost-effective ways to aid the fledgling democracies. Educational exchanges have a long-term impact, bringing young people from the former Soviet Union to the United States to live, study, and experience American culture in our homes, schools, and communities. These future leaders take back to their home countries invaluable firsthand knowledge of how a free-market democracy functions.

At the same time, Americans benefit from the exchanges as hosts and as students visiting the NIS. Americans learn from having foreign students in their homes and classrooms. Moreover, Americans studying in Kiev, St. Petersburg, Vilnius, and Alma-Ata return home with a better understanding of the people of the NIS. They have the unique privilege of witnessing first hand the new frontiers of democratic capitalism.

Person-to-person contact—not dollars—will build the bonds that will construct an era of mutual respect to replace the cold war era of mutual suspicion. The success of and enthusiasm for the educational exchanges that began this year under the Freedom Support Act, both in the United States and the NIS, have proven to me their worth and the importance of ensuring that they continue.

This bill includes at least $116 million for an expansion of educational exchanges with the NIS. I urge the administration to commit at least $40 million of the NIS assistance package to high school student exchanges, $25 million to undergraduates, $20 million to graduate students, $10 million to community colleges, $10 million to university partnerships, $10 million for secondary school teachers and administrators, and $1 million to scholars.

The most important exchange component, I believe, is an expansion of the Freedom Support Act Secondary School Exchange Program, and we must ensure that it receive at least $40 million of the funds made available for exchange programs in this appropriations bill. This amount would allow over 10,000 high school students to participate in exchanges. These youths will live with families, attend schools, and return to their own homes having learned about our institutions, skills, and values. They will have acquired a better appreciation of how they—the future leaders—can build their own institutions. Because we want the students' experiences to be meaningful, the program should favor long-term exchanges of a semester to a year over short-term stays.

I urge the administration to expand this program as quickly as possible. By next June, nearly 5,400 high school students from the United States and the former Soviet Union will have participated in the first wave of Freedom Support Act exchanges. According to Dr. Elena Lenskaya, head of the International Cooperation Department of the Russian Ministry of Education, the impact of the exchange program in the republics has been profound. It is, for many, the first tangible evidence of help from the United States.

As the recruitment and selection process for the program's first year has shown us, enthusiasm for the program in the NIS is overwhelming. Preliminary reports suggest that the more open and all-encompassing recruitment process planned for next year may result in 20 times the number of applicants in the program's first. It would be devastating if the program were to be decreased even the slightest bit in Russia or any of the other former republics. The high school exchanges have momentum, and we must capitalize on this momentum and build on the successful foundation laid by USIA and the exchange organizations in the first year. Now is the time to intensify our efforts and pour more of our resources into this most effective program. I urge USIA to put as much of the funds to use as quickly as possible. And once this next wave of NIS high school students comes to the United States and we can again see firsthand that these exchanges work, I hope that we will be able to expand the program even further.

The potential for the other exchange programs is also unlimited. I believe we must give preferential treatment to foreign students and educators interested in the social sciences, the humanities, teaching English, or acquiring knowledge or skills applicable to building democratic institutions. Existing exchange programs for undergraduate and graduate students should be expanded, and we must ensure that community colleges receive their fair share of the funds. Exchanges for community college students will provide new opportunities to students who may not be served by the secondary or traditional undergraduate exchanges. University partnerships will also provide useful avenues for curriculum and faculty development in the NIS.

Exchanges of secondary school teachers and administrators will prove to be a vital link in reaching increasing numbers of students. One teacher who has a positive exchange experience in the United States can have an impact on many students who may have no

other opportunity to learn firsthand information about our Nation and its values.

In addition, we must also provide funds to establish scholars-in-residence programs at U.S. institutions such as the Woodrow Wilson Center. We would be foolish to not take advantage of the insights and knowledge of such intellectual leaders as Davlat Khudonazarov, a former Presidential candidate in Tajikistan who was driven out of his home country. We should seize the opportunity to learn from the experience of individuals like Davlat and fund the establishment of a scholar-in-residence program.

Mr. President, we must take advantage of the opportunity before us and open our homes, schools, and communities to the people of the former Soviet Union—and we must do it swiftly. The long-term dividends of our efforts today are great, and we will all be enriched by strengthening the human bonds that hold our countries together.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise once more in my continuing effort to put a face on the health care crisis in America. Today I want to tell the story of Joan and Lesley Kachadourian from Gibraltar, MI. Joan, age 56, has been delaying seeking proper care for a heart condition because she and her husband are uninsured.

Joan has had a thyroid condition for years. She was improperly medicated to treat her thyroid which led to her current enlarged heart condition. Because she has an enlarged heart, Joan can only walk short distances and cannot work. If she strains herself at all, she has an angina attack.

Joan receives nitroglycerin to treat the attacks, but it does not cure the cause of the attacks as heart surgery would. The cumulative angina attacks are weakening her heart and greatly increasing the likelihood of a potentially fatal heart attack. Only a specialist can help cure her condition, but she cannot afford a specialist or additional treatment, so she relies on her family doctor to keep her supplied with the drugs to treat her attacks. It is a significant burden to pay approximately $100 a month for her prescriptions.

Joan and Lesley lost their health insurance coverage when Lesley's employer, a local iron company, closed down and left him without a job and their family without benefits. Lesley now works two jobs but neither provides health care benefits. Up until 2 years ago when Joan couldn't pass the required physical, she worked for the local school district as a substitute bus driver. She was a part-time employee and was not eligible for health care benefits through the school district. Joan is currently unable to work because of her heart condition.

Joan has looked into purchasing health insurance on her own, but any policy available to her would deny coverage for her preexisting conditions, so most are of little value to her. Fortunately, Joan has just recently been awarded disability through Social Security. But, she will not receive any health care benefits under Medicare until the spring of 1995.

In addition to her heart condition, Joan developed a hernia as a result of having pneumonia last fall. Joan's family doctor wanted to admit her into the hospital, but, once again, because of the cost of hospitalization and lack of health insurance, Joan did not receive the treatment she needed.

The financial burden of Joan's medical conditions has been lessened by help from family members. Joan and Lesley have a 20-year-old son in college at Ferris State University, and a 24-year-old son, and 3-year-old grandson who live with them. Financially, the Kachadourians are managing to stay afloat with the support of their family, but Joan's health is gradually deteriorating because she can not afford the care she needs.

Joan deserves to have access to affordable health care coverage. Our citizens deserve the peace of mind that guaranteed coverage can bring regardless of their work status or preexisting medical conditions. I will continue to do all I can to work for health care reform to help Americans, including people like Joan who have fallen through the cracks in the current system.

THE 2000 OLYMPIC GAMES

Mr. MOYNIHAN. Mr. President, last Thursday the International Olympic Committee awarded the 2000 summer games to the city of Sydney. I rise today to offer my congratulations to that city. Our friends in Australia had unsuccessfully endeavored to win the honor of hosting the Olympic games in the two previous site selections. Their selection to host the 2000 games was well deserved.

Sydney was not the favored candidate for these games. Indeed, a headline of The Washington Post's on the day of the selection was "Confident Chinese See Olympics Going Beijing's Way Today." This did not come to pass. A message was sent.

The Olympic games represent the pinnacle of amateur competition. It probably should not carry such political overtones, but when nations are pitted against each other in competition is inevitable. At the 1936 Olympics in Berlin the Nazi hosts were bent on proving Aryan superiority and on establishing in the popular mind the legitimacy of the Nazi regime. In 1980 soon after the invasion of Afghanistan, Moscow played host to the summer games. President Carter would not have it and we boycotted them in protest. South Africa has been barred from participating in any Olympic games for some three decades.

Politicizing these games runs counter to the Olympic spirit, but totalitarian states have repeatedly used them and other international events as an opportunity to showcase the alleged benefits of a rigorously controlled society. As I wrote in 1980, in an article published in the Daily News referring to the controversial Moscow Olympics, "Athletic competition is, for the Soviets, but another way of trumpeting the virtues of their totalitarian state. * * * For [them] amateur athletic competition is professional politics."

Were the International Olympic Committee to have awarded Beijing the 2000 games, it would have sent a most unfortunate political message to those who are struggling to bring democratic reforms to China. The selection of Sydney now sends an altogether different message to those responsible for the Tiananmen massacre, flagrant human rights abuses, and the continued subjugation of the Tibetan people.

I hope that there will be a time in the near future when I can stand in this chamber and congratulate the selection of a city in China to host the Olympic games, when its government has ended human rights abuses and embraced the norms of international law.

I ask that the following article appear in the RECORD.

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

RUSSIANS PLAY POLITICS SO PUT' EM IN PENALTY BOX

(By Daniel Patrick Moynihan)

The worldwide reaction to the Soviet invasion of Afghanistan once again raises the question of convening the Summer Olympics in the Soviet Union. But it is not really a new question. Moscow's interest in Olympic competition has always been political in one way or another.

Athletic competition is, for the Soviets, but another way of trumpeting the virtues of their totalitarian state. Of course, they have always reacted with self-righteous indignation whenever an Olympic competitor from a Communist country decided to opt for life in one of the free societies which have been host of the games in the past. But, in 1980, for the first time, the Soviets would have had no fear that one of their athletes might defect to the West. Free to know that they would be spared that embarrassment, the Soviets could turn to "controlling" the situation. Would reporters be free to report what they saw? Would Soviet citizens, especially human-rights activists, be allowed to establish contact with Westerners in Moscow?

These questions, I believe, now pale in comparison to the larger issues raised by the blatant Soviet recourse to armed force in Afghanistan. For it underscores dramatically the fact that the Soviets do not share our appreciation for the common spirit which is supposed to animate the Olympic Games.

Like any other activity in which the Soviet government participates, there is but one purpose—the advancement of its totalitarian aims. Just as the brutal suppression of cultural activity inside the Soviet Union demonstrates that, there, there is no such thing as "art for art's sake," so does the Soviet view of competitive athletics remind us that, there, there is no such thing as "sport for sport's sake." For the Soviets, amateur athletic competition is professional politics.

Yet the Soviets persist in attempting to secure world acceptance as a legitimate state and as an advanced society. They do this by offering nominal assent to the proper language of international life, but then distort it for their own purposes. They crave to impose their definition of terms upon the rest of the world. Unceasingly, their propaganda apparatus portrays their government as the victim of misunderstanding but even more of outright conspiracy. Armed with such self-righteousness, the Soviets demand that the rest of the world show its good intentions by treating the Soviet state as it would treat any other.

It is startling that at this juncture in world affairs, there are still those who would argue that the world ought to afford the Soviets the legitimacy they seek. It is not that we are without the lessons of history in this regard. In 1936, Hitler was host of the Olympic Games precisely to establish in the popular mind the legitimacy of the Nazi regime. At a time when Nazi Germany was flouting the rules of civilized conduct—not merely subjecting its own citizens to unspeakable brutalities, but also scrapping international agreements with serene contempt—the world chose to ignore what lay right before its eyes and proceeded with business as usual with the Nazis. We know the consequences.

Thus I believe the position taken by the Secretary of State and by the President to the effect that the Soviets will either leave Afghanistan or we will leave the Moscow Olympics is both sound and necessary. The games should be moved—or alternative games should be organized—to a place where the Olympic spirit will be allowed to breathe. There is a special poignancy in this for all those who have prepared for the games with great effort and at great sacrifice. yet I would say that to elevate the competition itself to an absolute status is, in its own way, a departure from the very spirit of the games.

If we must forgo the opportunity to excel on the athletic field we will at least have the greater opportunity to demonstrate something far more important—our excellence as a democracy and our stout-heartedness as a people of principle.

DEFINITION OF "RURAL COMMUNITY"

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1508, a bill to amend the definition of "rural community" as defined by the farm bill of 1990 introduced earlier today by Senators MURRAY and HATFIELD; that the bill be deemed read three times, passed, motion to reconsider laid upon the table; further that any statements relating to this matter appear in the RECORD at the appropriate place.

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

Mrs. MURRAY. Mr. President, just over 3 months ago, I spoke on the Senate floor about the great changes overtaking the management of Federal forests in the Pacific Northwest. These splendid forests have been the subject of bitter debate for years and years. Management decisions have been imposed by every branch of Government, from the Federal Government to Congress to the U.S. Court of Appeals. Finally this year, the Clinton administration decided to end the conflict by proposing a comprehensive new strategy for forest management. This plan does not come without pain, or without additional controversy. But it does chart a course for bringing an end to conflict, and it is now in the process of implementation.

I made one central point then, and I'll reaffirm it again now. When Government decides to change policy, it has an obligation to help people adjust to the change. In this case, it has meant providing stability, economic diversification incentives, retraining choices, and new forest management initiatives that will provide local governments, small businesses, and individuals with options for the future. When President Clinton announced his new forest management strategy, I committed to my constituents to doing everything I could do steer the accompanying economic package through Congress.

Today I join my colleague from the Pacific Northwest, Senator HATFIELD, in introducing legislation that will put one of the important pieces in place. This bill is important to my State and region because it makes an existing program work better for people there. In 1990, Congress passed legislation authored by former Representative Sid Morrison to create a Community Assistance Program within the U.S. Forest Service. This program has benefitted numerous communities in the West by providing funds directly from the Federal agency—with minimal overhead and no middleman—to towns and people with the ability and drive to create viable economic opportunities in historically timber-dependent areas.

President Clinton and his staff have been working diligently since last spring with the Governors of Washington, Oregon, and California to identify existing programs, improvements to such programs, and other initiatives that communities can use to help chart an economic course for the future. As part of his economic diversification program, he proposed, and the Senate has approved, significant increases for the Community Assistance Program. But the joint Federal-State working group also identified changes that could make the program work better. Today we propose to make those changes.

Essentially, this bill does two things: first it ensures that no town with a good idea will fall through the cracks; and second, it empowers nonprofits groups such as churches, civic groups, and cooperatives to pursue entrepreneurial ideas. Under these amendments to the Community Assistance Program, towns and counties in rural areas adjacent to national forests, and people within them, will have access. This program makes sense: it puts resources in the hands of people who know what to do with them; it minimizes overhead; and focuses narrowly on the problem without a lot of red tape.

Mr. President, I would like to commend the excellent work of Senator LEAHY of Vermont, the chairman of the Agriculture Committee, and his staff in helping put this bill together. I would also like to thank Senator HATFIELD for his leadership and sensitivity in this time of challenge for our region. This is a good bill, and I urge all my colleagues to provide support for its passage.

So the bill (S. 1508) was deemed to have been read three times and passed, as follows:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2374(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6612(3)0 is amended to read as folllows:

"(3) The term 'rural community' means—

"(A) any town, township, municipality, or other similar unit of general purpose local government,or any area represented by a not-for-profit corporation or institution organized under State or Federal law to promote broad based economic development, or unit of general purpose local government, as approved by the Secretary, that has a population of not more than 10,000 individuals, is located within a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism and that is located within the boundary, or within 100 miles of the boundary, of a national forest; or

"(B) any county that is not contained within a Metropolitan Statistical Area as defined by the United States Office of Management and Budget, in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism and that is located within the boundary, or within 100 miles of the boundary, of a national forest.".

TRIBUTE TO THE LATE JUSTICE THURGOOD MARSHALL

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to consideration of House Concurrent Resolution 133, a concurrent resolution regarding the printing of statements made in tribute to the late Justice Thurgood Marshall just received from the House; the resolution be agreed to, the motion to reconsider be laid upon

the table, and any statements thereon appear in the RECORD at the appropriate place.

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

So the concurrent resolution (H. Con. Res. 133) was agreed to.

MEASURE PLACED ON CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that S. 1507, a bill amending the Higher Education Act of 1965, introduced earlier today by Senator PELL and others, be placed on the calendar and any statements thereon appear in the RECORD as if read.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported today by the Committee on the Judiciary and that the Senate proceed to their immediate consideration: Fredrick W. Thieman, U.S. attorney for the western district of Pennsylvania; Jennifer B. Coffman, to be U.S. district judge for the eastern and western districts of Kentucky, and all those nominations submitted to the Senate today except Janet A. Napolitano to be U.S. attorney for the district of Arizona. I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; that the Senate return to legislative.

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

The nominations considered and confirmed en bloc are as follows:

Frederick W. Thieman, to be U.S. attorney for the Western District of Pennsylvania;

Joseph P. Strom, Jr., to be U.S. attorney for the District of South Carolina;

Judith Ann Stewart, to be U.S. attorney for the Southern District of Indiana;

Edmund A. Sargus, Jr., to be U.S. attorney for the Southern District of Ohio;

Betty H. Richardson, to be U.S. attorney for the District of Idaho;

Thomas J. Monaghan, to be U.S. attorney for the District of Nebraska;

Jay P. McCloskey, to be U.S. attorney for the District of Maine;

Kathryn E. Landreth, to be U.S. attorney for the District of Nevada;

Clause Harris, Jr., to be U.S. attorney for the Northern District of Alabama;

Helen F. Fahey, to be U.S. attorney for the Eastern District of Virginia;

Edward L. Dowd, Jr., to be U.S. attorney for the Eastern District of Missouri;

Robert P. Crouch, Jr., to be U.S. attorney for the Western District of Virginia;

Veronica F. Coleman, to be U.S. attorney for the Western District of Tennessee;

David M. Barasch, to be U.S. attorney for the Middle District of Pennsylvania;

Martha A. Vazquez, to be U.S. attorney for the District of New Mexico;

Jennifer B. Coffman, to be U.S. attorney for the Eastern and Western Districts of Kentucky;

William R. Wilson, Jr., to be U.S. attorney for the Eastern District of Arkansas;

M. Blane Michael, to be U.S. circuit judge for the Fourth Circuit; and

Michael J. Yamaguchi, to be U.S. attorney for the Northern District of California.

STATEMENT ON THE NOMINATION OF M. BLANE MICHAEL

Mr. BYRD. Mr. President, during my nearly 35 years as a Member of the U.S. Senate, I have been privileged on numerous occasions to speak in support of the confirmation of many outstanding West Virginians who have been nominated for highly responsible positions at the Federal level.

On this occasion, I can say sincerely that I am exceptionally enthusiastic about the prospect of the ascent to the Federal bench of this candidate who is being presented to us as a nominee to the Fourth Circuit Court of Appeals—M. Blane Michael, from Charleston, WV.

Coincidentally, Blane Michael is a native of Charleston, SC, where he was born in 1943.

Notwithstanding, Mr. Michael grew up in West Virginia, and, after serving as president of the student body, graduated in 1965 magna cum laude with a B.A. degree from West Virginia University, and with membership in Phi Beta Kappa.

Subsequently, Mr. Michael earned his doctor juris degree from New York University, graduating in 1968, whereupon he served in the Wall Street law firm of Sullivan & Cromwell as an associate from 1968 to 1971.

Consequently, Mr. Michael served as an assistant U.S. attorney for the Southern District of New York in 1971–72, before returning home to practice law solo and privately in Petersburg, WV, from 1973 to 1975.

After serving as a law clerk to Chief Judge Robert E. Maxwell, U.S. District Court, Northern District of West Virginia, Mr. Michael worked as counsel for the then Governor of West Virginia, our colleague Senator ROCKEFELLER, and has been a practicing attorney and partner in West Virginia's largest law firm, Jackson & Kelly, since 1981.

With wide and deep experience in criminal and civil law, Blane Michael is today one of West Virginia's brightest, most admired, and most talented attorneys. He is blessed with a charming and supportive partner in his wife, Mary Anne, and they have a lovely and talented daughter, Cora.

Moreover, Blane Michael's career and achievements are those of which any man of a comparable age would be proud and with which he would be richly satisfied. By any standard, Blane Michael is qualified to serve on the bench of the Fourth Circuit Court of Appeals.

But in the nomination of Blane Michael to such a high position of responsibility, the constituency of the Fourth Circuit Court of Appeals will be anticipating the services of a man more than merely objectively qualified to serve as a Federal judge.

In Blane Michael, we are confronted with the candidacy for the Federal bench of a man who is also qualified by character, by intellect, by maturity, by integrity, and by already tempered, challenged, and practiced judgment.

Therefore, Mr. President, I urge the confirmation of the nomination of Blane Michael to the bench of the U.S. Court of Appeals for the Fourth Circuit and to the oversight of the important issues that will come before that court for resolution.

STATEMENT ON THE NOMINATION OF VERONICA COLEMAN

Mr. SASSER. Mr. President, I am very pleased that the Senate is today taking prompt action to approve the nomination of Veronica Coleman as U.S. attorney for the Western District of Tennessee.

I was very pleased to recommend Veronica Coleman for this post. She is an outstanding individual. She brings a wealth of broad-based legal experience to the position of U.S. attorney.

Ms. Coleman is a graduate of Howard University here in Washington, DC, and received her law degree from Memphis State University.

Currently, she is a juvenile court referee in Memphis. In that position, Ms. Coleman has gained substantial expertise in domestic and family law matters. She had previously developed considerable experience in corporate law as senior attorney for Federal Express Corp. She has also worked as legal counsel to the president of Memphis State University. Finally, she has served as assistant district attorney general and assistant public defender. Her work in those important positions provided her with the litigation experience so vital to any U.S. attorney.

As a result of that extensive experience in both the private and public legal community, she has been appointed as assistant to the board of law examiners and to the Tennessee Commission on Criminal Rules Procedures.

In addition, Veronica Coleman has found considerable time for community

service. She initiated the first volunteer mentoring program for teenaged mothers, the forerunner of legislation and similar programs to address the growing problem of teenage pregnancy.

Mr. President, I think it is also important to point out that this appointment is an important step in President Clinton's goal of bringing greater diversity to the Federal bench. Veronica Coleman is the first African-American and the first woman to serve as U.S. attorney in Tennessee.

Mr. President, for all these reasons, I believe that Veronica Coleman will be an outstanding U.S. attorney. We are indeed fortunate that she has chosen to devote her considerable talents to public service.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON RUSSIA AND THE GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT—PM 44

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

To the Congress of the United States:

I am writing to inform you of my intent to add Russia to the list of beneficiary developing countries under the Generalized System of Preferences (GSP). The GSP program offers duty-free access to the U.S. market and is authorized by the Trade Act of 1974.

I have carefully considered the criteria identified in sections 501 and 502 of the Trade Act of 1974. In light of these criteria, and particularly Russia's level of development and initiation of economic reforms, I have determined that it is appropriate to extend GSP benefits to Russia.

This notice is submitted in accordance with section 502(a)(1) of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 30, 1993.*

REPORT ON HAITI—MESSAGE FROM THE PRESIDENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Haitian emergency is to continue in effect beyond October 4, 1993, to the *Federal Register* for publication.

The crisis between the United States and Haiti that led to the declaration on October 4, 1991, of a national emergency has not been resolved. While substantial progress has been made toward restoring democracy pursuant to United Nations Security Council Resolution 861, all necessary conditions to that restoration have not yet been met. Multilateral sanctions have been suspended but not terminated. Political conditions in Haiti continue, therefore, to be of considerable concern to the United States. For these reasons, I have determined that it is necessary to retain the authority to apply economic sanctions to ensure the restoration and security of the democratically elected Government of Haiti.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 30, 1993.*

REPORT ON THE PROLIFERATION OF NUCLEAR, CHEMICAL, AND BIOLOGICAL WEAPONS—MESSAGE FROM THE PRESIDENT—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby report to the Congress that I have exercised my statutory authority to declare a national emergency and to issue an Executive order, which authorizes and directs the Secretary of Commerce, in consultation with the Secretary of State, to take such actions, including the promulgation of rules, regulations, and amendments thereto, and to employ such powers granted to the President by the International Emergency Economic Powers Act, as may be necessary to continue to regulate the activities of United States persons in order to prevent their participation in activities, which could contribute to the proliferation of nuclear, chemical, and biological weapons, and the means of their delivery.

These actions are necessary in view of the danger posed to the national security, foreign policy, and economy of the United States by the continued proliferation of nuclear, biological, and chemical weapons, and of the means of delivering such weapons, and in view of the need for more effective controls on activities sustaining such proliferation. In the absence of these actions, the participation of U.S. persons in activities contrary to U.S. nonproliferation objectives and policies, and which may not be adequately controlled through the exercise of the authorities conferred by the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et. seq.*), could take place without effective control, posing an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

The countries and regions affected by this action would include those currently identified in Supplements 4, 5, and 6 to Part 778 of Title 15 of the Code of Federal Regulations, concerning nonproliferation controls, as well as such other countries as may be of concern from time to time due to their involvement in the proliferation of weapons of mass destruction, or due to the risk of their being points of diversion to proliferation activities.

It is my intention to review the appropriateness of proposing legislation to provide standing authority for these controls, and thereafter to terminate the Executive order.

WILLIAM J. CLINTON,

THE WHITE HOUSE, *September 30, 1993.*

MESSAGE FROM THE HOUSE

At 12:43 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following bill, in which it requests the concurrence of the Senate:

H.R. 3123. An act to improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 38) to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes.

The message further announced that the House agrees to the conference report on the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2608) to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program.

At 3:54 p.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:

H.R. 38. An act to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes.

H.R. 2295. An act making appropriations for foreign operations, expert financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

H.R. 2608. An act to provide for the reauthorization of the collection and publication of quarterly financial statistics by the Secretary of Commerce through fiscal year 1998, and for other purposes.

H.J. Res. 267. Joint resolution making continuing appropriations for the fiscal year 1994, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The following enrolled bill and joint resolutions, previously signed by the Speaker of the House of Representatives, were signed by the President pro tempore (Mr. BYRD):

S. 1381. An act to improve administrative services and support provided to the National Forest Foundation, and for other purposes.

S.J. Res. 61. Joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

S.J. Res. 121. Joint resolution to designate October 6, 1993 and 1994, as "German-American Day."

H.R. 2295. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

H.J. Res. 267. Joint resolution making continuing appropriations for the fiscal year 1994, and for other purposes.

At 5:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. STOKES, Mr. MOLLOHAN, Mr. CHAPMAN, Ms. KAPTUR, Mr. TORRES, Mr. THORNTON, Mr. NATCHER, Mr. LEWIS of California, Mr. DELAY, Mr. GALLO, and Mr. MCDADE be the managers of the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 164 to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, resolved that the House agrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 29 to the aforesaid bill, with an amendment as follows: In the matter proposed by the Senate amendment, insert after "operations" the following: ", except for marketing year 1993".

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. NATCHER, Mr. SMITH of Iowa, Mr. OBEY, Mr. STOKES, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY of New York, Mr. SERRANO, Ms. DELAURO, Mr. PORTER, Mr. YOUNG of Florida, Mrs. BENTLEY, Mr. BONILLA, and Mr. MCDADE be the managers of the conference on the part of the House.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 30, 1993, he had presented to the President of the United States, the following enrolled bill and joint resolutions:

S. 1381. An act to improve administrative services and support provided to the National Forest Foundation, and for other purposes.

S.J. Res. 61. Joint resolution to designate the week of October 3, through October 9, 1993, as "Mental illness Awareness Week."

S.J. Res. 121. Joint resolution to designate October 6, 1993 and 1994, as "German-American Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1572. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-1573. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Government National Mortgage Association; to the Committee on Banking, Housing and Urban Affairs.

EC-1574. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the Homeownership and Opportunity for People Everywhere program for fiscal year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-1575. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the transition to quieter airplanes; to the Committee on Commerce, Science and Transportation.

EC-1576. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation entitled "U.S.-Mexico Border Water Pollution Control Act;" to the Committee on Environment and Public Works.

EC-1577. A communication from the Principal Deputy Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report of the financial review of the National Institute of Environmental Health Sciences' use of Superfund monies; to the Committee on Environment and Public Works.

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:

S. 537. A bill for the relief of Tania Gil Compton.

S. 760. A bill for the relief of Leteane Montasi.

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

S. 832. A bill to designate the plaza to be constructed on the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

William Roy Wilson, Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

M. Blane Michael, of West Virginia, to be United States Circuit Judge for the Fourth Circuit.

Janet Ann Napolitano, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

David M. Barasch, of Pennsylvania, to be United States Attorney for the Middle District of Pennsylvania for the term of four years.

Michael Joseph Yamaguchi, of California, to be United States Attorney for the Northern District of California for the term of four years.

Martha A. Vazquez, of New Mexico, to be United States District Judge for the District of New Mexico.

Joseph Preston Strom, Jr., of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

Jennifer B. Coffman, of Kentucky, to be United States Judge for the Eastern and Western Districts of Kentucky.

Thomas Justin Monaghan, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

Frederick W. Thieman, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years.

Judith Ann Stewart, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Veronica Freeman Coleman, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

Edward L. Dowd, Jr., of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Robert P. Crouch, Jr., of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

Jay Patrick McCloskey, of Maine, to be United States Attorney for the District of Maine for the term of four years.

Helen Frances Fahey, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

Claude Harris, Jr., of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Betty Hansen Richardson, of Idaho, to be United States Attoney for the District of Idaho for the term of four years.

Edmund A. Sargus, Jr., of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

Kathryn E. Landreth, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

The following executive reports of committees where submitted:

By Mr. MOYNIHAN, from the Committee on Finance:

George Munoz, of Illinois, to be Chief Financial Officer, Department of the Treasury.

Mary Jo Bane, of Massachusetts, to be Assistant Secretary for Family Support, Department of Health and Human Services.

June Gibbs Brown, of Hawaii, to be Inspector General, Department of Health and Human Services.

Shirley Sears Chater, of Texas, to be Commissioner of Social Security.

Jeffrey E. Garten, of New York, to be Under Secretary of Commerce for International Trade.

Herbert L. Chabot, of Maryland, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. WELLSTONE:

S. 1503. A bill to expand services provided by the Department of Veterans Affairs for veterans suffering from post-traumatic stress disorder (PTSD); to the Committee on Veterans' Affairs.

By Mr. HATFIELD:

S. 1504. A bill to amend the Job Training Partnership Act to establish an Environmental Employment Transition Assistance Program (EETAP), and for other purposes; to the Committee on Labor and Human Resources.

S. 1505. A bill to amend the Federal Land Policy and Management Act of 1976 to enhance the management of Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 1506. A bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence; to the Committee on Labor and Human Resources.

By Mr. PELL (for himself and Mr. JEFFORDS):

S. 1507. A bill to make technical amendments to the Higher Education Amendments of 1992 and the Higher Education Act of 1965, and for other purposes; placed on the calendar.

By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 1508. A bill to amend the definition of a rural community for eligibility for economic recovery funds, and for other purposes; considered and passed.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1509. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, and Mr. CAMPBELL):

S. 1510. A bill to amend title 38, United States Code, to increase the amount of the loan guaranty for loans for the purchase or construction of homes; to the Committee on Veterans' Affairs.

By Mr. DORGAN:

S. 1511. A bill to eliminate the crediting of "good time" for violent and repeat offenders in Federal and State prisons, authorize funding for boot camps and the conversion of military facilities to regional prisons, and for other purposes; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, and Mr. CAMPBELL):

S. 1512. A bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 147. A resolution to constitute the minority party's membership on certain of the standing committees for the 103d Congress, or until their successors are chosen; considered and agreed to.

By Mr. D'AMATO (for himself and Mr. COATS):

S. Con. Res. 45. A concurrent resolution relating to the Republic of China on Taiwan's participation in the United Nations; to the Committee on Foreign Relations.

By Mr. McCAIN:

S. Con. Res. 46. A concurrent resolution expressing the sense of the Congress commemorating the heroism and lifetime achievements of the late General James H. "Jimmy" Doolittle, who died on September 27, 1993; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1503. A bill to expand services provided by the Department of Veterans Affairs for veterans suffering from post-traumatic stress disorder [PTSD]; to the Committee on Veterans' Affairs.

VETERANS PTSD TREATMENT AND PSYCHOLOGICAL READJUSTMENT ACT OF 1993

• Mr. WELLSTONE. Mr. President, today I am introducing the Veterans PTSD Treatment and Psychological Readjustment Act of 1993. This measure will expand and improve access to VA outpatient and inpatient care for veterans suffering from post-traumatic stress disorder.

PTSD is a devastating disorder that affects numerous veterans, their families, and communities. It is a behavioral disorder occurring in individuals who have experienced a very traumatic event. While PTSD commonly occurs in veterans who have been exposed to the stresses of combat, it can also arise among victims of violent crime, sexual trauma, natural disasters, and other distressing events outside the realm of normal experience. PTSD victims often manifest such symptoms as angry outbursts, anxiety and panic attacks, aggressive and violent behavior, and recurrent flashbacks and nightmares. The disorder is often chronic and can emerge many years after the trauma of battle and reemerge suddenly and unpredictably.

Unfortunately, the consequences of PTSD often are as tragic for the veteran's family as they are for the veteran. Through my work and the work of my wife, Sheila, on the issue of domestic violence, I can testify to the deep and lasting impact on families that are victims of violence, abuse, and neglect. And, in my contacts with the families of Minnesota veterans who suffer from PTSD, I have learned that such families often suffer from neglect and abuse. This can have serious consequences for the children and even grandchildren of veterans afflicted by PTSD. A Minnesota psychotherapist who works with veterans who have PTSD has told me that she is now treating the adult children, and sometimes the grandchildren of Vietnam veterans who have grown up in violent homes. To prevent the perpetuation of this cycle of violence and trauma, we must move promptly to ensure that all

veterans suffering from PTSD have access to effective and timely treatment.

A 1988 congressionally mandated study on the readjustment of Vietnam-era veterans provides alarming evidence concerning both the prevalence of PTSD among Vietnam veterans and the relatively small percentage of PTSD victims who were receiving VA treatment services for PTSD. The study found diagnosable PTSD in over 15 percent or almost 480,000 of male Vietnam veterans, with an additional 11 percent or about 340,000 experiencing three to five symptoms of PTSD. During the concluding year of the study, only 10 percent of Vietnam-era veterans suffering from PTSD were receiving VA treatment for the disorder. Moreover, since the study was completed, the conflict in the Persian Gulf has resulted in a further increase in demand for VA services for PTSD.

To make matters worse, the VA Chief Medical Director's Special Committee on PTSD—now under the aegis of VA's Under Secretary for Health—for the past 10 years has recommended substantial expansion of VA inpatient and outpatient treatment facilities for PTSD. For the most part, the committee's recommendations have gone unheeded. While it is long overdue, I'm proud that our measure will implement many of the special committee's recommendations.

The Veterans PTSD Treatment and Psychological Readjustment Act of 1993 has three essential elements. First, it provides for a gradual expansion of VA inpatient and outpatient facilities for treatment of PTSD that is phased in over a 4-year period, concluding on December 31, 1997. This will result in the following increases in PTSD treatment facilities: 30 specialized inpatient PTSD units [SIPU's] at VA medical centers—there are now 26 units; 40 vet centers—there are now 201 centers—to be located in areas where there are relatively high numbers of veterans who belong to minority groups and areas that are currently not well served by vet centers; and 50 PTSD clinical teams [PCT's] at VA medical centers which provide mental health services—there are now 57 teams.

Second, and perhaps as important, it broadens veterans eligibility to receive PTSD and psychological readjustment services and authorizes VA counseling services for some dependents of armed service members and veterans. The bill requires that SIPU's be made available to all eligible veterans, including veterans of the Persian Gulf conflict. At the same time, it expands eligibility for counseling services to assist readjustment to civilian life to any veteran who served in a combat area of operations and to other veterans on a resource-available basis. The bill also authorizes the VA to provide counseling services to survivors of armed forces members who die while on active duty or from a service-connected condition, as well as to family members of armed forces members who are receiving combat pay.

Third, the legislation provides for two important PTSD research programs and an innovative pilot program. One research program that is of great significance to Minnesota veterans will focus on the effectiveness of involving the family in the treatment of PTSD. In my travels through Minnesota, it is often stressed to me that any comprehensive approach to treating PTSD must include family members who often are both indirect victims of PTSD and crucial to successful treatment outcomes. The other research program will address the vital issue of determining the most effective treatment modalities for dealing with PTSD. The pilot program will also provide information on the most promising approach for dealing with PTSD. It authorizes the Secretary of Veterans Affairs to contract for PTSD care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities. It may well turn out that the use of community-based facilities will provide an important alternatives to structured treatment at more conventional facilities.

Mr. President, in considering this bill for expanding PTSD treatment facilities, it is important to note that the VA, when properly funded, often does an excellent and unique job in treatment and research on PTSD. The vet centers have done exceptionally successful work over time to keep veterans out of long-term institutional care for PTSD. They are remarkable institutions, with a majority of the staff comprised of veterans who have served in a war zone. Vet centers provide an almost unique model of user-friendliness, and have a national reputation among veterans for offering help without hassles. The VA's National Center for PTSD also has an enviable reputation and is considered the world's leader in research, education, and the development of treatment models for PTSD. They are unique assets that have few, if any, counterparts in the private sector. In the context of a national health reform in which the VA medical system is expected to compete with private insurers, it is urgent that we nurture those VA programs that provide veterans with effective treatment that would be difficult to replicate elsewhere. Clearly, the VA's PTSD programs belong in this category.

More than 20 years after Vietnam veterans returned from the war, hundreds of thousands of them continue to suffer from the ravages of PTSD. Until we provide all of them with access to treatment that will help both them and their families, our obligation to them will remain unfulfilled. The costs of war do not only involve bombs and bullets, but also include providing medical care to those veterans who continue to suffer the scars of battle, sometimes for a lifetime. While PTSD is not as visible as a bullet wound or lost limb, the torment and pain it causes are no less real or painful. I urge my colleagues to join me by cosponsoring this vital and long-overdue measure.

Mr. President, in closing I should note that Representative LANE EVANS will introduce a companion bill in the House of Representatives today and express my deep gratitude to him for working with me on this legislation. Representative EVANS is a tireless, dedicated, and courageous advocate for all American veterans and I commend him for his extensive and effective work on their behalf.

I ask consent that a copy of the legislation I am introducing be printed in the RECORD.

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

S. 1503

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 "Veterans PTSD Treatment and Psychological Readjustment Act of 1993".

SEC. 2. FINDINGS.

The Congress finds—

(1) that a study carried out pursuant to the Veterans' Health Care Amendments of 1983 (Public Law 98–160; 97 Stat. 993) on the readjustment of Vietnam-era veterans estimated that approximately 479,000 Vietnam-theater veterans currently suffer from full-blown post-traumatic stress disorder (PTSD);

(2) that such study found that during the final year in which such study was conducted only 10 percent of the Vietnam-era veterans suffering from post-traumatic stress disorder were provided services by the Department of Veterans Affairs for post-traumatic stress disorder;

(3) that the conflict in the Persian Gulf resulted in an increased demand for services provided by the Department of Veterans Affairs for post-traumatic stress disorder;

(4) that expansion of the current programs of the Department of Veterans Affairs to provide services to veterans suffering from post-traumatic stress disorder (including specialized inpatient PTSD units, PTSD clinical teams, readjustment centers, and other services) would be an effective means of reaching those veterans who have not previously been provided such services; and

(5) that implementing the recommendations of the Special Committee on Post-Traumatic Stress Disorder would be an effective means of reaching veterans suffering from post-traumatic stress disorder who have not been provided services.

SEC. 3. EXPANSION OF THE SPECIALIZED INPATIENT POST-TRAUMATIC STRESS DISORDER UNIT PROGRAM.

(a) POLICY.—It shall be the policy of the Secretary of Veterans Affairs to implement the recommendations of the Special Committee on Post-Traumatic Stress Disorder

with respect to the program of the Department of Veterans Affairs to establish and operate specialized inpatient post-traumatic stress disorder units (SIPUs) at Department medical centers. In operating such units, the Secretary shall ensure that the facilities and services of such units are available to all eligible veterans, including veterans of the Persian Gulf conflict.

(b) INCREASE IN NUMBER OF SIPUS.—The Secretary shall increase the number of specialized inpatient post-traumatic stress disorder units existing on the date of the enactment of this Act by not less than 30. Of such number—

(1) not less than five such units shall be established by December 31, 1994;

(2) not less than a total of 15 such units shall be established by December 31, 1995;

(3) not less than a total of 25 such units shall be established by December 31, 1996; and

(4) not less than a total of 30 such units shall be established by December 31, 1997.

SEC. 4. EXPANSION OF THE VET CENTER PROGRAM AND OUTREACH EFFORTS FOR VETERANS WITH READJUSTMENT COUNSELING NEEDS.

(a) SPECIAL COMMITTEE RECOMMENDATION.—(1) The Secretary of Veterans Affairs, acting through the Under Secretary for Health of the Department of Veterans Affairs, shall direct the Special Committee on Post-Traumatic Stress Disorder to identify areas of the country in which there are significant needs for expanding the Vet Center program, especially areas in which there are relatively high numbers of veterans who are members of minority groups and areas that are currently not well-served by Vet Centers.

(2) The Special Committee, based on its findings under paragraph (1), shall present a list of not less than 40 areas as candidates for new Vet Centers to the Readjustment Counseling Service of the Department of Veterans Affairs not later than September 30, 1994.

(b) VET CENTER PROGRAM EXPANSION.—Based on the requirements identified pursuant to subsection (a), the Readjustment Counseling Service shall increase the number of Vet Centers existing on the date of the enactment of this Act by not less than 40. Of such number—

(1) not less than five such centers shall be established by December 31, 1994;

(2) not less than a total of 20 such centers shall be established by December 31, 1995;

(3) not less than a total of 30 such centers shall be established by December 31, 1996; and

(4) not less than a total of 40 such centers shall be established by December 31, 1997.

(c) OUTREACH RECOMMENDATIONS.—The Advisory Committee on Veteran Readjustment Counseling shall prepare a report on recommendations to increase outreach efforts to veterans of the Vietnam-era and periods after the Vietnam-era who have readjustment counseling needs. The Advisory Committee shall submit such report to the Secretary not later than July 29, 1994. Not later than 60 days after receiving such report, the Secretary shall transmit a copy of the report, together with the Secretary's comments and recommendations, to Congress.

SEC. 5. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.

(a) READJUSTMENT COUNSELING.—(1) Subsection (a) of section 1712A of title 38, United States Code, is amended to read as follows:

"(a)(1) Upon the request of any veteran who while in the active military, naval, or air service served in a combat theater of operations (as defined by the Secretary of Defense), the Secretary shall furnish counseling to such veteran to assist such veteran in readjusting to civilian life. Upon the request of any veteran other than a veteran described in the preceding sentence, the Secretary shall, within the limits of Department facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life.

"(2) Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.".

(2) Subsection (c) of such section is repealed.

(b) OTHER COUNSELING.—Such section is further amended by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Secretary may provide the counseling services described in section 1701(6)(B)(ii) of this title to the surviving parents, spouse, and children of any member of the Armed Forces who dies while serving on active duty or from a condition (as determined by the Secretary) incurred in or aggravated by such service.

"(2) The Secretary may make the facilities and services of Vet Centers available to provide appropriate counseling and other services to family members of any member of the Armed Forces who is receiving combat pay.".

(c) AUTHORITY TO CONTRACT FOR COUNSELING SERVICES.—Subsection (e) of such section is amended by striking out "subsections (a) and (b)" each place it appears and inserting in lieu thereof "subsections (a), (b), and (c)".

SEC. 6. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following:

"§ 1712C. Advisory Committee on Veteran Readjustment Counseling

"(a)(1) There is in the Department the Advisory Committee on Veteran Readjustment Counseling (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of 18 members. The members of the Committee shall be appointed by the Secretary and shall include individuals who are recognized authorities in fields pertinent to the social, psychological, economic, or educational readjustment of veterans. An officer or employee of the United States may not be appointed as a member of the Committee. At least 12 members of the Committee shall be veterans of the Vietnam era or other period of war. Appointments of members of the Committee shall be made from among individuals who have experience with the provision of veterans benefits and services by the Department or who are otherwise familiar with programs of the Department.

"(3) The Secretary shall seek to ensure that members appointed to the Committee include persons from a wide variety of geographic areas and ethnic backgrounds, persons from veterans service organizations, minorities, and women.

"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

"(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

"(ii) provide information relating to the nature and character of psychological problems arising from military service;

"(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

"(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of future veterans.

"(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account veterans of the Vietnam era, and the readjustment needs of such veterans.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

"(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) Not later than 90 days after the receipt of each report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

"(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

"(2) Section 14 of such Act shall not apply to the Committee.".

(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1712B the following:

"1712C. Advisory Committee on Veteran Readjustment Counseling.".

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 1712C of title 38, United States Code (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee established under that section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection

(a)(2). The Secretary shall carry out such appointments as soon as is practicable. The Secretary may make such appointments from among such original members.

SEC. 7. PILOT PROGRAM FOR TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) ESTABLISHMENT OF PROGRAM.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"§ 1720E. Treatment and rehabilitation for post-traumatic stress disorder; pilot program

"(a)(1) The Secretary, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, shall conduct a pilot program under which the Secretary may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community based treatment facilities for eligible veterans suffering from post-traumatic stress disorder. Such pilot program shall be planned, designed, and conducted by the Under Secretary for Health, with the approval of the Secretary, so as to demonstrate any medical advantages and cost effectiveness that may result from furnishing such care and services to veterans with post-traumatic stress disorder in contract facilities as authorized by this section, rather than in facilities over which the Secretary has direct jurisdiction.

"(2) Before furnishing such care and services to a veteran through a contract facility as authorized by paragraph (1), the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(b) The Secretary, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, shall take appropriate steps to—

"(1) urge all Federal agencies and appropriate private and public firms, organizations, agencies, and persons to provide appropriate employment and training opportunities for veterans who have been provided treatment and rehabilitative services under this title for post-traumatic stress disorder and have been determined by competent medical authority to be sufficiently rehabilitated to be employable; and

"(2) provide all possible assistance to the Secretary of Labor in providing such veterans with such employment and training opportunities.

"(c) Upon receipt of an application for treatment and rehabilitative services under this title for post-traumatic stress disorder from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such treatment and services, the Secretary shall—

"(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining treatment and rehabilitative services from sources outside the Department; and

"(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Department for review of such individual's discharge or release from such service.

"(d) The capacity of the pilot program under subsection (a) shall be maintained at 500 eligible individuals.

"(e) The Secretary may not furnish care and treatment and rehabilitative services under subsection (a) after the last day of the fifth fiscal year following the fiscal year during which the pilot program authorized by that subsection is begun.

"(f) Not later than March 31, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the findings and recommendations of the Secretary pertaining to the operation through September 30, 1997, of the pilot program authorized by subsection (a).

"(g) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1720D the following:

"1720E. Treatment and rehabilitation for post-traumatic stress disorder; pilot program.".

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs may not furnish care and treatment and rehabilitation services under subsection (a) of section 1720E of title 38, United States Code, as added by subsection (a), before October 1, 1993.

SEC. 8. REPORT ON POST-TRAUMATIC STRESS DISORDER CONTRACT CARE.

(a) EXAMINATION OF EFFECTIVENESS.—The Special Committee on Post-Traumatic Stress Disorder, in consultation with the Advisory Committee on Veterans Readjustment Counseling, shall examine the effectiveness of contracts for the treatment of post-traumatic stress disorder with private facilities and therapists under section 1712A(e) of title 38, United States Code.

(b) REPORT.—Not later than December 31, 1994, the Special Committee shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report of its findings and recommendations pertaining to—

(1) establishing stable funding for post-traumatic stress disorder contract care, and

(2) the availability of post-traumatic stress disorder contract care for eligible individuals in rural areas and such individuals who are not currently well-served by other Department of Veterans Affairs medical services.

SEC. 9. USE OF SCHOLARSHIP AND TUITION REIMBURSEMENT PROGRAMS FOR MENTAL HEALTH PROFESSIONALS.

In administering the Health Professionals Educational Assistance Program under chapter 76 of title 38, United States Code, the Secretary of Veterans Affairs shall seek to encourage the participation of individuals in the program who desire to become psychologists, psychiatrists, social workers, psychiatric nurses, and other professionals specializing in the treatment of post-traumatic stress disorder. The Secretary shall designate, pursuant to section 7612(b)(3) of that title, additional fields of education or training that may be beneficial for the treatment of veterans suffering from post-traumatic stress disorder.

SEC. 10. POST-TRAUMATIC STRESS DISORDER RESEARCH PROGRAMS.

(a) INTERMODAL APPROACH.—The Under Secretary for Health of the Department of Veterans Affairs shall conduct a research program to consider the most effective treatment modalities for the treatment of post-traumatic stress disorder. The research program shall be conducted at at least one specialized inpatient post-traumatic stress disorder unit (SIPU), at least one post-traumatic stress disorder clinical team (PCT), and at least one veterans readjustment center, as designated by the Under Secretary. The Under Secretary shall report the findings of such program to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than December 31, 1997.

(b) INVOLVEMENT OF FAMILY MEMBERS.—The Under Secretary shall conduct a research program concerning the effectiveness of involving the family in the treatment of post-traumatic stress disorder. The Under Secretary shall report the findings of such program to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than December 31, 1996.

(c) IMPLEMENTATION.—The Under Secretary shall carry out subsections (a) and (b) through the National Center on Post-Traumatic Stress Disorder.

(d) ADVICE.—The Under Secretary shall carry out subsections (a) and (b) in consultation with the Special Committee on Post-Traumatic Stress Disorder and the Advisory Committee on Veterans Readjustment Counseling.

SEC. 11. EXPANSION OF THE POST-TRAUMATIC STRESS DISORDER CLINICAL TEAM PROGRAM.

(a) POLICY.—It shall be the policy of the Secretary of Veterans Affairs to implement the recommendations of the Special Committee on Post-Traumatic Stress Disorder to establish and operate post-traumatic stress disorder clinical teams (PCTs) at Department medical centers which provide mental health services. In operating such teams, the Secretary shall ensure that the services of such teams are available to all eligible veterans.

(b) INCREASE IN NUMBER OF PCTS.—The Secretary shall increase the number of clinical teams existing on the date of the enactment of this Act by not less than 50. Of such number—

(1) not less than 15 such units shall be established by December 31, 1994;

(2) not less than a total of 30 such units shall be established by December 31, 1995;

(3) not less than a total of 40 such units shall be established by December 31, 1996; and

(4) not less than a total of 50 such units shall be established by December 31, 1997.

(c) LOCATIONS OF NEW PCTS.—In establishing new post-traumatic stress disorder clinical teams pursuant to subsection (a), the Secretary shall first locate teams at medical centers that do not have a specialized inpatient post-traumatic stress disorder unit (SIPU) and do not have an affiliated Vet Center.

SEC. 12. DEFINITIONS.

For the purposes of this Act—

(1) The term "Special Committee on Post-Traumatic Stress Disorder" means the Special Committee on Post-Traumatic Stress Disorder established by the Under Secretary for Health pursuant to section 110 of the veterans Health Care Act of 1984 (38 U.S.C. 1712A note).

(2) The term "Advisory Committee on Veteran Readjustment Counseling" means the Advisory Committee on Veteran Readjustment Counseling established under section 1712C of title 38, United States Code (as added by section 6(a)).●

By Mr. HATFIELD:

S. 1504. A bill to amend the Job Training Partnership Act to establish an Environmental Employment Transition Assistance Program [EETAP], and

for other purposes; to the Committee on Labor and Human Resources.

S. 1505. A bill to amend the Federal Land Policy and Management Act of 1976 to enhance the management of Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

ASSISTANCE FOR DISLOCATED WORKERS

• Mr. HATFIELD. Mr. President, over the past year—and as recently as this week—considerable attention has been focused on the potential job losses resulting from the recommendations of the Base Closure Commission and the effects of the North American Free-Trade Agreement. I, too, am concerned about and sympathetic for the thousands of men and women who will ultimately lose their jobs because of these federal policy initiatives to move our Nation into a post-cold-war era and a global economy.

But there is another source of major job dislocation—again caused by Federal decisions—which has been overshadowed because of these other issues: the job losses resulting from Federal policies to protect our country's natural resources.

Through my sponsorship of numerous policy initiatives to protect our environment and as the original sponsor of endangered species legislation in 1972, I have a longstanding record of supporting laws to insure the responsible stewardship of our environment. However, I am deeply concerned that efforts to protect our natural wonders are frequently made without regard to the effect of those efforts on our people and communities.

Regulatory and statutory efforts to protect our resources now affect tens of millions of acres of publicly and privately owned land; hundreds of rural communities; and tens of thousands—if not hundreds of thousands of human beings. If we are going to continue to receive the support of the American public to protect our environment, we must address the human element of this problem. For in the final analysis, these environmental protection decisions cannot survive without society's support.

When President Clinton convened the forest summit earlier this year in Portland, OR, the discussion centered around this very dilemma: how to preserve and enhance the environment while also supporting economic growth and the protection of jobs. While I do not agree with the administration's conclusions on how to accomplish or balance these objectives, we do agree on one simple principle.

The Federal Government has a responsibility to guide the transition of the communities as well as provide assistance to the men and women who are paying the price of preserving the environment with their jobs. We must provide our fellow citizens with the means to find new family-wage professions.

Although many men and women will lose their jobs as a result of NAFTA and closing some of our military bases, most have transferrable skills that can be applied to new professions. But many of the workers who lose their jobs as a result of environmental protection do not. These casualties have spent a great deal of their lives in the forests or on the coastal waters harvesting trees or fishing to feed, house, and clothe America and much of the rest of the world.

Unfortunately, many of these people do not have high school diplomas, and little—if any—family savings which would allow them to pay the mortgage or car payments, buy basic necessities, afford health care services and clothe their children for the extended period of time it takes to learn a new profession and find a job.

In my travels through the timber dependent and fishing communities of rural Oregon, I consistently hear the desperate pleas from dislocated timber workers and salmon fishermen that, due to financial constraints, they are unable to complete many of the training or educational programs offered by the Federal Government to assist in their transition to new jobs. They often ask how can we, the Federal Government, expect them to get retrained in a new family-wage profession and find new jobs with only 26 weeks of unemployment compensation.

Mr. President, the simple answer is that we cannot expect miracles to happen overnight, let alone in just 26 weeks. This is especially true in light of the fact that many of these people have invested most of their lives in the jobs upon which they and their families have come to depend.

That is why I differ with the environmental community and the administration over how to resolve the forest management crisis now gripping my region.

I have never doubted—in fact, I support—the protection of biologically significant forests, not only in the Pacific Northwest, but everywhere. I do not believe, however, that the plan forwarded by the President is necessary or defensible. I stand ready to work with the President and his administration to draft a new approach which is scientifically defensible and economically defensible.

What I cannot support is the immediate shutdown of our forests overnight. We must have a plan to get from point A to point B, and we must help our people with that journey.

Let me take a moment to tell the stories of a few individuals who are attempting to make this difficult transition. I would like to point out to my colleagues that their success has been due in part to the fact that they have been lucky enough to access financial assistance that has allowed them to enter new family-wage professions.

Last year I met a gentleman named Bruce Deal. In 1963, Mr. Deal moved from Nashville, AR, to Winston, OR, where he subsequently completed high school in 1966. Mr. Deal almost immediately went into the forest products industry where he worked for Roseburg Forest Products Saw Mill for 23 years.

In 1991 due to the timber supply crisis in the Pacific Northwest, he lost his job. Prior to that, he had never had the opportunity to learn anything else other than operate a saw. The pay was good and, according to Mr. Deal, there was no reason to learn another profession or new skills because he was able to provide for his family.

However, on a September day 2 years ago he lost his job, and all he worked to achieve was suddenly destroyed. Because of the subsequent financial and emotional strain, he lost his house, and became separated from his wife and two children. His entire future had suddenly become very precarious.

Fortunately, Mr. Deal is currently pursuing a profession in the health care field. When I first met him in May of 1992, he had just completed his first two terms. He is still in the program and is now expecting to complete a degree in health administration in the spring of 1994.

According to Mr. Deal, without the financial support he received from Umpqua Training and Employment, he would have never made it as far as he has and, even though his outlook has improved, the anxiety of loosing his job, home, and family have left lifelong scars.

But he told me one thing during our conversation back in May that has left a lasting impression on me. Rather than being concerned about the plight of his own family, he expressed his concern for the future of several men and women he knew who were in their 50's and had little more than sixth grade educations. He simply asked me: "What is going to happen to them?"

Mr. President, I hear many success stories like this one, whose achievement is due in part to the critical financial assistance necessary to bridge the transition to new professions.

For instance, Ms. Frankie Barker who worked in the same saw mill as Mr. Deal for 21 years. She was fortunate enough to have a sufficient education and income support to enter a civil engineering program at Umpqua Community College where she graduated Phi Theta Kappa. Shortly after her graduation she landed a job as a drafter and since has received promotions and raises.

Another example is Mr. Jim Gosser who worked as a lathe operator for over 30 years. At 52 years of age, and with only a 10th grade education, Mr. Gosser fully intended to work for the same employer until he retired. However, when Willamette Industries shut down the Lebanon plywood mill due to

a lack of raw materials, the predicament this gentleman had to face became abundantly clear.

With the help of many individuals, Mr. Gosser was able to earn his high school equivalency and enroll in a community college class in real estate property management. Eventually, he went on to real estate sales school and is currently employed as a real estate salesman 2 years after being laid off.

Mr. President, these individuals provide us with just a few success stories. However, because Oregon can only provide an extremely limited number of people with financial assistance, too many people simply are forced out of their retraining or educational programs to find employment to meet their financial needs.

There are over 20,000 additional people in Oregon alone who have lost their forest products jobs and who face a much more bleak future. We must move—we have an obligation to move—to help these people—now.

Therefore, Mr. President, today I am introducing two bills to assist workers who have lost their jobs due to Federal efforts to protect and or manage our environmental resources. As some of my colleagues will recall, in the 102d Congress, I offered legislation to assist workers who have lost, and continue to lose their jobs because of the listing of animals and plants as endangered or threatened under the auspices of the Endangered Species Act.

I offered that legislation because I was concerned that, in an effort to protect the northern spotted owl, the human toll was being forgotten and their transitional needs were being ignored. I am extremely encouraged that the Senate Appropriations Committee is recommending $1.1 billion—virtually a $500 million increase for the title III program under JTPA. However, because title III does not require needs-based assistance to those who are participating in retraining and educational programs, I have been concerned that we are not also addressing the structural inadequacies of the program.

The legislation I offer today, the Environmental Transition Assistance Act of 1993, addresses this structural inadequacy and expands on my previous legislation by incorporating several other current laws that protect this country's environmental resources.

The essence of this bill is to require needs-related payments or income assistance, a financial floor if you will, for workers who are adjusting to career changes. Under this bill, workers enrolled in qualified training or education programs exceeding the period of time for which they can receive unemployment insurance, would be eligible to complete their instruction with further monetary assistance or needs-based payments.

The second bill I am introducing, the Natural Resource Employment Transition Assistance Act, would not only provide needs-based payments to those who have lost their jobs due to the management practices of our public lands, it would also require the Secretary of the Interior to prepare an economic impact statement in conjunction with a proposal to withdraw land from public or commercial use.

By requiring the Secretary of the Interior to prepare an economic impact statement when it proposes to withdraw land from any kind of production, Congress and the public can gain a better understanding of the economic consequences of these decisions. Specifically, the EIS would require the Department of the Interior to analyze, among other things, the economic impacts on local revenues, the local tax base, school financing, social services, infrastructure funding, unemployment, and inflation in the affected area.

Mr. President, I want to say that these bills are not intended to be cure-alls to these difficult issues. They will not provide the people and the communities all that will be needed to address the problems they face when the Federal Government decides to protect our environment.

These proposals will, however, not only raise the understanding of the impact and consequences that result from these efforts, but at the very least, they will provide a helping hand to those individuals caught between statutory inadequacies, our preservation efforts, and the specter of immediate unemployment and cultural dislocation.

I ask my colleagues to join with me to advance the cause of both our environment and our people by quickly enacting these proposals into law at the earliest possible time.

Mr. President, I ask that both bills and copies of the endorsement for the Environmental Employment Transition Assistance Act be printed in the RECORD following my remarks.

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

S. 1504

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 "Environmental Employment Transition Assistance Act of 1993".

SEC. 2. ENVIRONMENTAL EMPLOYMENT TRANSITION ASSISTANCE.

(a) AMENDMENT.—Part B of title III of the Job Training Partnership Act (29 U.S.C. 1662 et seq.) is amended by adding at the end the following:

"SEC. 327. ENVIRONMENTAL EMPLOYMENT TRANSITION ASSISTANCE.

"(a) DEFINITIONS.—As used in this section:

"(1) ADVERSELY AFFECTED EMPLOYMENT.—The term 'adversely affected employment' means work in an industry, occupation or establishment which—

"(A) has sustained or is projected to sustain substantial economic harm;

"(B) has experienced, is experiencing, or will experience interruptions in the supply of raw materials or goods used in manufacturing; or

"(C) will gradually decline or down-size or experience an acceleration of decline,

as a direct or indirect result of the listing of any species as 'threatened' or 'endangered' under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or of the implementation of the National Forest Management Act of 1976 (90 Stat. 2949), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. 1601 et seq.), or the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

"(2) ADVERSELY AFFECTED WORKER.—The term 'adversely affected worker' means an individual who—

"(A) is an eligible dislocated worker; and

"(B)(i) has been totally, partially or temporarily separated from work that is considered as adversely affected employment within the 3-year period beginning on the date of enactment of this section; or

"(ii) has received a notice of termination or layoff from such work.

"(3) AFFECTED STATE.—The term 'affected State' means any of the several States of the United States and the District of Columbia in which there is adversely affected employment.

"(b) DETERMINATION OF ELIGIBILITY.—

"(1) IN GENERAL.—To be eligible for assistance under this section, an individual shall be determined to be an adversely affected worker as defined under paragraph (2) of subsection (a).

"(2) SPECIAL RULE.—The Secretary of Labor, pursuant to criteria established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Energy shall make the eligibility determination of whether an individual meets the definitional requirement under subsection (a)(2)(B).

"(3) CERTIFICATION.—The Secretary of Labor, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Governor of an affected State, shall certify an industry, occupation or establishment based on the listing, or the implementation of any of the Acts, described in subsection (a)(1) as one in which there is adversely affected employment.

"(4) CONCLUSIVE PRESUMPTION.—

"(A) IN GENERAL.—The total, partial, or temporary layoff, or the notification of termination or layoff, of an adversely affected worker during a period of 5 years following the listing of the species, or the implementation of the Acts, on which certification of an industry, occupation, or establishment is based under paragraph (3) shall be conclusively presumed to be attributable to compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Forest Management Act of 1976 (90 Stat. 2949), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Federal Water Pollution Control Act (33

U.S.C. 1251 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. 1601 et seq.), or the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

"(B) EXCEPTION.—No conclusive presumption exists under subparagraph (A) if an adversely affected worker has voluntarily quit, been laid off, or terminated from a job for a cause that would disqualify such worker for unemployment compensation under the State law.

"(c) GRANTS AUTHORIZED.—The Secretary may award grants to States, substate grantees (as described in section 312(c)), employers, employer associations, and labor organizations—

"(1) to provide training, adjustment assistance, and employment services to adversely affected workers; and

"(2) to make needs-related payments to such workers in accordance with subsection (h).

"(d) GRANT AMOUNT.—

"(1) IN GENERAL.—The amount of a grant awarded under this section shall be based on a percentage developed by the Secretary through consideration of the ratio of—

"(A) the per capita incidence of adversely affected workers in each State; to

"(B) the per capita incidence of adversely affected workers in all States.

"(2) RURAL AREAS.—The Secretary shall not award a grant under subsection (c) unless the applicant provides assurances that the applicant will use a portion of the amount awarded under the grant to provide training, adjustment assistance, employment services and needs-related payments to adversely affected workers in rural areas.

"(e) PRIORITY AND APPROVAL.—

"(1) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under subsection (c), a State, substate grantee, employer, employer association, or labor organization shall submit an application to the Secretary at such time, in such manner, and containing such assurances as the Secretary may require.

"(B) REVIEW PRIOR TO SUBMISSION.—Prior to the submission of an application under subparagraph (A), an applicant shall—

"(i) submit the application for review and comment to the private industry council and the State; and

"(ii) offer local labor organizations the opportunity to provide comments on the application.

"(C) DOCUMENTATION.—An applicant that submits an application under subparagraph (B) shall maintain all documentation relating to consultations with the entities described in clauses (i) and (ii) of such subparagraph.

"(2) NEEDS-RELATED PAYMENTS REQUIRED.—The Secretary shall not approve an application for a grant under subsection (c) unless the application contains assurances that the applicant will use amounts provided under the grant to provide needs-related payments in accordance with subsection (h).

"(f) USE OF FUNDS.—Subject to the requirements of subsections (g) and (h), grants under subsection (c) may be used for any purpose for which funds may be used under section 314.

"(g) ADJUSTMENT ASSISTANCE.—

"(1) JOB SEARCH ALLOWANCE.—Grants under subsection (c) for adjustment assistance may be used to provide a job search allowance to an adversely affected worker. Such allowance, if provided, shall provide reimbursement to such worker in an amount that does not exceed 90 percent of the cost to such worker for necessary job search expenses, as prescribed by regulations of the Secretary, or $800 whichever is less, unless the need for a greater amount is demonstrated in the application and approved by the Secretary.

"(2) CRITERIA FOR AWARDING JOB SEARCH ALLOWANCES.—A job search allowance may be provided only—

"(A) to assist an adversely affected worker who has been totally separated in securing a job within the United States; and

"(B) if the Secretary determines that the adversely affected worker cannot reasonably be expected to secure suitable employment in the commuting area in which such worker resides.

"(h) NEEDS-RELATED PAYMENTS.—The Secretary shall prescribe regulations with respect to the use of amounts awarded under a grant under subsection (c) for needs-related payments in order to enable adversely affected workers to complete training or education programs under this section. Such regulations shall—

"(1) require that needs-related payments shall be provided to an adversely affected worker only if such worker—

"(A)(i) qualifies for emergency or extended unemployment benefits; or

"(ii) does not qualify or has ceased to qualify for unemployment compensation;

"(B) is participating in training or education programs under this section, except that the regulations shall protect an adversely affected worker from being disqualified pursuant to this subparagraph for a failure to participate that is not the fault of such worker; and

"(C) receives, or is a member of a family that receives, a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, is not in excess of the lower living standard income level;

"(2) provide that an adversely affected worker may not be disqualified from receipt of needs-related payments if such worker terminates temporary or part-time employment to participate in a training or education program under this section;

"(3) provide that not later than 30 days after enrollment in a training program, an adversely affected worker shall receive needs-related payments if such worker—

"(A) does not qualify or has ceased to qualify for unemployment compensation; and

"(B) has enrolled in a training program under this section;

"(4) provide for procedures for waiving maximum benefits requirements;

"(5) provide for procedures for allowing the payment of needs-related payments based on special needs which shall be determined on appeal by the Secretary;

"(6) provide that the levels of needs-related payments to an adversely affected worker who does not qualify or has ceased to qualify for unemployment compensation shall be equal to the higher of—

"(A) the applicable level of unemployment compensation; or

"(B) the official poverty line (as defined by the Office of Management and Budget, and revised annually by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2));

"(7) provide that the amount of needs-related payments to an adversely affected worker who qualifies for emergency or extended unemployment benefits shall be equal to the difference between the amount of such worker's compensation and the amount of such worker's unemployment benefits;

"(8) provide for the adjustment of payments to reflect changes in total family income; and

"(9) provide that the grantee shall obtain information with respect to such income, and changes therein, from the adversely affected worker.

"(i) COUNSELING AND REFERRALS.—Not later than 45 days after an adversely affected worker qualifies for unemployment benefits, a grantee under this section shall provide employment counseling and referral to training programs, if needed, to such worker.

"(j) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Secretary of Labor may reserve not more than 5 percent of the awards appropriated under this section for the administration of activities authorized under this section, including the provision of technical assistance for the preparation of grant applications.

"(2) PRIORITY.—In the provision of technical assistance for preparation of grant applications under paragraph (1), the Secretary of Labor shall give priority to nongovernmental, and nonprofit organizations.

"(k) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to amounts authorized to be appropriated by section 3(b), as amended by section 102(a) of the Job Training Reform Amendments (Public Law 102-367), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of fiscal years 1995, 1996, 1997, and 1998, to carry out this section. The total amount appropriated for all 5 such fiscal years shall not exceed $500,000,000.

"(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

"(l) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall prescribe regulations to carry out this section.

"(m) GENERAL ACCOUNTING OFFICE ASSESSMENT OF EFFECTS ON EMPLOYMENT OF COMPLIANCE WITH ENVIRONMENTAL POLICIES.—The Comptroller General of the United States shall—

"(1) identify and assess, to the extent possible, the effects on employment that are attributable to compliance with the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Forest Management Act of 1976 (90 Stat. 2949), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. 1601 et seq.), or the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.); and

"(2) submit to the Congress on the date that is 4 years after the date of the enactment of this section a written report on the assessments required under paragraph (1).".

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Job Training Partnership Act is amended by adding at the end of the items pertaining to part B of title III the following:

"Sec. 327. Environmental employment transition assistance.".

(2) Section 3(b) of the Job Training Partnership Act (29 U.S.C. 1502(c)), as amended by section 102(a) of the Job Training Reform Amendments (Public Law 102-367), is amended by striking "section 326" and inserting "sections 326 and 327".

S. 1505

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 "Natural Resource Employment Transition Assistance Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) more than 450 million acres of Federal land are administered as public lands (as the term is defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)) by the Bureau of Land Management of the Department of the Interior;

(2) most of the public lands are located in 11 western States and Alaska;

(3) the public lands constitute the largest Federal land management system and comprise over 60 percent of all federally owned real property;

(4) as much as 75 percent of the 2.2 billion acres of land in the United States has been in the public domain, including practically all the lands within the boundaries of all States excluding Texas and Hawaii;

(5) pursuant to the policies set forth in the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1701 et seq.), the Bureau of Land Management manages most public lands;

(6) the Secretary of the Interior (referred to in this section as the "Secretary") is required to manage public lands according to multiple use and sustained yield principles involving an interdisciplinary approach that includes physical, biological, and economic disciplines, and is required to weigh long-term benefits to the public against short-term gains;

(7) in the management of public lands, the Secretary is required to give special consideration to the designation and protection of critical environmental areas;

(8) the Secretary is authorized to withdraw land for the purpose of limiting activities to maintain other public values in an area, or to reserve the area for a specific purpose;

(9) many withdrawals curtail or adversely affect economic uses of the public lands;

(10) the Secretary is authorized to regulate the use, occupancy, and development of public lands through such instruments as rules, easements, licenses, leases, and permits;

(11) the Secretary may order a suspension of the instruments described in paragraph (10) if the Secretary determines that the suspension is necessary to protect public health or safety, or the environment;

(12) the Secretary has promulgated and follows guidelines for land use planning on all public lands managed by the Bureau of Land Management;

(13) public lands are widely seen as valuable national assets, capable of providing the best public benefits through continued Federal ownership, but are sorely in need of more effective economic management;

(14) many workers have suffered adverse economic conditions caused by Federal laws and regulations that govern the use of natural resources on public lands;

(15) many of the workers who have been dislocated by restrictions placed on the use of public domain lands limiting the use of natural resources have unique skills that are not readily transferable to other industries;

(16) reemployment opportunities are often limited in the area in which the workers were formally employed;

(17) economic assistance is necessary for workers who have been dislocated because Federal policies have led to their economic hardships;

(18) assistance programs are often inadequate or nonexistent for workers who have lost their jobs and are in need of assistance as a result of Federal land management decisions affecting public land;

(19) there is a need for financial and technical assistance for workers who have suffered adverse economic conditions; and

(20) an assistance program should be established that promotes technical, financial, and other types of assistance to workers.

SEC. 3. PURPOSE.

It is the purpose of this Act to improve the ability of the Secretary of the Interior to manage the public lands of the United States pursuant to the requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) by providing an assistance program for workers who were or are currently threatened to be dislocated from employment as a result of restrictions placed on public lands.

SEC. 4. NATURAL RESOURCE EMPLOYMENT TRANSITION ASSISTANCE.

(a) ECONOMIC IMPACT STATEMENT.—Section 204(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary shall include with each notice published pursuant to paragraph (1) a detailed statement of the economic impact of the proposed withdrawal. The economic impact statement shall accompany the proposal for withdrawal through the agency review process.

"(B) The economic impact statement shall include an analysis of—

"(i) the economic impact of the proposed withdrawal on Federal, State, and local revenues, the local tax bases, school financing, social services, and infrastructure funding, unemployment levels, and inflation;

"(ii) any adverse economic effects that could not be avoided if the proposed withdrawal was to take place;

"(iii) alternatives to the proposed withdrawal, including the alternative of no withdrawal;

"(iv) an assessment of Federal funding requirements for recreational facility maintenance; and

"(v) an assessment of the impact of the proposed withdrawal on Federal land and natural resource management policies.

"(C) If the Secretary determines that a proposed withdrawal would result in no significant economic impact, the Secretary shall include in the economic impact statement a finding that reflects the determination, including an explanation of the finding.

"(D) Prior to preparing an economic impact statement, the Secretary shall consult with each Federal, State, and local agency that has jurisdiction by law or special expertise with respect to each economic impact involved.

"(E)(i) Copies of the economic impact statement and the comments of the appropriate Federal, State, and local agencies, shall be made available to the public.

"(ii) The Secretary shall provide for a period during which the public may comment on the proposal for withdrawal. The public comments shall be appended to the economic impact statement.

"(F) The Secretary shall prepare a record of decision for each withdrawal decision, including a rejection of an application for withdrawal. The record of decision shall summarize the actions of the agency and explain the rejection of the proposed alternatives.".

(b) TRANSITION ASSISTANCE.—The Federal Land Policy and Management Act of 1976 (42 U.S.C. 1701 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—TRANSITION ASSISTANCE

"SEC. 801. NATURAL RESOURCE EMPLOYMENT TRANSITION ASSISTANCE.

"(a) DEFINITIONS AND DETERMINATION OF ELIGIBILITY.—

"(1) DEFINITIONS.—As used in this section:

"(A) ADVERSELY AFFECTED EMPLOYMENT.—The term 'adversely affected employment' means work in an industry, occupation, or establishment (including the timber industry or an occupation or establishment related to the timber industry) that, as a direct or indirect result of the implementation of this Act—

"(i) has sustained or is projected to sustain substantial economic harm;

"(ii) has experienced, is experiencing, or will experience interruptions in the supply of raw materials or goods used in manufacturing; or

"(iii) will gradually decline or down-size or experience an acceleration of decline.

"(B) ADVERSELY AFFECTED WORKER.—The term 'adversely affected worker' means an individual who—

"(i) is an eligible dislocated worker within the meaning of section 301(a)(1) of the Job Training Partnership Act (29 U.S.C. 1651(a)(1)); and

"(ii)(I) has been totally, partially, or temporarily separated from work that is considered as adversely affected employment within the 3-year period beginning on the date of enactment of this section; or

"(II) has received a notice of termination or layoff from such work.

"(C) AFFECTED STATE.—The term 'affected State' means any of the several States of the United States and the District of Columbia in which there is adversely affected employment.

"(D) PRIVATE INDUSTRY COUNCIL.—The term 'private industry council' means a private industry council described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512).

"(2) DETERMINATIONS.—The determination of whether an individual is an adversely affected worker under paragraph (1)(A)(ii) shall be made by the Secretary of the Interior, pursuant to criteria established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Commerce, the Secretary of Energy, the Secretary of Agriculture, or the Secretary of Labor, as appropriate.

"(3) CERTIFICATION.—The Secretary of the Interior, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Commerce, the Secretary of Energy, the Secretary of Agriculture, the Secretary of Labor, and the Governor of an affected State, shall certify an industry, occupation, or establishment based on the implementation of this Act as one in which there is adversely affected employment.

"(4) CONCLUSIVE PRESUMPTION.—

"(A) IN GENERAL.—The total, partial, or temporary layoff, or the notification of termination or layoff of an adversely affected worker after 1981, on which certification of an affected State is based under paragraph (3) shall be conclusively presumed to be attributable to compliance with this Act.

"(B) EXCEPTION.—No conclusive presumption exists under subparagraph (A) if an adversely affected worker has voluntarily quit, been laid off, or been terminated from a job

for a cause that would disqualify such worker for unemployment compensation under the State law.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary may award grants to States, substate grantees (as described in paragraph (2)), employers, employer associations, and labor organizations—

"(A) to provide training, adjustment assistance, and employment services to adversely affected workers; and

"(B) to make needs-related payments to such workers in accordance with subsection (g).

"(2) SUBSTATE GRANTEES.—Entities eligible for designation as substate grantees include—

"(A) private industry councils in a substate area designated by the Governor of the State involved;

"(B) service delivery area grant recipients or administrative entities;

"(C) private nonprofit organizations;

"(D) units of general local government in the substate area, or agencies thereof;

"(E) local offices of State agencies; and

"(F) other public agencies, such as community colleges and area vocational schools.

"(c) GRANT AMOUNT.—

"(1) IN GENERAL.—The amount of a grant awarded under this section shall be based on a percentage developed by the Secretary through consideration of the ratio of—

"(A) the per capita incidence of adversely affected workers in each State; to

"(B) the per capita incidence of adversely affected workers in all States.

"(2) RURAL AREAS.—The Secretary shall not award a grant under subsection (b) unless the applicant provides assurances that the applicant will use a portion of the amount awarded under the grant to provide training, adjustment assistance, employment services, and needs-related payments to adversely affected workers in rural areas.

"(d) PRIORITY AND APPROVAL.—

"(1) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under subsection (b), a State, substate grantee, employer, employer association, or labor organization shall submit an application to the Secretary at such time, in such manner, and containing such assurances as the Secretary may require.

"(B) REVIEW PRIOR TO SUBMISSION.—Prior to the submission of an application under subparagraph (A), an applicant shall—

"(i) submit the application for review and comment to the appropriate private industry council and the State; and

"(ii) offer local labor organizations the opportunity to provide comments on the application.

"(C) DOCUMENTATION.—An applicant that submits an application under subparagraph (B) shall maintain all documentation relating to consultations with the entities described in clauses (i) and (ii) of such subparagraph.

"(2) NEEDS-RELATED PAYMENTS REQUIRED.—The Secretary shall not approve an application for a grant under subsection (b) unless the application contains assurances that the applicant will use amounts provided under the grant to provide needs-related payments in accordance with subsection (g).

"(e) USE OF FUNDS.—Subject to the requirements of subsections (f) and (g), grants under subsection (b) may be used for any purpose for which funds may be used under section 314 of the Job Training Partnership Act (29 U.S.C. 1661c).

"(f) ADJUSTMENT ASSISTANCE.—

"(1) JOB SEARCH ALLOWANCE.—Grants under subsection (b) for adjustment assistance may be used to provide a job search allowance to an adversely affected worker. Such allowance, if provided, shall provide reimbursement to such worker in an amount that does not exceed 90 percent of the cost to such worker for necessary job search expenses, as prescribed by regulations of the Secretary, or $800, whichever is less, unless the need for a greater amount is demonstrated in the application and approved by the Secretary.

"(2) CRITERIA FOR AWARDING JOB SEARCH ALLOWANCES.—A job search allowance may be provided only—

"(A) to assist an adversely affected worker who has been totally separated in securing a job within the United States; and

"(B) if the Secretary determines that the adversely affected worker cannot reasonably be expected to secure suitable employment in the commuting area in which such worker resides.

"(g) NEEDS-RELATED PAYMENTS.—The Secretary shall prescribe regulations with respect to the use of amounts awarded under a grant under subsection (b) for needs-related payments in order to enable adversely affected workers to complete training or education programs under this section. Such regulations shall—

"(1) require that needs-related payments shall be provided to an adversely affected worker only if such worker—

"(A)(i) qualifies for emergency or extended unemployment benefits; or

"(ii) does not qualify or has ceased to qualify for unemployment compensation;

"(B) is participating in training or education programs under this section, except that the regulations shall protect an adversely affected worker from being disqualified pursuant to this subparagraph for a failure to participate that is not the fault of such worker; and

"(C) receives, or is a member of a family that receives, a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, is not in excess of the lower living standard income level;

"(2) provide that an adversely affected worker may not be disqualified from receipt of needs-related payments if such worker terminates temporary or part-time employment to participate in a training or education program under this section;

"(3) provide that not later than 30 days after enrollment in a training program, an adversely affected worker shall receive needs-related payments if such worker—

"(A) does not qualify or has ceased to qualify for unemployment compensation; and

"(B) has enrolled in a training program under this section;

"(4) provide for procedures for waiving maximum benefits requirements;

"(5) provide for procedures for allowing the payment of needs-related payments based on special needs that shall be determined by the Secretary on appeal;

"(6) provide that the levels of needs-related payments to an adversely affected worker who does not qualify or has ceased to qualify for unemployment compensation shall be equal to the higher of—

"(A) the applicable level of unemployment compensation; or

"(B) the official poverty line (as defined by the Office of Management and Budget, and revised annually by the Secretary of Health and Human Services in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2));

"(7) provide that the amount of needs-related payments to an adversely affected worker who qualifies for emergency or extended unemployment benefits shall be equal to the difference between the amount of such worker's compensation and the amount of such worker's unemployment benefits;

"(8) provide for the adjustment of payments to reflect changes in total family income; and

"(9) provide that the grantee shall obtain information with respect to such income, and changes therein, from the adversely affected worker.

"(h) COUNSELING AND REFERRALS.—Not later than 45 days after an adversely affected worker qualifies for unemployment benefits, a grantee under this section shall provide employment counseling and referral to training programs, if needed, to such worker.

"(i) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Secretary of the Interior may reserve not more than 5 percent of the awards appropriated under this section for the administration of activities authorized under this section, including the provision of technical assistance for the preparation of grant applications.

"(2) PRIORITY.—In the provision of technical assistance for preparation of grant applications under paragraph (1), the Secretary shall give priority to nongovernmental and nonprofit organizations.

"(j) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall prescribe regulations to carry out this section.

"(k) GENERAL ACCOUNTING OFFICE ASSESSMENT OF EFFECTS OF COMPLIANCE WITH ENVIRONMENTAL POLICIES.—The Comptroller General of the United States shall—

"(1) identify and assess, to the extent possible, the effects on Federal land management and natural resources policy, and on employment, that are attributable to compliance with the provisions of this Act, the National Forest Management Act of 1976, the Migratory Bird Treaty Act, the Act commonly known as the Clean Water Act, the National Environmental Policy Act of 1969, the Forest and Rangeland Renewable Resources Planning Act of 1974, the Multiple-Use Sustained-Yield Act of 1960 or the Endangered Species Act of 1973, and any other Federal land management and natural resource policies; and

"(2) submit to Congress on the date that is 4 years after the date of the enactment of this section a written report on the assessments required under paragraph (1).

"(l) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of fiscal years 1995 through 1998 to carry out this section. The total amount appropriated for all 5 such fiscal years shall not exceed $500,000,000.

"(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.".

OFFICE OF THE GOVERNOR,
Salem, OR, September 28, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MARK: I am writing to thank you for your efforts on behalf of Oregon's dislocated workers and rural communities and to lend my support for the introduction of your "Environmental Employment Transition Assistance Act of 1993." This legislation combined with your assistance through the Appropriations Committee to fund other worker and

community programs will help address the changes occurring in Oregon's natural resources based industries.

The proposed legislation is in line with the efforts we have made in helping President Clinton design his Northwest Economic Adjustment Initiative. Workers and their families need more than just training. They need the adjustment assistance, employment services and needs-related payments your bill addresses.

I also applaud the provision in the legislation which grants eligibility for labor organizations to participate in this program. They are able to bring a much needed understanding of the needs of workers to designing programs that really work for the benefit of the dislocated worker and their family.

Thank you for your leadership and I look forward to continuing our efforts together on behalf of Oregon workers and communities.

Sincerely,

BARBARA ROBERTS,
Governor.

WESTERN COUNCIL OF INDUSTRIAL WORKERS, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,

Portland, OR, September 27, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Thank you, once again, for showing strong support for Pacific Northwest forest workers.

Your bill, which would provide economic assistance to workers negatively impacted by the application of various environmental, forest management and wildlife protection laws, is urgently needed. We are now several months into President Clinton's "Option 9" and it is increasingly obvious to most observers that the Administration's approach is destined to fail.

Not only has the Administration's plan failed to secure a reliable source of timber supply to support employment in Oregon's timber towns, the economic adjustment program is also grossly inadequate. When a deliberate government policy has the effect of throwing tens of thousands of people out of work, the government has an obligation to provide full and complete transition programs for those people who are impacted. Fortunately, your bill recognizes this moral obligation.

I would like to especially commend you for expanding the bill to include eight different forest management, environmental and wildlife protection acts. There is an increasing recognition across the country that the application of these laws is not cost free. The costs of environmental protection often fall on people. The case involving the protection of the Northern Spotted Owl is a classic example. Our members have been devastated by court injunctions that have halted most timber sales from Forest Service and BLM lands on the west side. Your bill would help to fill in the huge gap left by the Clinton adjustment program.

Your bill also points out that the rest of the country can learn a valuable lesson from those of us who have struggled through the spotted owl debate—human and economic disaster can be minimized and mitigated with foresight, sensitivity to the needs of workers and with properly constructed programs.

With kind regards, I am

Sincerely,

MICHAEL DRAPER,
Executive Secretary.

INTERNATIONAL WOODWORKERS OF AMERICA, U.S. AFL–CIO,

Gladstone, OR, September 28, 1993.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Thank you for introducing the Environmental Employment Transition Assistance Act of 1993. This legislation, if passed, would go a long way toward making the Jobs Training Partnership Act more relevant, effective and meaningful for thousands of already dislocated, and tens of thousands soon to be dislocated workers throughout the Pacific Northwest.

While, dislocated woodworkers will still bear a disproportionate burden as a result of the Clinton Administration's misguided forest management policy, commonly referred as Option #9, your legislation will substantially lessen that burden. Currently, less than 25% of dislocated woodworkers are able to use the programs provided by JTPA. Given that JTPA represents the administration's principal dislocation program is indeed alarming, and one reason legislation such as yours is needed so critically.

This legislation, by at least recognizing the importance of needs based payments, represents an important first step toward a labor market policy which acknowledges that workers who are directly adversely affected by federal policy should not be forced to suffer and bear the entire burden of a dislocation which results because of no fault of their own. The current system blames the worker for the misfortune of being born in a timber dependent town and working for a highly productive and important industry. Your proposed legislation for the cost to dislocated workers begins the process of acknowledging that the single largest cost for the nation's newest forest management policy has been grossly underestimated.

In addition, the legislation's efforts to hold down administrative overhead is indeed welcome. The IWA-U.S., has had far too many experiences where programs funded and designed to help dislocated woodworkers result in doing little more than expanding federal, state, local and PIC bureaucracies. One way to keep these programs more efficient is to involve affected unions. Your legislation does this and is another reason we support this effort.

The IWA-U.S., endorses the Environmental Employment Transition Assistance Act as a positive first step and looks forward to working with your office not only to enact this piece of legislation, but to assist you in developing additional labor market programs designed to mitigate the harsh aspects of option #9 in the Pacific Northwest.

Respectfully yours,

WILLIAM J. HUBBELL,
President.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,

Washington, DC, September 29, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: This is to express our support for the bill you are preparing to introduce that would provide training assistance to workers displaced because of government action taken under the Endangered Species Act and other environmental and forest management laws.

Our union represents some 30,000 workers in the Pacific Northwest who work in the forest products industry. Today their jobs are threatened because of implementation of the Endangered Species Act, NIFM and NEPA concerning the northern spotted owl. In fact, listing of the owl and the subsequent law suits and court injunctions have already had a major impact on workers. Since January 1991, 85 wood products mills have closed in the region, throwing 9,500 people out of work. And this is not the end of the dislocations and turmoil expected to play out in the coming years under the President's "Option 9."

Regretfully, the economic adjustment program put forward by the Clinton Administration to accompany the "Option 9" forest management plan is sorely inadequate. It understates by a very large margin the unemployment impacts that will result from the Administration's forest plan and, thus, fails to provide adequate retraining and adjustment assistance. Your bill would fill a very large void.

Thank you for coming to the assistance of working families dislocated due to application of federal policy concerning preservation of wildlife, forest management, and other environmental requirements. This problem is not confined to the Pacific Northwest, but is national in scope.

While much attention has been focused on the northern spotted owl, virtually every state in the country will experience job losses due to the application of the Endangered Species Act and other laws requiring environmental compliance. We need enactment of your bill as soon as possible.

With kind regards, I am

Sincerely yours,

JAMES S. BLEDSOE,
General Treasurer.

AMERICAN FEDERTION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, September 29, 1993.

Hon. MARK HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: It is our understanding that you will soon introduce, as you did in the last Congress, your legislation entitled the "Environmental Employment Transition Assistance Act of 1993." Once again, I am writing to express the support of the AFL–CIO for your legislation, as we did with last year's proposal.

The strict application and enforcement of numerous environmental laws has had the added affect of exacerbating the already severe job loss problems faced by workers in the forest products industry. Moreover, we expect this problem to only worsen in the weeks and months ahead.

Forest products workers who need training assistance have unique problems that are different from other types of displaced workers. Your proposal takes a major step forward in providing assistance to workers during these tenuous times.

We look forward to working with you for the best possible implementation of your proposal.

Sincerely,

ROBERT M. MCGLOTTEN,
Director.

OREGON DEPARTMENT OF HUMAN RESOURCES,

Salem, OR, September 27, 1993.

Hon. MARK O. HATFIELD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I am pleased to hear of your plans to reintroduce the Environmental Transition Assistance Act to the United States Senate.

In light of the uncertainties many Oregonians face in the job market as a result of the listing of several species as threatened or endangered under the Endangered Species Act, I heartily endorse this legislation. As you are aware, the resulting decline in many industries in the Pacific Northwest has had a tremendous economic impact to the region.

With the recent reduction in available dollars for our state dislocated worker programs, the need for assistance to dislocated workers is even greater than it was a year ago. We hope the committee will act favorably on the bill.

If the Employment Department can be of any further assistance, please don't hesitate to let me know. Thank you for reintroducing this important piece of legislation

Sincerely,

PAMELA A. MATTSON,
Acting Director, Employment Department.

OREGON, BUREAU OF LABOR AND INDUSTRIES,
Salem OR, September 29, 1993.

Hon. MARK HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: I would like to lend my support to your efforts to provide new training opportunities for workers who are adversely affected by the many environmental decisions that are being made today. The Environmental Employment Transition Assistance Program of 1993 is a positive step toward providing additional assistance to many individuals whose lives and livelihood are being adversely affected by decisions that are entirely out of their control. This bill should have a positive impact on their attempts to develop new employment skills and provide them some added hope at a time when many have lost hope in finding viable employment.

We in Oregon have a long tradition of providing assistance to the dislocated worker community. We have set up special programs in our Apprenticeship and Training Division and are actively assisting the Job Training Partnership Act participants to enter training programs that will lead to gainful employment in high skill occupations. I feel that this bill will go a long way to assist the dislocated worker stay on his/her feet at a time of great need.

I congratulate you on this initiative and lend my fullest support in your efforts to gain passage of the Environmental Employment Transition Assistance Act of 1993.

Sincerely,

MARY WENDY ROBERTS,
Commissioner.

LEAGUE OF OREGON CITIES,
Salem, OR, September 28, 1993.

Hon. MARK O. HATFIELD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I have had an opportunity to review a draft of your proposed Environmental Employment Transition Assistance Act of 1993.

I believe that your proposal addresses a significant problem which is becoming altogether too common in Oregon's municipalities. During my conversations with city officials from across the State, it is clear to me that the increasing decline in employment in our natural resource industries is creating immediate local crises which have severe long-term implications. As city officials, we are becoming increasingly involved with the Economic Adjustment Initiative as we see the devastating impacts which the decline of natural resource industries is having on municipalities. This decline may occur outside city limits, but the severity of its impacts is felt inside our communities. We have got to find a way to get Oregonians back to work; I believe your proposed amendments can be a significant component of an overall solution.

I recognize that this proposal does not represent a new direction for you. I appreciate your work on the Appropriations Committee to secure funding for the President's Northwest Economic Adjustment Initiative. That legislation was a good first step, which I believe is complemented by your proposal.

I wish you much luck with this effort, please be sure to contact me if there is anything the League of Oregon Cities can do to assist your efforts. We will keep you posted on our progress here in Oregon.

Sincerely,

MIKE LINDBERG,
President.

ASSOCIATION OF OREGON COUNTIES,
Salem, OR, September 24, 1993.

Hon. MARK O. HATFIELD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I am very pleased to let you know that AOC strongly supports your bill for the Environmental Employment Transition Assistance Act of 1993. We are particularly pleased to see that your approach has been expanded to encompass a number of environmental laws in addition to the Endangered Species Act.

This continues to be a very difficult period for the people of Oregon who are dependent on a healthy resource based economy. In addition to the many who continue to lose their jobs on the westside, we now have the very definite prospect of significant job losses in eastern Oregon with the new forest management proposals and application of other environmental laws. These workers and their families clearly deserve the type of help that is intended by your bill.

We appreciate very much your efforts. If there is any way we can assist with support for S. 2491 we are ready and willing to do so.

Sincerely,

MICHAEL J. SYKES,
President.

THE OREGON PRIVATE INDUSTRY COUNCIL, INC. & THE OREGON CONSORTIUM,
Albany, OR, September 27, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Oregon Consortium and the The Oregon Private Industry Council, Inc. fully support your proposed bill, the Environmental Employment Transition Assistance Program, which would amend Title III of the Job Training Partnership Act. We believe strongly that specific retraining assistance is necessary to ease the transition of displaced workers, as we fully implement environmental protection laws throughout the nation. We particularly appreciate the focus in your bill on needs related payments, to support displaced workers in long term career retraining programs.

Since July 1988, over 10,000 workers have lost their jobs in the 27 rural counties represented by the Oregon Consortium, because of the timber crisis. Even with the potential of additional targeted retraining funds for the northwest through President Clinton's Timber Plan, we do not expect to be able to meet the widespread retraining demands in rural Oregon.

Thank you again for your commitment and assistance to Oregon's dislocated workers. Our state and the nation continue to benefit from your leadership on job retraining and education issues.

Sincerely,

ANN ABLE,
Executive Director.

UMPQUA TRAINING & EMPLOYMENT, INC.,
Roseburg, OR, September 24, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Thank you so much for sharing a copy of your proposed "Environmental Employment Transition Assistance Act of 1993". Of course, I read it with great interest. There has been no relief from the numbers of dislocated timber workers coming to UT&E for retraining assistance. Local sources indicate that we are to expect continuing layoffs and dislocation.

In addition to the discretionary money you helped us receive last year, UT&E has applied for still another discretionary grant that is in its final review stages. We expect that application to be successful. For the most part, Douglas County's dislocated workers have been well served by Title III of JTPA.

We are also tracking the progress of President Clinton's proposal to direct more Title III money to the Pacific Northwest as part of his Forest Plan.

It seems to me that the "Environmental Employment Transition Assistance Act of 1993" offers long-term relief, through fiscal year 1998, and with its emphasis on "needs-related payments" provides a measure of hope to dislocated workers not presently found in the Job Training Partnership Act. More often than not, retraining requires more than two years.

As I did last year, I want to thank you for your attention to the needs of dislocated workers in Oregon.

Sincerely,

NORM GERSHON,
President.•

By Mrs. BOXER:

S. 1506. A bill to amend the Public Health Service Act to provide for the training of health professions students with respects to the identification and referral of victims of domestic violence; to the Committee on Labor and Human Resources.

DOMESTIC VIOLENCE IDENTIFICATION AND REFERRAL ACT

• Mrs. BOXER. Mr. President, I rise today to introduce the Domestic Violence Identification and Referral Act. Similar legislation has been introduced in the House by Representative WYDEN.

We read daily about shootings and assaults on our streets, but we rarely hear about the brutality which occurs behind closed doors. Spouse abuse, child abuse and elder abuse injures thousands of Americans each year, and is growing at an alarming rate. The psychological and physical injuries caused by such abuse constitute a national public health crisis.

An estimated 2 to 4 million women are battered by their spouses or former spouses each year. As many as one-fifth to one-third of all women who visit emergency rooms are victims of abuse. In 1991, 2.7 million children were

abused or neglected in America, a 150-percent increase over the last decade.

Battering causes more than bruises and broken bones. Twenty-five percent of all domestic violence victims have been beaten during pregnancy. In one-half of spouse abusing families, the children are battered as well. According to a study conducted by the San Francisco family violence project of men who abuse their wives, 63 percent of the abusers had either seen their own mothers abused or had themselves been abused as children.

Doctors, nurses, and other health care professionals are on the frontlines of this abuse, but they can't stop what they haven't been trained to see or trained to talk about. The Domestic Violence Identification and Referral Act would provide that necessary training.

At a press conference today, Dr. Katherine Bemmann, president-elect of the American Medical Women's Association, stated that everything she learned about domestic violence in her practice she learned from her patients, not the medical establishment. Dr. Richard Jones, former president of the American College of Obstetrician and Gynecologists, said that he asks every patient at every visit about abuse, but it is not standard medical practice. He estimated that by becoming more aware of the problem, and learning how to ask the right questions, the number of abused women he identifies has increased from 1 to 3 every year, to 2 to 3 every week.

In a recent survey of California emergency rooms by the Family Violence Prevention Fund of San Francisco, only 1 out of every 4 medical staff received educational training on domestic violence. As a result, only 5 percent of battered women were properly identified. The survey also noted a significant lack of referral lists and brochures addressing the needs of battered women.

The bill that Congressman WYDEN and I have drafted requires medical colleges and health professional schools to include training on domestic violence in their curriculums within 2 years of enactment or risk losing a portion of their Federal funds.

It further mandates that the training emphasize identifying victims of domestic violence and maintaining complete medical records, providing medical advice regarding the dynamics and nature of domestic violence, and referring victims to appropriate public and nonprofit entities for assistance.

And, in our bill, domestic violence is defined in the broadest terms, to include battering, child abuse, and elder abuse.

Doctors, nurses, and other health professionals are confronting a wave of violence that society has traditionally conspired to keep hidden and away from public view. Early education and training is key to learning how to identify its victims and prevent it in the future. By the time a hurt child or woman walks into a doctor's office or emergency room, it may already be too late.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1506

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 "Domestic Violence Identification and Referral Act of 1993".

SEC. 2. ESTABLISHMENT, FOR CERTAIN HEALTH PROFESSIONS PROGRAMS, OF REQUIREMENTS REGARDING DOMESTIC VIOLENCE.

Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.), as added by section 102 of Public Law 102-408 (106 Stat. 1994), is amended by inserting after section 795 the following section:

"SEC. 796. REQUIREMENTS REGARDING IDENTIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC VIOLENCE.

"(a) SUBMISSION OF INFORMATION.—In the case of a health professions entity described in subsection (b), the Secretary may make an award of a grant or contract under any of parts C through F to the entity only if the application submitted under section 798(f)(2) for the award describes whether and to what extent the entity has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training in carrying out the following functions as a provider of health care:

"(1) Identifying victims of domestic violence, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

"(2) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of domestic violence.

"(3) Referring the victims to public and nonprofit private entities that provide services for such victims.

"(b) DESIGNATED HEALTH PROFESSIONS ENTITIES.—A health professions entity referred to in subsection (a) is any entity that is a school of medicine, a school of osteopathic medicine, a school of public health, a graduate program in mental health practice, a school of nursing (as defined in section 853), a program for the training of physician assistants, or a program for the training of allied health professionals.

"(c) LIMITATIONS ON AMOUNT OF AWARDS.—

"(1) DETERMINATION BY SECRETARY.—Before making an award of a grant or contract under any of parts C through F to a designated health professions entity for a fiscal year, the Secretary shall make a determination of whether the entity, as of October 1 of the fiscal year—

"(A) meets the criterion of having in effect the requirement described in subsection (a); and

"(B) meets the criterion of providing, pursuant to such requirement, for the significant training of the students of the entity in the functions described in such subsection.

"(2) LIMITATIONS.—With respect to fiscal year 1996 and subsequent fiscal years, in the case of a designated health professions entity that is determined under paragraph (1) to have failed to meet a criterion described in such paragraph, the Secretary may not make an award to the entity of a grant or contract under a program of any of parts C through F in an amount exceeding—

"(A) for an award under the program made for the first fiscal year (after fiscal year 1995) for which the entity has so failed, 95 percent of the amount of the most recent award made before fiscal year 1996 to the entity under the program (or if the entity has not previously received such an award, 95 percent of the amount of the award that the Secretary otherwise would have made to the entity);

"(B) for an award under the program made for the second such fiscal year, 90 percent of the amount of the award for the first such year;

"(C) for an award under the program for the third such fiscal year, 85 percent of the amount of the award for the second such year; and

"(D) for an award under the program for the fourth such fiscal year, 80 percent of the amount of the award for the third such fiscal year.

"(d) INELIGIBILITY.—With respect to awards of grants and contracts under a program of any of parts C through F, in the case of a designated health professions entity that has received an award under the program for a fourth fiscal year for which the entity has failed to meet a criterion described in subsection (c)(1), the following applies:

"(1) The entity may not receive any further awards under the program until the entity meets each such criterion.

"(2) If the entity meets each such criterion and receives an award under the program, but subsequently fails to do so for any fiscal year, the series of limitations described in subsection (c)(2) shall be applied to further awards to the entity under the program in the same manner and to the same extent as the series was applied to the entity for the initial 4 fiscal years (after fiscal year 1995) for which the entity failed to meet such a criterion.

"(e) DEFINITIONS.—For purposes of this section:

"(1) DESIGNATED HEALTH PROFESSIONS ENTITY.—The term 'designated health professions entity' means an entity described in subsection (b).

"(2) DOMESTIC VIOLENCE.—The term 'domestic violence' means any intentional violence, controlling, or coercive behavior or pattern of behavior by an individual who is currently or who was previously, in an intimate or acquaintance relationship with the victim. Such behavior may occur at any stage of the lifecycle and may encompass single acts or a syndrome of actual or threatened physical injury, sexual assault, rape, psychological abuse, or neglect. Such term includes behavior which currently may be described as 'child neglect', 'child abuse', 'spousal abuse', 'domestic violence', 'woman battering', 'partner abuse', 'elder abuse', and 'date rape'.".●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1509. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Energy and Natural Resources.

BLUE LAKE TERRITORY LAND TRANSFER

• Mr. DOMENICI. Mr. President, today I am pleased to be joined by Senator BINGAMAN in introducing legislation to complete the transfer of land to the Taos Pueblo for their sacred Blue Lake territory. The vast majority of this land was transferred in 1970 to Taos Pueblo in the Blue Lake Wilderness Act, Public Law 91-550. The remaining segment of about 764.3 acres will complete the Blue Lake territory's integrity by adding the so-called Bottleneck Track. This Bottleneck area was and continues to be used by Taos Pueblo as the sacred Path of Life Trail connecting the Pueblo itself with Blue Lake.

Since the mid-1970's, the U.S. Forest Service has recognized the importance of this trail by agreeing to close the Bottleneck part of the wilderness to the general public during ceremonial activities conducted by Taos Pueblo religious leaders. Uninvited and unwelcome intrusions, however, continue to be a problem for the Pueblo.

KEY HISTORIC FACTS

The Pueblo of Taos originally claimed 300,000 acres of aboriginal land before the Indian Claims Commission [ICC] in 1951. The ICC has expired and records are kept by the U.S. Court of Claims. In 1965, the ICC reduced the Taos claim to 130,000 acres, explaining that Spanish land grants would not be used as a precedent by the ICC. Taos Pueblo agreed to accept payment for 80,000 acres of the 130,000 acres, but refused to accept payment for the 50,000 acres known as the Blue Lake area.

In 1966, S. 3085 was introduced by Senator Clinton P. Anderson for the return of the remaining 50,000 acres known as the Blue Lake area. Star Lake is also located in this area. Objections to S. 3085 were raised by U.S. Forest Service and the Wilderness Society because they needed an additional 2,000 acres to add to another tract of about 3,000 acres. A minimum of 5,000 acres were necessary to qualify this area as a wilderness area.

The current Bottleneck area, along with other Taos land under Indian title totaling 2,000 acres, was added to Wheeler Peak. The 2,000 acres essentially taken from Taos Pueblo were used to establish the original boundaries of the Wheeler Peak Wilderness. These 2,000 acres include the 764.33 acres now requested by Taos Pueblo. The Pueblo is not claiming the full 2,000 acres, but wants only the Bottleneck area of 764.33 acres mainly because the Path of Life Trail is an integral part of the Blue Lake shrine area and it runs through the Bottleneck.

In 1970, President Nixon signed H.R. 471, by Representative Haley, into law—Public Law 92-550. The Blue Lake transfer of 48,000 acres to Taos Pueblo excludes the 2,000 acres described above that were used to establish the wilderness. Thus, the 2,000 acres and the 48,000 acres included in the 1970 transfer together make up the original 50,000 acres recognized by the Indian Claims Commission as the sacred Blue Lake area. Wheeler Peak Wilderness has since expanded to almost 20,000 acres. The addition of 14,700 acres in 1980 to the Wheeler Peak Wilderness explain this expansion.

In its interlocutory order of September 8, 1965, the Indian Claims Commission found that Taos Pueblo "has established Indian title in the Pueblo of Taos to the areas of land described as the Eastern area and Western area in Finding of Fact No. 3." This finding of fact describes in detail the 130,000 acres of land claimed by Taos Pueblo and includes 50,000 acres for the Blue Lake sacred area. Again, the Pueblo accepted payment for 80,000 acres of this 130,000 acres to which the ICC declared they owned Indian title.

While the Pueblo would seem to have a legitimate claim to the full 2,000 acres of the Wheeler Peak Wilderness, they are most interested in and are only claiming the Bottleneck area of 764.33 acres because of the sacred areas and the Path of Life Trail contained therein. The Wilderness Society, Audubon Society, Sierra Club, and the National Wildlife Federation support the return of the Bottleneck to Taos Pueblo.

Under the terms of this legislation, Taos Pueblo will hold the responsibility and right to manage and control the entire Blue Lake territory. The Bottleneck Tract is currently a part of the Wheeler Peak Wilderness Area in the Carson National Forest, New Mexico. Public access to this Bottleneck Tract encourages intrusions into the surrounding Indian lands of the Blue Lake Wilderness Area.

The Bottleneck Tract is essentially a scenic overlook location at the present time. There are few trees, no camping, fishing, or other recreational uses except hiking. As discussed above, about 14,700 acres were added to the Carson National Forest Wheeler Peak Wilderness by Public Law 96-550. The Pueblo feels strongly, and we agree, that this addition more than offsets any loss of wilderness lands for public use that would occur as a result of this transfer of 764.3 acres to the United States Department of the Interior to be held in trust for the Taos Pueblo.

USE OF THE BOTTLENECK LANDS

It is the intention of Taos Pueblo, under the terms of this bill, to use the lands for traditional purposes only, such as religious ceremonial, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use, all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe. It is also our intention that the lands shall remain forever wild and shall be maintained as a wilderness.

Mr. President, identical legislation is being introduced in the House today by Congressman RICHARDSON. I urge my colleagues to support this bill to return the Bottleneck land to Taos Pueblo.•

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, and Mr. CAMPBELL):

S. 1510. A bill to amend title 38, United States Code, to increase the amount of the loan guaranty for loans for the purchase or construction of homes; to the Committee on Veterans' Affairs.

VA HOME LOAN INCREASE ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, today I am introducing legislation that would improve the Department of Veterans Affairs Home Loan Guaranty Program by increasing the amount of the guaranty made by VA to lending institutions who make VA loans to veterans. The bill would increase the maximum loan guaranty from $46,000 to $50,750 and thus increase no-downpayment VA-guaranteed home loans from the current level of $184,000 to $203,000. This bill keeps the current VA loan guaranty formula of 25 percent of loans over $144,000.

Mr. President, housing prices in certain parts of the country—such as Boston, New York, Washington, DC, San Francisco, Los Angeles, Alaska, and Hawaii—are simply out of reach for many veterans who wish to buy homes. This proposed increase in the guaranty would allow many veterans to use their entitlement.

Mr. President, other housing entities have recognized the need for a similar adjustment to keep pace with housing costs. For example, on January 1, 1993, the Federal National Mortgage Association [Fannie Mae] and the Federal Home Loan Mortgage Corporation [Freddie Mac] two federally chartered private for-profit corporations established to provide funds for residential mortgages, increased their loan limits to $203,150 on single-family conventional mortgages in which these companies invest.

In the past, the Government National Mortgage Association [Ginnie Mae] has increased the loan limit when VA has increased the limits on its guaranty. The bill I am introducing today will allow veterans to participate in the housing market on parity with the conventional loan market.

I am pleased to advise Members that the bill as introduced will not result in any cost to the Government and will, in fact, produce savings.

Mr. President, increasing the VA's loan guaranty will allow veterans to participate with the same loan limitations enjoyed by their civilian counterparts while continuing to have the advantage of no downpayment. I intend to bring this measure before the Veterans' Affairs Committee on October and am hopeful that the committee will report the legislation back to the Senate in the near future, thereby allowing thousands of veterans and active duty

military members to enjoy the benefits of home ownership.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN AMOUNT OF LOAN GUARANTY FOR LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES.

Subparagraphs (A)(1)(IV) and (B) of section 3703(a)(1) of title 38, United States Code, are each amended by striking out "$46,000" and inserting in lieu thereof "$50,750.".•

By Mr. DORGAN:

S. 1511. A bill to eliminate the crediting of "good time" for violent and repeat offenders in Federal and State prisons, authorize funding for boot camps and the conversion of military facilities to regional prisons, and for other purposes; to the Committee on the Judiciary.

VIOLENT CRIME PREVENTION ACT OF 1993

Mr. DORGAN. Mr. President, I wish to speak about legislation I am introducing in the Senate dealing with the subject of crime. It is not new to hear of a crime bill, but neither is it new for those of us who serve in the Senate, in our Nation's Capitol, to open the newspaper and read of yet another tragedy—innocent victims killed in the commission of senseless crimes.

Yesterday, you opened the paper and the front page showed a picture of a 4-year-old girl named Launice Smith. This child died at 1:45 p.m. yesterday at Children's Hospital. I do not know Launice Smith, but I know about 4-year-olds. I have a 4-year-old daughter. I do know about violent crime. It has occurred in my family. Launice Smith last Saturday was playing on a football field near a school here in Washington, DC and was shot in the head.

This is a story from yesterday. You could take the paper almost any day: "Violent 36 Hours Leaves 10 Slain Across the District," "Paroled Rapist Arrested in Midday Assault." In September, 350 murders so far in the District of Columbia, 4,800 robberies so far this year in the District of Columbia.

The thing that is unusual about all of this is these murders, by and large, are not perpetrated by people we do not know. We know them. In most cases, they have been in the criminal justice system only to go back to the street. The person currently charged with killing Launice Smith has been in the criminal justice system. This is not a stranger. This person has been arrested before.

Let me give you some examples of recent crimes in this country that you have all read about. Michael Jordan's father was killed allegedly by two people, both of whom were guilty of violent crimes previously, both of whom were on the street, one of whom was guilty of a violent crime sentenced to 6 years, out in 2, allegedly kills again. The other was charged with a violent crime last October and still had not been to trial in July, now alleged to have killed this man.

Uwe-Wilhelm Rakebrand, a tourist, just days ago in Florida with his pregnant wife on a delayed honeymoon, is shot to death by a stranger. By someone we do not know? No, it was by someone we know, someone who was already charged just days before in another crime—in our criminal justice system only to be sent back to the streets again to allegedly kill a German tourist.

Patricia Lexie. Does anybody forget this case? Henry James, driving down the highway here in this town, tells his friends, "I feel like shooting somebody" and rolls down the window at the same time Patricia and her husband are driving down the street, and he kills her. Was he a stranger? No. Six days before he had been up before a judge in the District of Columbia on another attempted murder charge—put back to the street.

My point is these murders are not being committed by people we do not know. We know about them and the criminal justice system fails us.

You might say yes, there are causes for this that we need to discover and understand: child abuse, poverty, hundreds of causes. And, yes, we need to understand and deal with them. But we also must, as we do that, put violent people in jail and keep them in jail to protect innocent people, innocent people like Launice Smith, innocent people like these folks who are victimized by people perpetrating violent crimes over and over again.

I am offering legislation with four parts.

First, let us create a place to put violent criminals. Never should we have the excuse that people who commit violent acts cannot be put away because we have no space. We are closing 100 military installations. When half the people in prison these days are nonviolent, take those people out of prisons and put them in prison work camps in abandoned military facilities, open up tens of thousands of prison cells and put violent criminals in prison and keep them there.

So let us make space. We can do that. Take nonviolent people out of cells, put them in prison camps and open the cells for violent prisoners. Then put these people in jail.

How do we do that? Well, a couple ways. One, let us provide for all Americans a report on the sentencing practices of all judges in criminal trials in this country so people have some basic information about the appropriateness of sentences meted out in our criminal justice system.

Do any of you know how long the average murderer stays in prison in this country? Does anybody know the answer to that? How long on average would a murderer spend in prison? The answer? Seven years. Sentence, 17 years; result, 7 years in jail.

I propose for violent crimes that criminals not be given good-time credits in prison. Let them serve their sentence. If you send them to jail for 17 years, let them spend 17 years in jail. We do not need good-time credits in prison for those who commit violent acts.

Let us confine violent criminals, those who commit violent acts, put them in jail and keep them in jail for a while.

In addition to eliminating good-time credits, providing reports on judges' sentencing practices for the American people, and opening up cell space by creating prison camps and opening cells for violent criminals, I also propose that victims and victims' families across the country have a right in every criminal jurisdiction to be present at sentencing and to present oral or written testimony to sentencing judges about the victims of the crime and that victims be present and have the opportunity to be present at parole hearings as well.

Those four steps, in my judgment, move us in the direction of deciding that those who we know commit criminal acts can be taken from our streets and kept from our streets to protect innocent Americans.

No, I do not believe in getting tough just to look tough, but neither do I believe that 4-year-old children playing on playgrounds should be shot in the head by people who we already know commit violent acts. I propose, Mr. President, a bill that very simply, while we are searching for all of these causes and trying to relieve all of the problems which relate to violent crime, we find a place to put violent prisoners.

I have suggested a way to do that—we put them there and we keep them there. I suggest that not because I am a person who is vengeful or lashes out in anger but because this country can no longer accept what is going on all around this country in our major cities.

We have a crime wave of epidemic proportions. If we were to describe to people in other countries a city that had 350 murders by September, and a city that had 4,800 robberies by September, they would suggest a travel advisory. And that is not unusual for Washington, DC. It is happening all over the country in our major cities.

The fact is on an average day last year, in this country, an average day—24 hours—in the United States of America there were 67 murders and 292 rapes. Per capita, this country has 10 times the number of homicides as Japan, 10 times the number of homicides as France, 13 times the number of

homicides as England, 5 times the number of homicides—not double, triple, five times the number of homicides as our neighbors to the north, Canada. Sixty percent of the people now in prison in this country have been there before.

As I mentioned in my statement today, the few people I have used as examples—and I do so with respect to their memories—were innocent victims, preyed upon by criminals who perpetrate violent acts and have done so repeatedly and who while going though the criminal justice system we have discovered that system has failed us, that system has created a revolving door, unfortunately, that allows violent criminals to move in one side and back out the other to a street to commit violent acts again.

My hope, Mr. President, is that as we discuss the crime bill and debate what to do about the epidemic of crime in America, we will discuss in a serious way how we find a way to identify violent criminals, to put them in our criminal justice system, to put them away and to keep them away, in order to protect innocent Americans.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, and Mr. CAMPBELL):

S. 1512. A bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes; to the Committee on Veterans' Affairs.

VA MENTAL HEALTH CARE IMPROVEMENT ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, I am proud to introduce legislation that would establish up to five centers of excellence in the area of mental illness at existing VA health care facilities. These centers, to be known as Mental Illness Research, Education, and Clinical Centers [MIRECC's] would be a vitally important and integral link in VA's efforts in the areas of research, education, and furnishing clinical care to veterans suffering from mental illness.

Mr. President, the need to improve services to mentally ill veterans has been recognized for a number of years. For example, the October 20, 1985, report of the Special Purposes Committee to Evaluate the Mental Health and Behavioral Sciences Research Program of the VA, chaired by Dr. Seymour Kety—generally referred to as the Kety committee—concluded that research on mental illness and training for psychiatrists and other mental health specialists at VA facilities were totally inadequate. The Kety report noted that about 40 percent of VA beds are occupied by veterans who suffer from mental disorders, yet less than 10 percent of VA's research resources are directed toward mental illness.

Little has changed since that report. Information provided to the Committee on Veterans' Affairs at our August 3, 1993, hearing showed that the percentage of VA patients suffering with mental illness continues to hover over the same 40 percent rate found by the Kety committee. Likewise, VA's research on mental illness has not increased to any appreciable extent and was estimated to be approximately 12 percent.

Mr. President, VA provides mental health services to more than one-half to three-quarters of a million veterans each year, yet in the decade between the time the Kety committee began its work and now, there has not been a significant effort to focus VA's resources on the needs of mentally ill veterans. Among the recommendations of the Kety committee was one that VA centers of excellence be established to develop first-rate psychiatric research programs within VA. Such centers, in the view of the Kety committee, would provide state-of-the-art treatment, increase innovative basic and clinical research opportunities, and enhance and encourage training and treatment of mental illness.

Based on the recommendations of the Kety committee, the Committee on Veterans' Affairs began efforts more than 6 years ago to encourage research into mental illnesses and to establish centers of excellence. For example, on May 20, 1988, Public Law 100-322 was enacted which included a provision to add an express reference to mental illness research in the statutory description of VA's medical research mission which is set forth in section 7303(a)(2) of title 38.

At that time, the committee (see S. Rept. 100-215, page 138), urged VA to establish three centers of excellence, or MIRECC's, as proposed by the Kety committee. In March 1992, Senator Cranston, then chairman of the Committee on Veterans' Affairs, noted that the VA had not taken any action to implement those recommendations. I unfortunately must tell you today that the VA still has done little to implement the recommendations of the Kety committee and has made no progress on the establishment of centers of excellence.

Mr. President, I also note that the January 1991 final report of the blue ribbon VA Advisory Committee for Health Research Policy recommended the establishment of MIRECC's as a means of increasing opportunities in psychiatric research and encouraging the formulation of new research initiatives in mental health care, as well as maintaining the intellectual environment so important to quality health care. The report stated that these "centers could provide a way to deal with the emerging priorities in the VA and the Nation at large."

In light of VA's failure to act administratively to establish these centers of excellence, our committee has developed legislation to accomplish this objective. The proposed MIRECC's legislation is patterned after the legislation which created the very successful Geriatric Research, Education, and Clinical Centers [GRECC's], section 302 of Public Law 96-330, enacted in 1980. The MIRECC's would be designed first, to congregate at one facility clinicians and research investigators with a clear and precise clinical research mission, such as PTSD, schizophrenia, or drug abuse and alcohol abuse; second, to provide training and educational opportunities for students and residents in psychiatry, psychology, nursing, social work, and other professions which treat individuals with mental illness; and third, to develop new models of effective care and treatment for veterans with mental illnesses, especially those with service-connected conditions.

The establishment of MIRECC's should encourage research into outcomes of various types of treatment for mental illnesses, an aspect of mental illness research which, to date, has not been fully pursued, either by VA or other researchers. The bill would promote the sharing of information regarding all aspects of MIRECC's activities throughout VHA by requiring the Chief Medical Director to develop continuing education programs at regional medical education centers.

Finally, beginning February 1, 1995, the Secretary would be required to submit to the two Veterans' Affairs Committees annual reports on the research, education, and clinical care activities at each MIRECC and on the efforts to disseminate the information throughout the VA health care system.

At our committee hearing on August 3, 1993, numerous witnesses, including Dr. John Lipkin, representing the American Psychiatric Association, and Mr. Richard Greer, representing the National Alliance for the Mentally Ill, testified in favor of the MIRECC legislation. All of the veterans service organizations testifying at the hearing—the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and Paralyzed Veterans—supported the enactment of MIRECC's legislation.

Mr. President, the VA for too long has made inadequate efforts to improve research and treatment of mentally ill veterans and to foster educational activities designed to improve the capabilities of VA mental health professionals. The establishment of MIRECC's will be a significant step forward in improving care for some of our neediest veterans. I am hopeful that this long recognized need will become more than a forgotten want item for veterans who suffer, in many cases, in silence.

The Veterans' Affairs Committee has reported, and the Senate has passed, comparable legislation in each of the last two Congresses. I intend to bring

this legislation before the Veterans' Affairs Committee at our markup in October and hope to get final Senate action shortly thereafter.

Mr. President I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL CENTERS.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following:

"§ 7319. Mental illness research, education, and clinical centers

"(a) The purpose of this section is to improve the provision of health-care services to eligible veterans suffering from mental illness, especially mental illness related to service-related conditions, through research, the education and training of health personnel, and the development of improved models for furnishing clinical services.

"(b)(1) In order to carry out the purpose of this section, the Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this subsection, shall—

"(A) designate not more than five healthcare facilities of the Department as the locations for a center of mental illness research, education and training, and clinical activities; and

"(B) subject to the appropriation of funds for such purpose, establish and operate such centers at such locations in accordance with this section.

"(2) The Secretary shall designate at least one facility under paragraph (1) not later than January 1, 1994.

"(3) The Secretary, upon the recommendation of the Under Secretary for Health, shall ensure that the facilities designated for centers under paragraph (1) are located in various geographic regions.

"(4) The Secretary may not designate any healthcare facility as a location for a center under paragraph (1) unless the Secretary, upon the recommendation of the Under Secretary for Health, determines that the facility has developed (or may reasonably be anticipated to develop)—

"(A) an arrangement with an accredited medical school which provides education and training in psychiatry and with which the facility is affiliated under which arrangement residents receive education and training in psychiatry through regular rotation through the facility so as to provide such residents with training in the diagnosis and treatment of mental illness;

"(B) an arrangement with an accredited graduate school of psychology which provides education and training in clinical or counseling psychology, or both, and with which the facility is affiliated under which arrangement students receive education and training in clinical or counseling psychology, or both, through regular rotation through the facility so as to provide such students with training in the diagnosis and treatment of mental illness;

"(C) an arrangement under which nursing, social work, or other allied health personnel receive training and education in mental health care through regular rotation through the facility;

"(D) the ability to attract scientists who have demonstrated creativity and achievement in research into the causes, treatment, and prevention of mental illness and into models for furnishing care and treatment to veterans suffering from mental illness;

"(E) a policymaking advisory committee composed of appropriate mental health-care and research personnel of the facility and of the affiliated school or schools to advise the directors of the facility and the center on policy matters pertaining to the activities of the center during the period of the operation of the center; and

"(F) the capability to conduct effectively evaluations of the activities of the center.

"(c) Clinical and scientific investigation activities at each center may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account and shall receive priority in the award funding from such account insofar as funds are awarded to projects and activities relating mental illness.

"(d) The Under Secretary for Health shall ensure that research activities carried out through centers established under subsection (b)(1) include an appropriate emphasis on the psychosocial dimension of mental illness and on proposals of means of furnishing care and treatment to veterans suffering from mental illness.

"(e) The Under Secretary for Health shall ensure that useful information produced by the research, education and training, and clinical activities of the centers established under subsection (b)(1) is disseminated throughout the Veterans Health Administration through the development of programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title and through other means.

"(f) The official within the Central Office of the Veterans Health Administration responsible for mental health and behavorial sciences matters shall be responsible for supervising the operation of the centers established pursuant to subsection (b)(1).

"(g)(1) There are authorized to be appropriated for the Department of Veterans Affairs for the basic support of the research and education and training activities of the centers established pursuant to subsection (b)(1) the following:

"(A) $3,125,000 for fiscal year 1994.

"(B) $6,250,000 for each of fiscal years 1995 through 1997.

"(2) In addition to the funds available under the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate in order to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by adding at the end of the matter relating to subchapter II the following:

"7319. Mental illness research, education, and clinical centers.".

(c) REPORTS.—Not later than February 1 of each of 1995, 1996, and 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the mental illness, research, education, and clinical centers established pursuant to section 7319 of title 38, United States Code (as added by subsection (a)). Each such report shall contain the following:

(1) A description of—

(A) the activities carried out at each center and the funding provided for such activities;

(B) the advances made at each center in research, education and training, and clinical activities relating to mental illness in veterans; and

(C) the actions taken by the Under Secretary for Health pursuant to subsection (d) of such section (as so added) to disseminate useful information derived from such activities throughout the Veterans Health Administration.

(2) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 445

At the request of Mr. CONRAD, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 445, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to improve monitoring of the domestic uses made of certain foreign commodities in order to ensure that agricultural commodities exported under agricultural trade programs are entirely produced in the United States, and for other purposes.

S. 446

At the request of Mr. ROTH, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 446, a bill to extend until January 1, 1996, the existing suspension of duty on tamoxifen citrate.

S. 482

At the request of Mr. BOREN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 737

At the request of Mr. HATFIELD, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 737, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 784

At the request of Mr. HATCH, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1248

At the request of Mr. DOLE, his name was added as a cosponsor of S. 1248, a bill to transfer to the Secretary of Transportation the functions of the Interstate Commerce Commission.

S. 1350

At the request of Mr. INOUYE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1351

At the request of Mr. REID, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1351, a bill to curb criminal activity by aliens, to defend against acts of international terrorism, to protect American workers from unfair labor competition, and to relieve pressure on public services by strengthening border security and stabilizing immigration into the United States.

S. 1354

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1354, a bill to amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes.

S. 1408

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1408, a bill to repeal the increase in tax on Social Security benefits.

S. 1432

At the request of Mr. HOLLINGS, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1432, a bill to amend the Merchant Marine Act, 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry.

S. 1437

At the request of Mr. DOLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

S. 1448

At the request of Mr. SASSER, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1448, a bill to establish a Police Corps Program and a Law Enforcement Scholarship and Employment Program.

S. 1449

At the request of Mr. HOLLINGS, the names of the Senator from North Dakota [Mr. DORGAN], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1449, a bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development.

SENATE JOINT RESOLUTION 41

At the request of Mr. MACK, his name was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

At the request of Mr. SIMON, the names of the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Delaware [Mr. ROTH], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Georgia [Mr. COVERDELL], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 41, supra.

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Michigan [Mr. RIEGLE], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 119

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of Senate Joint Resolution 119, a joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 132

At the request of Mr. BURNS, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating the week of October 17, 1993, through October 23, 1993, as "National School Bus Drivers Safety Week."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Delaware [Mr. ROTH], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

SENATE JOINT RESOLUTION 138

At the request of Mr. D'AMATO, the names of the Senator from Tennessee [Mr. MATHEWS], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 138, a joint resolution to designate October 3 through 10, 1993, as "Great American Beer Week."

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont [Mr. LEAHY], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay Round of trade negotiations.

SENATE CONCURRENT RESOLUTION 45—RELATIVE TO THE REPUBLIC OF CHINA ON TAIWAN

Mr. D'AMATO (for himself and Mr. COATS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 45

Resolved by the Senate (the House of Representatives concurring),

Whereas, China has been a divided nation since 1949, and the government of the Republic of China on Taiwan (ROC) and the People's Republic of China on the Chinese mainland have since exercised exclusive jurisdiction over separate parts of China;

Whereas, United Nations General Assembly Resolution 2758 (1971) does not constitute a complete solution to the issue of China's seat in the United Nations which resulted from the division of China;

Whereas, the government of the ROC acknowledges that two equal and distinct political entities exist within the divided China;

Whereas, the Republic of China on Taiwan is currently the 14th largest trading nation in the world; its gross national product is the world's 20th largest; its annual per capita income exceeds US $10,000; its foreign exchange reserves exceed US $80 billion; and it has become the world's 7th largest outbound investor;

Whereas, the 21 million people on Taiwan enjoy a democratic form of government, and the ROC government's policies conform to those of other democratic nations;

Whereas, the ROC has joined other nations in responding to international disasters and crises; has undertaken programs of assistance for less-developed nations; and has in other ways accepted regional and global responsibilities;

Whereas, the ROC has joined several important multilateral organizations in recent years, including Asia/Pacific Economic Cooperation (APEC) and the Asian Development Bank, and its admission into these organizations has been supported by the United States;

Whereas, a consensus has emerged in the Republic of China on Taiwan to participate in the United Nations, and the government of the ROC has launched a campaign to pursue a seat in the United Nations without prejudice to the current position of the People's Republic of China in the UN; and

Whereas, ROC membership in the United Nations is in conformity with the UN's principle of universality and will contribute to the peace and stability of the Pacific region,

and therefore to the interests of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Republic of China on Taiwan deserves full participation, including a seat, in the United Nations.

SENATE CONCURRENT RESOLUTION 46—RELATIVE TO JAMES H. DOOLITTLE

Mr. McCAIN submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 46

Whereas Jimmy Doolittle made pioneering contributions to the field of aviation, setting early records for speed and distance and developing ground-breaking methods for flying aircraft by instruments;

Whereas Jimmy Doolittle advanced the Nation's ability to defend itself using airpower through his experimental flights designed to simulate air combat maneuvers and his work with the Shell Oil Company in developing the higher octane fuel that eventually extended the range of allied bombers and improve the performance of allied fighters;

Whereas Jimmy Doolittle helped found and organize the civilian Air Force Association to champion the cause of establishing a coequal and autonomous Air Force, a goal that was realized on September 18, 1947;

Whereas Jimmy Doolittle distinguished himself in academia and industry, becoming one of the first Ph.D.s in aeronautics and serving on numerous boards, advisory committees, and serving as president of the Institute of Aeronautics, as a special assistant to the Air Force Chief of Staff and as Chairman of the National Advisory Committee for Aeronautics, the forerunner of the National Aeronautics and Space Administration;

Whereas Jimmy Doolittle made personal and heroic contributions to the allied victory in World War II, by helping with the conversion of automobile plants to airplane parts manufacturing plants; by leading a squadron of B-25 bombers, which launched from the deck of the aircraft carrier Hornet, on a daring April 18, 1942, raid of the Japanese mainland, the success of which boosted allied morale and shattered Japan's sense of invulnerability at a critical time in the war; and by commanding the 12th Air Force, the North African Strategic Air Forces, the 15th Air Force, and the 8th Air Force; and

Whereas Jimmy Doolittle has been duly honored by this Nation with numerous awards, including its highest award, the Medal of Honor, for personal valor and intrepidity at an extreme hazard to life during the 1942 raid on Japan, other decorations for wartime contributions, including the Distinguished Service Medal, the Silver Star, and Air Medal, among others, as well as being recognized with a 1985 promotion to four star general by President Ronald Reagan, and the bestowal of the Medal of Freedom by President Bush in 1989: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress expresses the thanks of a grateful Nation in memory of General James H. "Jimmy" Doolittle, hero, aviation pioneer, scientist, and patriot, for his lifetime of service and his willingness to make the ultimate sacrifice for duty, honor, and country.

• Mr. McCAIN. Mr. President, I rise today to introduce a resolution to commemorate the life of Gen. James H. "Jimmy" Doolittle, a true American hero.

The general is best known for leading a raid over Tokyo in the early days of World War II from the aircraft carrier *Hornet*. This heroic feat earned General Doolittle the respect of the Nation and the Medal of Honor from President Roosevelt.

General Doolittle went on to other leadership positions in World War II but he also had notable achievements in aviation, including setting early records for speed and distance, pioneering instrument flying, and developing high-octane fuel.

In 1988, President Bush recognized General Doolittle with the Medal of Freedom—a well-deserved honor. Last Monday, this Nation lost one of its greatest aviators, who had reached the age of 96. His memory will live on in the hearts of all patriots who have been willing to make the supreme sacrifice.

As he is laid to rest at Arlington National Cemetery, Mr. President, a grateful Nation pauses to remember a truly great man and a hero to us all.•

SENATE RESOLUTION 147—RELATIVE TO COMMITTEE MEMBERSHIP

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 147

Resolved, That the following shall constitute the minority party's membership on the following standing committee for the 103d Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Cochran, Mr. McCain, and Mr. Bennett.

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR 1994

KERRY (AND OTHERS) AMENDMENT NO. 987

Mr. KERRY (for himself, Mr. GREGG, Mr. FEINGOLD, Mr. DECONCINI, Mr. LAUTENBERG, Mr. BUMPERS, Mr. GLENN, and Mr. JEFFORDS) proposed an amendment to the bill (H.R. 2445) making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 54, between lines 6 and 7, insert the following new section:

SEC. 506. ADVANCED LIQUID METAL REACTOR.

No funds appropriated under this Act shall be expended for the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR) Program, or related fuel cycle programs, except for the purpose of terminating such programs.

BINGAMAN (AND OTHERS) AMENDMENT NO. 988

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. BRYAN) proposed an amendment to the bill (H.R. 2445), supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds provided under this Act shall be made available for Phase II-B grants to study the feasibility of siting a Monitored Retrievable Storage Facility unless the Nuclear Waste Negotiator has first certified to the Secretary of Energy that there is a reasonable likelihood that agreement can be reached among all of the relevant governmental officials in the vicinity of any proposed site.

BRADLEY (AND FEINGOLD) AMENDMENT NO. 989

Mr. BRADLEY (for himself and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 31, strike lines 9 through 12, and insert the following: "which 18 are for replacement only), $3,249,286,000, to remain available until expended: *Provided*, That no funds made available by this Act shall be used for the gas turbine-modular helium reactor (GT-MHR) (formerly known as the high temperature gas reactor).".

BRADLEY (AND FEINGOLD) AMENDMENT NO. 990

Mr. BRADLEY (for himself and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 2, line 18, strike "$208,544,000" and insert "$157,600,000".

On page 7, line 10, strike "$1,296,167,000" and insert "$1,061,237,000".

On page 17, line 15, strike "$1,673,704,000" and insert "$1,657,700,000".

On page 24, line 17, strike "$14,409,000" and insert "$12,714,000".

On page 25, line 7, strike "$460,898,000" and insert "$431,848,000".

CHAFEE (AND PELL) AMENDMENT NO. 991

Mr. JOHNSTON (for Mr. CHAFEE, for himself and Mr. PELL) proposed an amendment to the bill (H.R. 2445), supra, as follows:

In the matter under the heading "CONSTRUCTION, GENERAL" under the heading "CORPS OF ENGINEERS—CIVIL" of title I, after the item relating to Wallisville Lake, Texas, insert the following:

Quonset Point-Davisville, Rhode Island (for 2 elevated water storage towers and the relocation of sewer lines), $1,875,000.

METZENBAUM (AND GLENN) AMENDMENT NO. 992

Mr. JOHNSTON (for Mr. METZENBAUM, for himself and Mr. GLENN) proposed an amendment to the bill (H.R. 2445), supra, as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON REMOVAL.

(a) PROHIBITION.—Subject to subsection (b), no funds made available pursuant to this Act may be used to carry out a policy to remove

or demolish any residential structure that is subject to an easement or right-of-way in favor of the United States for the containment or impoundment of waters in the Muskingum River Basin, Ohio, until such time as the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives have reviewed and approved the policy.

(b) AGREEMENT TO HOLD HARMLESS.—

(1) IN GENERAL.—The Secretary of the Army shall offer to enter into a written agreement with the owner of each residential structure that is covered by the prohibition referred to in subsection (a). Under the agreement, the owner shall hold the United States harmless for any loss of personal property, real property, injury, or death that is the result of any flooding of the structure.

(2) FAILURE TO ENTER INTO AN AGREEMENT.—If an owner fails to enter into an agreement pursuant to paragraph (1), the Secretary of the Army may, in accordance with the applicable easement or right-of-way, remove or demolish the structure.

WALLOP AMENDMENT NO. 993

Mr. JOHNSTON (for Mr. WALLOP) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 33, line 11, strike the period and insert the following: ": *Provided*, That at least $40,600,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, Subtitle A of the Energy Policy Act of 1992.".

DANFORTH AMENDMENT NO. 994

Mr. JOHNSTON (for Mr. DANFORTH) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 6, line 25, insert the following before the period: : *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $4,460,000 of available funds to complete preconstruction, engineering and design for the Ste. Genevieve, Missouri, flood control project authorized by section 401(a) of the Water Resources Development Act of 1986 (100 STAT. 4118) so that the project will be ready for construction by October 1, 1994: *Provided further*, That all plans, specifications and design documents shall be concurrently reviewed in order to expedite the project".

MOYNIHAN AMENDMENT NO. 995

Mr. JOHNSTON (for Mr. MOYNIHAN) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 13, line 1, after the colon, insert the following: "*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall (1) use $2,000,000 of funds appropriated herein to carry out engineering design for the relocation of the comfort and lifeguard stations on the Atlantic coast of New York City, from Rockaway Inlet to Norton Point, as authorized by section 1076 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2015), and (2) not later than 1 year after the date of enactment of this Act, report to Congress on the results of the expenditure of funds required under paragraph (1):".

HATFIELD AMENDMENT NO. 996

Mr. JOHNSTON (for Mr. HATFIELD) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 31, line 12, insert the following after the word "expended": ", of which, $4,500,000 shall be derived by transfer from the Geothermal Resources Development Fund".

WARNER AMENDMENT NO. 997

Mr. JOHNSTON (for Mr. WARNER) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 6, line 25, before the period, insert the following: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $2,000,000 of funds appropriated herein to engineer and design the Virginia Beach Erosion Control and Hurricane Protection, Virginia project, including storm water collection and discharge, as authorized by section 102(cc) of Public Law 102-580".

BUMPERS AMENDMENT NO. 998

Mr. JOHNSTON (for Mr. BUMPERS) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 15, line 22 insert the following before the semicolon: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $3,000,000 appropriated herein to provide design and construction assistance for a water transmission line from the northern part of Beaver Lake, Arkansas, into Benton and Washington Counties, Arkansas, as authorized by section 220 of Public Law 102-580".

JOHNSTON AMENDMENT NO. 999

Mr. JOHNSTON proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 15, strike the proviso starting on line 18 through "manner" on line 22, and insert the following: "*Provided further*, That using $6,300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the authorized Ouachita River Levees, Louisiana, project in an orderly but expeditious manner and within this amount, $3,800,000 shall be used to continue rehabilitation or replacement of all deteriorated drainage structures which threaten the security of this critical protection, and $2,500,000 shall be used to repair the river bank at Columbia, Louisiana, which is eroding and placing the project levee protecting the city in imminent danger of failure".

GRAMM (AND HUTCHISON) AMENDMENT NO. 1000

Mr. JOHNSTON (for Mr. GRAMM for himself and Mrs. HUTCHISON) proposed an amendment to the bill (H.R. 2445), supra, as follows:

At the appropriate place insert:

SEC. .

(1) IN GENERAL.—The Secretary of the Army is authorized to convey to the City of Galveston, Texas, fee simple absolute title to a parcel of land containing approximately 605 acres known as the San Jacinto Disposal Area located on the east end of Galveston Island, Texas, in the W.A.A. Wallace Survey. A-647 and A-648, City of Galveston, Galveston County, Texas, being part of the old Fort Jacinto site, at the fair market value of such parcel to be determined in accordance with the provisions of paragraph (4). Such conveyance shall be made at the discretion of the Secretary of the Army upon the agreement of all interested parties.

(2) COMPENSATION FOR CONVEYANCE.—Upon receipt of compensation from the City of Galveston, the Secretary shall convey the parcel as described in paragraph (1). Such compensation shall include—

(a) conveyance to the Department of the Army of fee simple absolute title to a parcel of land containing approximately 564 acres on Pelican Island, Texas, in the Eneas Smith Survey, A-190, Pelican Island, City of Galveston, Galveston County, Texas, adjacent to property currently owned by the United States. The fair market value of such parcel will be determined in accordance with the provisions of paragraph (4); and

(b) payment to the United States of an amount equal to the difference in the fair market value of the parcel to be conveyed pursuant to paragraph (1) and the fair market value of the parcel to be conveyed pursuant to paragraph (2)(a).

(3) DISPOSITION OF SPOIL.—Costs of maintaining the Galveston Harbor and Channel will continued to be governed by the Local Cooperation Agreement between the United States of America and the City of Galveston dated October 18, 1973. Upon conveyance of the parcel described in paragraph (1), the Department of the Army shall be compensated directly for any anticipated costs which may be incurred in site preparation and in the disposition of spoil in excess of the present value of current costs of spoil disposition.

(4) DETERMINATION OF FAIR MARKET VALUE.—The fair market value of the land to be conveyed pursuant to paragraphs (1) and (2) shall be determined by independent appraisers using the market value method.

(5) NAVIGATIONAL SERVITUDE.—Those portions of a 605-acre parcel of land known as the San Jacinto Disposal Area and more fully described in paragraph (1) supra, are declared to be nonnavigable waters of the United States.

(6) SURVEYS AND STUDIES.—The 605-acre parcel and the 564-acre parcel shall be surveyed and further legally described prior to conveyance. Not later than 60 days following enactment of this Act, if he deems it necessary, the Secretary of the Army shall complete a review of the applicability of Section 404 of the Clean Water Act to the said parcels.

JOHNSTON AMENDMENT NO. 1001

Mr. JOHNSTON proposed an amendment to the bill (H.R. 2445), supra, as follows:

That on page 33 line 22 strike "$1,194,114,000" and insert "$1,615,114,000."

That on page 33 line 23 strike all after "*Provided*," over to and including "*further*," in line 3 on page 34.

BURNS AMENDMENT NO. 1002

Mr. JOHNSTON (for Mr. BURNS) proposed an amendment to the bill (H.R. 2445), supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Section 7(e) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 is amended by adding at

the end thereof the following new sentences: "All costs of environmental compliance and mitigation associated with the Compact, including mitigation measures adopted by the Secretary, are a responsibility of the United States. All moneys appropriated pursuant to the authorization under this subsection are in addition to amounts appropriated pursuant to the authorization under section 7(b)(1) of this Act, and shall be immediately available.

(b) Except for the authorizations contained in subsections 7(b)(1), 7(b)(2) and 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section.

(c) The amendments made by this section shall be considered to have taken effect on September 30, 1992.

MILITARY CONSTRUCTION APPROPRIATIONS ACT FOR 1994

INOUYE AMENDMENT NO. 1003

Mr. SASSER (for Mr. INOUYE) proposed an amendment to the bill (H.R. 2446) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the end of the bill insert the following new general provision:

The Secretary of the Navy may grant a perpetual easement for drainage and other public purposes to the City and County of Honolulu over approximately fifty to seventy (50–70) acres of land at West Loch Branch, Naval Magazine Lualualei, on condition that the consideration received shall be no less than fair market value as determined by the Secretary and that the Secretary shall receive such consideration in the form of either the actual design and construction of certain roadway, fencing, physical security, and other improvements at West Loch Branch, Naval Magazine Lualualei to the satisfaction of the Secretary, or the payment of funds for use by the Secretary for the design and construction of such improvements, or any combination thereof.

SASSER AMENDMENT NO. 1004

Mr. SASSER proposed an amendment to the bill (H.R. 2446), supra, as follows:

On page 6 line 10 strike "$245,723,000" and insert in lieu thereof "$254,923,000".

On page 4 line 6 strike "$969,926,000" and insert in lieu thereof "963,726,000".

On page 11 line 23 strike "$1,200,000,000" and insert in lieu thereof "$1,197,000,000".

LAUTENBERG (AND SASSER) AMENDMENT NO. 1005

Mr. SASSER (for Mr. LAUTENBERG) proposed an amendment to the bill (H.R. 2446), supra, as follows:

On page 8, beginning on line 2, strike out "*Provided*, That such amounts of this appropriation" and insert in lieu thereof "*Provided*, That $120,000,000 of such amount shall not be available unless the Secretary of Defense certifies to Congress that (1) the amount requested by the Department of Defense for overseas basing activities (as that term is defined in section 1301(b) of Public Law 102–484 (106 Stat. 2544)) for each fiscal year after fiscal year 1994 is expected to be significantly less than the amount requested for such activities for the previous fiscal year; (2) negotiations for revised host-nation agreements as required under section 1301(e) of Public Law 102–484 (106 Stat. 2545) have commenced; (3) such negotiations will result in agreements that provide in fiscal years after fiscal year 1993 for an assumption by host-nations of greater costs of the United States military installations covered by the agreements; and (4) progress is being made in such negotiations to reduce the United States share of the costs of all overseas basing activities: *Provided further*, That such amounts of this appropriation as are available and".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from Mrs. Hillary Rodham Clinton on the subject of the administration's health care reform proposal.

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 Thursday, September 30, 1993, at 10 a.m. to hold nomination hearings on the following: Mr. Edward Joseph Perkins, of Oregon, to be Ambassador to Australia; Mr. Richard W. Teare, of Ohio, to be Ambassador to Papua New Guinea and to serve concurrently as Ambassador to Solomon Islands and to the Republic of Vanuatu; and Ms. Theresa Anne Tull, of New Jersey, to be Ambassador to Brunei Darussalem.

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 Thursday, September 30, at 10 a.m. to hold a nomination hearing on Carol Bellamy, of New York, to be Director of the Peace Corps.

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 hold a business meeting during the session of the Senate on Thursday, September 30, 1993, at 9:30 a.m.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Security and Savings: Americans Respond to the Health Security Act of 1993, during the session of the Senate on Thursday, September 30, 1993, at 1 p.m.

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

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Immigration and Refugee Affairs, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, September 30, 1993, at 2 p.m. to hold a hearing on the nomination of Doris Meissner to be Commissioner of Immigration and Naturalization.

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

SUBCOMMITTEE ON SUPERFUND, RECYCLING, AND SOLID WASTE MANAGEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, September 30, 1993, at 10 a.m., to conduct a hearing on the Superfund cleanup process and innovative cleanup technologies.

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

ADDITIONAL STATEMENTS

AN ARIZONA INSTITUTION

• Mr. DECONCINI. Mr. President, I rise today to recognize a longstanding Arizona institution, Harkins Theatres.

As the only locally run theater chain in Arizona and the longest running independent chain in the Southwest, Harkins Theatres celebrates its 60th anniversary on September 22. In 1933, Dwight "Red" Harkins opened Tempe's first theater and brought the State's first outdoor movie theater at Tempe Beach Park. The College Theatre soon followed in 1940 of Mill Avenue which is known today as the Valley Art Theatre. Red Harkins, at age 18, was the youngest moviehouse operator in the Nation.

This year Dan Harkins added to the Harkins Theatre chain by opening the State's largest movie house on June 30. Harkins Centerpoint Luxury Cinemas, a two-tier four-story structure, featuring 11 auditoriums, was built in the same neighborhood as the first theater his father opened in 1940. Centerpoint has already won an award from the International Signs of the Times for its neon design.

Dan Harkins and Harkins Theatres are synonymous with providing to Arizona and audiences throughout the Southwest the highest quality films available throughout the world. Harkins has always had the courage to offer audiences a wide range of truly

excellent films, with selections not necessarily based on commercial appeal. His screens often reflect the cutting edge of new filmmakers, the most modern techniques and provocative subjects from the United States and all over the world. His legacy will continue to elevate, educate and broaden a new generation of film viewers to appreciate the highest standards of film creatively, innovations and excellence.

Congratulations to the Harkins family which has made such significant contributions to the quality of life, arts, and culture in our great State.●

S. 1490, THE U.S. GRAIN STANDARDS ACT AMENDMENTS OF 1993

● Mr. GRAIG. Mr. President, the authority for the Federal Grain Inspection Service [FGIS] of the U.S. Department of Agriculture expires September 30, 1993. The U.S. Grain Standards Act Amendments of 1993, S. 1490, a bill to reauthorize FGIS through the year 2003, is being considered by the Senate this week.

I would like to thank Senator DASCHLE, chairman of the Agriculture Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation, for his extensive effort to get this bill passed in a timely fashion.

The subcommittee, under the leadership of Senator DASCHLE, has conducted extensive oversight on FGIS. This oversight included a year-long investigation by the General Accounting Office. On May 13, 1993, the subcommittee held a hearing to find ways to improve FGIS operations and on September 9, 1993, the subcommittee held a hearing to examine the abusive use of water to control grain dust.

Among other things, the bill prohibits the application of water onto grain for purposes other than milling, malting, other processing, or pest control operations. The bill also states that the Administrator shall allow water application, through a permit process, unless the Administrator determines the addition of water to grain materially reduces the quality of the grain or is inconsistent with the U.S. Grain Standards Act.

While the language of this bill recognizes that the application of water to grain can be a tool available to gain elevators for safety purposes, it is understood that any misuse of water will not be tolerated.

This legislation places the Administrator of FGIS, through the permit system within FGIS, in a position to make decisions regarding when and precisely how the use of water is permitted.

S. 1490 also changes the penalty for violations of the act from a misdemeanor to a felony and substantially increases the monetary penalty imposed for a violation.

The Administrator must base permit granting and water use determinations on scientific research. It is anticipated that Agricultural Research Service [ARS] within the Department of Agriculture would be used as a significant contributor to the FGIS information base.

The Administrator is also authorized to collect reasonable user fees for the administration and enforcement of the act. It is understood that these fees would be used for enforcement activities within FGIS and not for Justice Department prosecution of violators or for the Office of General Counsel at the Department of Agriculture.

It is anticipated that FGIS could improve its oversight and keep user fees reasonable by utilizing normal compliance visits made by other USDA employees to grain elevators.

Again, I thank Chairman DASCHLE, the Agriculture committee, and the Senate leadership for the timely consideration of this legislation and urge its expeditious passage.●

COMMEMORATING 1993 HISPANIC HERITAGE MONTH

● Mrs. FEINSTEIN. Mr. President, it is my distinct pleasure to rise today to commemorate National Hispanic Heritage Month. This year marks the 15th year the U.S. Senate has officially commemorated the important contributions of the Hispanic community, and it is the fifth year the President has set aside September 15 through October 15 as National Hispanic Heritage Month.

This month, all across the Nation, Americans are celebrating the achievements and honoring the contributions of Hispanic-Americans.

In my State, Mr. President, the names of our cities and streets define California in the minds of Americans and citizens throughout the world. From San Francisco to San Diego, the diverse vitality and cultural heritage of the Hispanic community resonates loudly and with great pride. The Hispanic community has a proud tradition of reminding us that the American dream is alive and well, and that through hard work, resolute belief in God and strength in the family, anything can be achieved.

The strong religious faith of the Hispanic community can be linked to the Spanish missionaries who helped settle the West. These missionaries possessed the spirit of community and taught a number of Native Americans and settlers to read and write. In 1930, the people of California honored the memory of one of those missionaries, Father Junipero Serra, when his statue was placed not far from this chamber in Statuary Hall.

Today Hispanics represent the fastest growing ethnic group in the United States, currently totalling 9 percent of the U.S. population. California is home to 7.6 million or about 34 percent of all Hispanic-Americans. Experts estimate that by the year 2050, 1 in every 5 Americans will be of Hispanic origin.

This explosive growth is reflected in my State where there are more Hispanic-owned businesses than in any other State, and where 16 percent of all Hispanic elected officials in the U.S. hail from California.

Undoubtedly, Hispanic-Americans have made impressive strides, due to their industrious work ethic and strong family unity. However, much more needs to be accomplished. Although Hispanics have made great progress in education, they continue to lag behind the rest of the Nation. I remain steadfast in my commitment to working with Hispanic leaders in bringing the concerns and issues of the Hispanic community to the attention of a national agenda.

Hispanic Heritage Month seeks to increase the national awareness and understanding of, and respect for all Americans of Hispanic origin. Hispanic-Americans are a diverse group. They came to America from different places, at different times, and for different reasons. Yet they share in a fundamental cultural identity, and a mutual aspiration to earn and enjoy the promise and benefits that America, at its best, extends to all.

Mr. President, I could go on and on about the many positive contributions this esteemed community has made to California, but let me just say: for every struggle and triumph we hear and read about, hundreds, surely thousands more, remain untold.●

HONORING ST. STANISLAUS ROMAN CATHOLIC CHURCH

● Mr. WOFFORD. Mr. President, I rise today to salute St. Stanislaus Roman Catholic Church on the occasion of their 100th anniversary celebration.

Founded in 1893 the church was established under the auspices of Rev. Bernard Dembinski. The church was formed to provide a place of worship for the rapidly growing Polish community of Hazelton, PA.

In addition to Reverend Dembinski the church has been led by the following clergymen: Rev. Richard Augst; Rev. Alexander Kowalchik; Rev. Aloysius Novak; Father Anthony Dorgowski; Rev. Francis Dobrydnio; and currently, Rev. Louis Garbacik. Each of these men, along with the dedicated parishioners of St. Stan's have played a vital role in the development of this historic institution.

Again, I offer congratulations and best wishes to all those associated with St. Stanislaus. May all your future memories of St. Stan's be filled with happiness, prosperity, and blessings.●

HONORING JOE MESI—A GREAT ATHLETE

● Mr. D'AMATO. Mr. President, I rise today to honor Joe Mesi, a great young

athlete. Boxer Joe "Baby Joe" Mesi of Tonawanda, NY, captured the gold medal in the super heavyweight division at the Empire State Games in August and improved his record to 7 to 0. Dubbed by former world welterweight and middleweight champ Carmen Basilio as having the potential to become a "big Rocky Marciano," Mesi is also the reigning New York State Golden Gloves open division super heavyweight champion. Mesi is only 19 years old, yet exhibits the talent of more experienced fighters. He gained his nickname "Baby Joe" because of his small size in elementary school, but now stands 6 feet 2 inches and weighs close to 250 pounds. He is a member of the Buffalo boxing revival team organized by Jimmy Ralston, a former top 10 world light heavyweight contender.

Joe Mesi attends D'Youville College in Buffalo, NY, where he is a dedicated student-athlete. He is the grandson of former AAU heavyweight champion Tom Mesi, who celebrated his 82d birthday during the Empire State Games. Joe's older brother Tom is the New York State Golden Gloves novice super heavyweight champion.

I commend Joe on his dedication to boxing, athletics, and education.•

HONORING MOUNT OLIVE BAPTIST CHURCH

• Mr. WOFFORD. Mr. President, I rise today to salute Mount Olive Baptist Church on their 100th anniversary celebration.

Founded in 1893 the church was established under the auspices of Rev. T.H. Washington. Since its inception the church has steadily increased its membership, ultimately forcing the congregation to construct several new church edifices.

In addition to Reverend Washington, the church has been led by the following clergymen: Rev. L.E. Keiser; Rev. C.C. Adams; Rev. F.W. Williams; Rev. Grover Nelson; Rev. J.E. Thompson; Rev. H.R. Williams, Jr.; Rev. Brannon J. Hopson; Rev. Clifford Seay; and Rev. Randall Barr. Each of these men, along with the dedicated congregation of the church have played a vital role in the development of this historic institution.

Again, I offer congratulations and best wishes to all those associated with Mount Olive Baptist Church. May all your future memories of Mount Olive be filled with happiness, prosperity, and blessings.•

THE EARTHQUAKE IN INDIA

• Mr. MOYNIHAN. Mr. President, I rise to express my great concern for the people of India who have fallen victim to the strongest and potentially most destructive earthquake that country has experienced in nearly 20 years. Today's earthquake struck the Maharashtra State of India at 3:56 a.m. local time and measured 6.4 on the Richter scale. According to reports, the death toll from the earthquake could rise to more than 6,000. Residents and police said earlier today that more than 4,100 people were killed and up to 10,000 injured in the quake. The State-run television in India is now citing the death toll at 10,000 with another 10,000 people injured.

The brute force of this type of natural disaster is virtually incomprehensible to those who have not lived through it. America, like India, is a large diverse country. We understand the loss and suffering that come with such unforeseen disasters. Our hearts go out to all in India who have lost their lives, their homes, their loved ones, and their sense of security as a result of this tragic event.•

JOSEPH CORP. AND MERCHANT NATIONAL BANK OF AURORA

• Mr. SIMON. Mr. President, I am proud to acknowledge the Joseph Corp. of Illinois and Merchants National Bank of Aurora as one of social compact's 1993 honorees for partnership achievement in recognition of their efforts to strengthen neighborhoods by helping lower income families achieve home ownership.

In 1992, financed by the Merchants National Bank of Aurora, the Joseph Corp. purchased 15 vacant houses in Aurora, IL, from the Aurora Housing Authority. Although scattered throughout the community, the houses were predominantly located in areas afflicted by crime, poverty, and physical deterioration. Many of the houses had been sitting vacant for up to 8 years.

The Joseph Corp. is rehabilitating all of the houses, installing new furnaces and water heaters. In some cases, new plumbing, roofs, floors, kitchens, and baths were needed. Rehabilitation of one home was done through a cooperative program with local high school students who study building trades.

I commend the members of the Joseph Corp. and Merchants National Bank of Aurora for their dedication to providing affordable, safe homes for needy families. They have generated a spirit of renewal in Aurora's neighborhoods. The efforts of committed groups—such as Joseph Corp. and Merchants National Bank of Aurora—are vital to our pursuit of a better world, and I salute their commitment.•

ACTION AMENDMENT

• Mr. HARKIN. Mr. President, I offer this amendment on behalf of Senators SIMON, KENNEDY, and DODD.

This amendment would provide a $3 million increase in funding for the well-established ACTION programs to help reassure ACTION volunteers that despite all the attention that has been focused on the President's new national service program, the Congress wants to encourage and support their ongoing community service efforts as well.

The national service legislation included a reauthorization of the ACTION programs and provided for the incorporation of the ACTION agency within the new Corporation for National Service. This step will help ensure that ACTION activities are coordinated with the national service initiative, and will create new opportunities for ACTION to increase both public and private sector support for its programs.

The President and Congress are justifiably proud of their achievement in launching the new national service initiative, but I think we need to remind ourselves that programs like Volunteers in Service to America, the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program have been creating opportunities for volunteers of all ages to serve their fellow Americans for over two decades.

VISTA volunteers work with communities to help low-income individuals achieve self-sufficiency and to alleviate poverty-related problems such as hunger, homelessness, illiteracy, substance abuse, domestic violence, and child abuse.

The Older American Volunteer Programs—renamed the National Senior Volunteer Corps under the national service legislation—provide opportunities for hundreds of thousands of elderly Americans to contribute to their communities by providing needed services.

Foster Grandparents volunteer 20 hours a week to give one-on-one assistance to children with special or exceptional needs, including children born with AIDS, children with learning disabilities, and incarcerated youth.

Senior Companions offer personal assistance and companionship to older adults with problems that place them at risk of institutionalization, thus helping to meet long-term care needs at a very low cost.

And Retired Senior Volunteers use their skills, talents, and experience to respond to community needs and solve community problems.

Our bill already includes an increase of $1,750,000 for the Foster Grandparent Program, and this amendment would provide modest increases for the other major ACTION programs as well. Of the $3,000,000 provided by the amendment, $1,700,000 would be added to the regular VISTA program for a total of $36,367,000, or nearly 5 percent over the 1993 level. The amendment also would provide an additional $1,000,000 for the Retired Senior Volunteer Program [RSVP] and $300,000 for the Senior Companion Program.

In addition, this amendment would increase the flexibility of ACTION to

adequately fund the VISTA program by removing set-asides that are no longer necessary as the result of reauthorization.

The increase for ACTION would be offset by a further reduction in the amounts appropriated in the bill for consulting services. This reduction would be in addition to the consulting services reduction already taken to provide increased funding to the National Youth Sports Program.

This amendment is a modest step toward giving the ACTION programs the resources they need to play their important role alongside the new national service initiative.●

FINAL FOREST SERVICE APPEAL REGULATIONS

● Mr. CRAIG. Mr. President, 1 week ago I began a countdown here on the Senate floor designed to gain the administration's attention to completing the final regulations for resolving appeals of Forest Service field projects.

It was my expectation, and that of other Senators, that the final regulations would surely be published in the Federal Register today, at the latest.

That did not happen. The countdown to the end of fiscal year 1993 is over, and we still do not have final regulations. However, there has been a hurried, catch-up effort underway to clear the final regulations through the Department of Agriculture and the Office of Management and Budget.

I have a letter, dated today, from Assistant Secretary James Lyons who promises a fast-track approach from this point on to approve the final regulations and put them into practice at the field level of the Forest Service. It is Mr. Lyons' stated intention to expedite approval of the regulations as he is aware of the urgency of the situation.

Only when that has been done will I be satisfied. Resolution of this matter is of the greatest importance to my State of Idaho which has 10 national forests encompassing more than 20 million acres. Hundreds of projects are currently held up in appeals.

Many of my colleagues are equally concerned because of similar impacts on their States. I will continue to track this issue until the job is done, and I will keep my colleagues informed on the progress we are making.

I ask consent to enter Mr. Lyons' letter in the RECORD.

The letter follows:

DEPARTMENT OF AGRICULTURE,
Washington, DC, September 30, 1993.

Hon. LARRY CRAIG,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CRAIG: Thank you for your recent letter regarding the final Forest Service appeals regulations.

I share your concern that the new regulations be published so that the field units may begin implementation. To that end, I have been working with the Forest Service and the Office of Management and Budget to finalize the regulations in a manner that is timely and faithful to the enacted statute.

The regulations are being finalized and should be sent to the Office of Management and Budget today for approval. I have asked that OMB expedite their approval of these regulations and I have been assured that they are aware of the need for urgency.

I appreciate your interest in this issue and I promise to keep you and your staff apprised of any further developments.

Sincerely,

JAMES R. LYONS,
Assistant Secretary for Natural Resources and Environment.●

WORK ON THE SSN-23

● Mr. D'AMATO. Mr. President, readers of the RECORD are familiar with the deep misgivings I have expressed regarding the funds the Navy is seeking to pry loose to continue work on the SSN-23. Until today, Congress had no insight into how half a billion dollars was to be spent beyond the vague promise that it would help to bridge the submarine industrial base to Centurion. Our oversight responsibilities demand a better grasp of events than such airy assurances, and I made it clear that I was prepared to block further construction of a third *Seawolf* until the Navy provided Congress with a specific strategy for the SSN-23.

I am delighted to report that the Navy has delivered to me a detailed breakout of how the $540 million appropriated by Congress will be spent. Critical vendors, less nuclear and combat system suppliers, will be protected. As for the two exceptions, my colleagues will recall that the long-lead funding for the CVN-76 appropriated last year was, in part, designed to bridge critical nuclear subcontractors to Centurion. I, and others, are attempting to address the needs of the submarine combat system industrial base this year through a variety of means, most prominently a BQG-5 Wide Aperture Array backfit program.

I ask that the Navy list of components and suppliers be included in the RECORD.

The material follows:

SSN-23 SUBMARINE INDUSTRIAL BASE ITEMS

The Department of Defense Bottom-Up Review concluded that construction of the SSN 23 in FY 1995 or FY 1996 is the most effective alternative to bridge the submarine industrial base gap until the FY 1998 authorization of the New Attack Submarine.

The following is a preliminary list of components to be procured for SSN 23 utilizing the $540 million provided by P.L. 102-298:

GFE

System/Component	Manufacturer	State
Propulsor	FMC	MN
Hull/Back-up Valves	Electric Boat Division	CT
Main Propulsion Unit	Westinghouse Electric Corp.	CA
SSTGs	General Electric	MA & NY
Oxygen Generator	Treadwell	CT
AN/BSY-2 Components	Various	Various
Type 18H periscope	Kollmorgen	MA
Type 8J periscope	To Be Determined	TBD

GFE—Continued

System/Component	Manufacturer	State
AN/WLQ-4(V)	GTE	CA
Gas Mgt System	Hamilton Standard	CT

The suppliers of the CFE equipment listed are supplying these components on existing SEAWOLF contracts. The ultimate selection of the SSN 23 supplier is the responsibility of the shipbuilder.

CFE

System/Component	Manufacturer	State
Main Condenser	IMO Ind, Deleval	NJ
Hydraulic pumps	IMO Inc, (IMO Pump)	NC
R114 A/C components	York International	PA
Heat Exchanger	Aqua Chem, Inc	TN
Heat Exchanger	Precision Components.	PA
Towed Array Handling	Lakeshore, Inc	MI
Diesel Generators	Coltec Industries	WI
Low Pressure Blower	Dresser Industries	IN
Propulsion Plant pumps	Ingersoll—Dresser Inc.	NJ
Vacuum Pumps	Nash Engineering	CT
LP Air Compressor	Nash Engineering	CT
Main Thrust Bearings	Waukesha Bearings	WI
R-12 Refrigeration	Marlo Coil	MO
Acoustic Filters	Oil States Industries	TX
Shaft Seal Housing	American Metal Bearing.	CA
Shaft Seal Assy	EG&G Sealol Inc	RI
HY100 Castings	ESCO Corp	OR
Non-Ferrous fittings	Nucraloy Corp	NY
Connectors	D.G. O'Brien	NH
Penetrators	D.G. O'Brien	NH
SPM Cables/Penetrators	ITT Cannon	AZ
Various Valves	P J Valves	PA
Various Valves	Custom Marine	CT
Various Valves	Morland Valve	CT
Various Valves	Marotta	NJ
Various Valves	Allied Signal	AZ
Quite Hydraulic Valves	Sargent Controls	AZ
Hydraulic Actuators	Flo-Tork	OH
Power Dist Switchboards	NMP	OK
Quiet Air Manifolds	VACCO	CA
Motor Generators	General Electric	PA
Quiet Hydraulic Cylinders	Allied Signal	AZ
Forgings	Lenape Forge	PA
Forgings	E M Jorgensen	WA
Burners	Cepeda Associates	KY
Bow Dome	HITCO/BP Chemical	CA
Main Air Ejectors	IMO Condenser Div	NJ
Fittings/Flanges	Cunico Fitting & Valve.	CA
Elec. Switch Gear	SPD Technologies	PA
Special Electronics	EMS Development Corp.	NY
Noise Monitoring System	Scientific Atlanta	CA
155 VDC System	Westinghouse	MD
Scrubbers	Cepeda Associates	KY
Torpedo Tubes	Electric Boat Div	CT
Welding Consumables	INCO Alloys Int'l	NC
Arc Fault Detection Cntrl	Henschel	MA
Steel Welding Consumables	L-TEC Welding Cutting Sys.	OH
Fasterners	BEK Level-I	CA
ADS/BASEBAND	Hughes	CA
Secondary Propulsion Sys	Westinghouse	PA
Chlorine Generator	Hamilton Standard	CT
Risics	Edwards	TX

Nuclear components were placed on contract in FY 1989 when advance procurement funds were appropriated for SSN 23. When the SEAWOLF program was terminated, the contracts were placed on stop work.

Contracts will be placed as soon as possible after the $540 million is released for Program Manager obligation.

The SSN 23 submarine industrial base fund planned breakdown is as follows:

	Percent
Government Furnished Equipment, Nuclear	10
Government Furnished Equipment, Non-Nuclear	50
Contractor Furnished Equipment/ SSN 23 construction prep	40●

REGULATORY REVIEW

● Mr. ROTH. Mr. President, the President has today signed a new Executive order on regulatory review, replacing

two Executive orders on the same subject signed by President Reagan. In view of the possibilities and the rumors concerning the direction of the new order, it is not bad at all. The basic outline of the regulatory review process is much like the ones it replaced—remarkably so if one recalls the abuse heaped on the Reagan and the Bush administrations.

What the new order demonstrates is that, notwithstanding the partisan mischaracterization of previous efforts, regulatory review is an indispensable function of the modern Presidency. No President can hope to govern without a program for centralized review of regulations.

There is, in any matter of great importance such as this, the temptation to overanalyze, to look for biases, to uncover and examine the nuance of every word. Those who succumb will miss the basic point that the new order is simply a new tool to achieve certain policy objectives of the President. And, like any farmer, the President will be judged not by his tools but by his results. While this new order is not a perfect tool, it is more than adequate to get the job done. What no tool can provide, however, is the will to use it well. The same is true of the new order.

Whether we will see desirable results remains to be seen. That depends on the vigor and the judgment of the Vice President, the Administrator of OIRA, and agency and department heads to whom is assigned the execution of the new order. I wish them well and offer my assistance in that task.

In time, they will discover, as those before them, that those who take exception to any action of regulatory review, will challenge the review itself. And in time, they will learn that it is not enough to review executive branch regulations to control Government policy but that there is a real need to cover regulations from independent agencies as well. Last year, to address these points, I introduced S. 2172, which would have codified the former Executive orders in statute so that no one could claim that regulatory review contradicted particular acts of Congress. The bill would have also extended the reach of regulatory review to independent agency regulations. The Paperwork Reduction Act of 1980 authorizes OIRA to review paperwork regulations from both Executive branch agencies and independent agencies. That legislation is, in my opinion, a useful model for the review of all regulations.

In this Congress I have deferred the introduction of S. 2172 awaiting the new Executive order. I was concerned that the introduction of S. 2172 in this Congress would have been interpreted as an insistence, on my part, that regulatory review take the exact form of previous orders, a form we all knew the President was reconsidering. However, my purpose was not, and is not, to create a debate between the old form and the new form but rather to protect the process from attack in Congress and in the courts and to enhance the regulatory review role of the Presidency no matter who happens to hold the office. Now that the new order has been signed, I plan to rewrite S. 2172 to achieve those purposes.

One aspect of the new order that is a change for the worse is the reduction in OIRA's former authority to review all regulations. Under the new order, agencies determine which of their own regulations are significant and only those are routinely forwarded to OIRA for review. In contrast, the previous rule had been that all regulations be sent to OIRA for review. The issue is not the distinction between significant regulations and other regulations but who makes that determination. That is a very significant decision itself. I would feel a lot more comfortable if the routine were that OIRA received all the regulations and chose which were important rather than the agencies, with a certain amount of self-interest, deciding what OIRA received.

Centralized regulatory review is not a process that can be decentralized in any of its particulars without undercutting its inherent value. The fundamental concept of regulatory review is that of a second look by another party, a party with some oversight responsibility over all agencies. Self-review is commendable but is no substitute for the real thing.

The new order recognizes this point and tries to address its weakness by allowing OIRA to request additional regulations for review. But that, in my opinion, will not be as effective as the all-regulation review approach taken by the previous Executive order. OIRA will not have adequate knowledge or time to overturn agency decisions not to forward regulations for review. And, I assume, that a blanket OIRA request to the agencies for all regulations, while a solution, is not contemplated by the new order.

Finally, any analysis of the new Executive order cannot overlook the role of the Vice President. It is striking on two levels. First, for those who criticized Vice President Quayle's role as Chair of the President's Council on Competitiveness—and I recall the criticism was rather extreme, they must be somewhat chagrined by the explicit and important role given to Vice President GORE. The similarities are embarrassing.

Second, the differences between Vice President GORE's role and Vice President Quayle's role are likewise noteworthy. Vice President GORE's role as a conflict resolver is established as a matter of law in an Executive order. Vice President Quayle's role was established informally by a directive. This informality avoided certain problems.

By including the President and the Vice President in the text of the order itself, it follows that certain restrictions apply. The model chosen for these highest elected officials in the land is that of a court resolving disputes. I note with some puzzlement that, like a court, the President cannot ask that a matter be presented to him. The President must wait for a subordinate to request review. Moreover, the President and Vice President are subjected to time limits when they are resolving any conflict. I cannot imagine that these limits on Executive authority are meaningful. When not disregarded, these limits may prove to be distracting impediments to the proper exercise of Executive authority. And when disregarded, they lay the predicate for criticism and mischief in a process that is already troubled enough.

In sum, the new order—despite its opening rhetoric—maintains the previous system of regulatory review in its major aspects. But the system, as noted before, is only a tool. The real question is not answered today, and that is how will the administration use it to resolve the conflicting national goals which Congress has sought to achieve.

The Executive order issued today is a good beginning. Taken as a whole, the order reflects a fairly comprehensive and balanced understanding of a complex subject. I am generally pleased with the substance of the order. And I look forward to working with the administration in any way I can so that regulatory burdens on the American people may be minimized.●

MINORITY PARTY MEMBERSHIP ON CERTAIN STANDING COMMITTEES

Mr. DOLE. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 147) to constitute the minority party's membership on certain of the standing committees for the 103d Congress, or until their successors are chosen.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

The resolution (S. Res. 147) was agreed to; as follows:

Resolved, That the following shall constitute the minority party's membership on the following standing committee for the 103d Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. ROTH, Mr. STEVENS, Mr. COHEN, Mr. COCHRAN, Mr. MCCAIN, and Mr. BENNETT.

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

ORDERS FOR MONDAY, OCTOBER 4, 1993

Mr. FORD. 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 12 noon, Monday, October 4; 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; and, that there then be a period for morning business not to extend beyond 1 hour after the announcement of the Chair, with Senator BYRD recognized to speak during the entire period of morning business; that at the conclusion of Senator BYRD'S speech, the Senate proceed to the consideration of H.R. 2750, the Transportation appropriations bill.

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

AMENDMENTS AND VOTES ON MONDAY, OCTOBER 4, 1993

Mr. DOLE. Mr. President, I just repeat, underscore for Members on this side of the aisle that I had a discussion with the majority leader. It is our hope that there will be Members on both sides available with real amendments that can be debated, and that votes could occur later in the afternoon on Monday.

So I say to my colleagues on this side of the aisle to be prepared on Monday with real amendments, or amendments that can be disposed of. And we would like to complete action on the Transportation bill sometime on Tuesday.

Then, as I understand, the majority leader will take up the Defense appropriations bill which will be the last appropriations bill, and complete action on that by Thursday evening, early Thursday evening.

Mr. FORD. Mr. President, it is always amazing to listen to the optimistic view of the distinguished Republican leader as he talks about getting us out early.

So it is always a joy to have him here to help us get out.

RECESS UNTIL MONDAY, OCTOBER 4, 1993

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:09 p.m., recessed until Monday, October 4, 1993, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 30, 1993:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

LARRY E. BYRNE, OF VIRGINIA, TO BE ASSOCIATE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE SCOTT M. SPANGLER, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 30, 1993:

THE JUDICIARY

M. BLANE MICHAEL, OF WEST VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

WILLIAM ROY WILSON, JR., OF ARKANSAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS.

JENNIFER B. COFFMAN, OF KENTUCKY, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF KENTUCKY.

MARTHA A. VAZQUEZ, OF NEW MEXICO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

DEPARTMENT OF JUSTICE

JUDITH ANN STEWART, OF INDIANA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS.

THOMAS JUSTIN MONAGHAN, OF NEBRASKA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF 4 YEARS.

FREDERICK W. THIEMAN, OF PENNSYLVANIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS.

MICHAEL JOSEPH YAMAGUCHI, OF CALIFORNIA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS.

JOSEPH PRESTON STROM, JR., OF SOUTH CAROLINA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF 4 YEARS.

ROBERT P. CROUCH, JR., OF VIRGINIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS.

DAVID M. BARASCH, OF PENNSYLVANIA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS.

VERONICA FREEMAN COLEMAN, OF TENNESSEE, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF 4 YEARS.

EDWARD L. DOWD, JR., OF MISSOURI, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS.

HELEN FRANCES FAHEY, OF VIRGINIA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS.

CLAUDE HARRIS, JR., OF ALABAMA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS.

KATHRYN E. LANDRETH, OF NEVADA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF 4 YEARS.

JAY PATRICK MCCLOSKEY, OF MAINE, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MAINE FOR THE TERM OF 4 YEARS.

BETTY HANSEN RICHARDSON, OF IDAHO, TO BE U.S. ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF 4 YEARS.

EDMUND A. SARGUS, JR., OF OHIO, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS.