SENATE—*Friday, July 15, 1994*

(Legislative day of Monday, July 11, 1994)

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

PRAYER

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

Let us pray:

God of Abraham, Isaac, and Israel, God of the prophets and the apostles, awaken our minds and hearts to the centerpiece of the Torah—the foundation of divine law.

"Hear, O Israel: The Lord our God is one. * * * And thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might. And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up."—Deuteronomy 6:4–7.

God of our fathers, we pray for our families. In a day when social order is disintegrating, give us grace and wisdom to take God seriously, that our hearts and homes may be filled with love and respect for each other, that the family may be strengthened and social order restored.

In the name of Him who is Truth. 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, July 15, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 4426, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30.

The Senate resumed consideration of the bill.

Pending:

(1) McConnell (for Brown) Amendment No. 2247, to reduce available funds for the United Nations Development Program.

(2) McConnell (for Brown) Amendment No. 2249, to freeze contributions to the International Development Association.

(3) McConnell (for Brown) Amendment No. 2250, to maintain funding for the Global Environment Facility at fiscal year 1994 level and to make the funds available pending certain reform measures.

(4) McConnell (for Brown) Amendment No. 2251, to establish an independent commission to study the salaries and benefits of the World Bank and the International Monetary Fund.

(5) McConnell (for Brown) Amendment No. 2252 (to committee amendment on page 2, lines 12–21), to make Poland, Hungary, and the Czech Republic eligible for allied defense cooperation with NATO countries.

(6) Helms Amendment No. 2255, to prohibit the use of funds for foreign governments engaged in espionage against the United States.

(7) Helms Amendment No. 2256, to prohibit funds for Russia while that country is not in compliance with the Biological Weapons Convention.

(8) Helms Amendment No. 2259, to provide conditions for renewing nondiscriminatory (most-favored-nation) treatment for the People's Republic of China.

(9) Helms Amendment No. 2260, to establish an Ambassadorial rank for the head of the United States delegation to the Conference on Security and Cooperation in Europe.

(10) McConnell (for Helms) Amendment No. 2272, to ensure that Government agencies provide information in civil actions brought against States sponsoring acts of international terrorism.

(11) McConnell (for Dole) Amendment No. 2273, to restrict the use of available funds to the Democratic People's Republic of Korea until the President certifies and reports to Congress that the Democratic People's Republic of Korea does not possess nuclear weapons, has halted its nuclear weapons program, and has not exported weapons-grade plutonium.

(12) McConnell (for Nickles) Amendment No. 2275, to increase funds for international narcotics control and to decrease the amounts appropriated for contribution to the Global Environment Facility and for contribution to the International Development Association.

(13) McConnell (for Helms) Amendment No. 2281, to limit assistance to the Government of Colombia unless the President certifies that it is fully cooperating in counter-narcotics efforts.

(14) McConnell (for Domenici) Amendment No. 2284, to allow the President to use Russian aid funds for the Nunn Lugar cooperative threat reduction program.

(15) Leahy (for Graham) Amendment No. 2290, to eliminate the prohibition on the use of Foreign Military Financing funds for Colombia and Bolivia.

(16) Leahy (for Graham) Amendment No. 2291, to eliminate the prohibition on the use of Foreign Military Financing funds for Peru.

(17) Helms Amendment No. 2295, to redefine "other bodies" as commissions in regard to the use of excess commodities in relationship to war crimes tribunals.

Mr. PACKWOOD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

CRITICISM OF LIBRARY OF CONGRESS NOT JUSTIFIED

Mr. PACKWOOD. Madam President, I noticed in the Washington Post today an article somewhat critical of the Library of Congress and apparently the responsiveness of the Library of Congress to the Congress.

I wanted to come and at least speak a word of defense of the Library of Congress, and especially the Congressional Research Service. I have utilized them for as long as I have been in the Senate, and I have found them bright, quick, and friendly.

On many occasions, I deal directly, personally, with the people that are doing some research for me, because I have discovered that, on occasion, if you remove it once or twice from me and through staff and then perhaps some other staff and then to somebody doing the research, the communication does not directly get through.

But on every occasion when I dealt with the Library of Congress, they have been responsive, they have been, really, in their analysis, if it is a legal piece, any law firm in the country would be happy to have the quality of the work that they are getting. So I do not know where the criticism comes from.

I would start to name, but I think I will not, people at the Congressional Research Service that I would count as personal friends, but I fear I would leave somebody out. I could stand here for 90 seconds naming name after name

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

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after name of people that I have found beyond measure more helpful than almost anyone else I deal with in this town, perhaps in this country.

So put me down on the positive side for the Library of Congress and for the support of their appropriations.

And for anybody who has found them ill-mannered or unresponsive, all I can say is, if you will spend but 30 seconds with the person you are dealing with, tell them what you want, they are appreciative and they will respond immediately. And if it is not exactly what you need, you say, "Karen" or you say, "Jack, this isn't quite it. Can we take another run at it?" And they will do it very, very receptively.

I think criticism of the Library of Congress, especially the Congressional Research Service, is not justified and perhaps comes from people that are not sufficiently experienced in dealing with them personally. They will find that it takes but a phone call and a very simple explanation of what it is you are looking for, and they will respond 10 times over.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. PACKWOOD. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam 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, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2275

Mr. LEAHY. Madam President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. Last evening when the Senate recessed it was considering amendment No. 2275, the Nickles amendment.

Mr. LEAHY. Madam President, am I correct in understanding the bill, the foreign operations bill, will be completed with the final vote, or any votes pending, no later than 2 p.m. today?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. Madam President, am I also correct that a number of amendments that have been proposed have time agreements on them?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. LEAHY. Madam President, then I hope Senators who are watching this would realize that, even though they have time agreements on their amendments, if they do not come to the floor to bring them up that they could very well find themselves toward the end of time on the bill, on paper with a 50-minute or 30-minute time agreement and they might actually have only 2 or 3 minutes for their amendment.

Another way of stating it, the first person who brings an amendment to the floor—say in the next few minutes—is guaranteed that he or she will have their whole time. But if you are the last person to bring it, you may not have any time whatsoever. Because if we are eating up the time with quorum calls or other matters and nobody is here offering an amendment, they may well be shut out. I mention that just so my colleagues will understand, the time that they have reserved for their amendments is not necessarily a guarantee. It is a guarantee only for those who first come over. It is not a guarantee for those who wait.

I would use the early bird and all that kind of stuff but it is a tad corny. But this is one of those times when we will not go to one of those little-known Senate procedures known as the Dracula rule, where we vote after dark. All this voting has to be done before 2 o'clock.

With that, I see the distinguished Senator from Arizona, my good, dear friend on the floor, and I will yield the floor so he can take it in his own right.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. DECONCINI. Madam President, I thank the Senator from Vermont and indeed compliment him on engineering what appears to be the passage of a Foreign Operations Subcommittee appropriations bill—no easy task. He has been through it many, many years. Once again, as I say, it appears it is going to happen this afternoon. I am amazed, and compliment him for once again being able to put it together.

Madam President, within the last week President Clinton visited two important places in addition to attending the Naples G–7 summit. Those places are Riga and Berlin. I consider them important because the success of his visit was directly tied to the results of a past American commitment to Europe which was based on principle and resolve.

In Riga, the capital of Latvia, President Clinton spoke of the longstanding United States refusal to recognize the forcible incorporation of the Baltic States into the Soviet Union. This policy denied, as a matter of principle, what was for decades the apparent reality in Estonia, Latvia, and Lithuania. For that reason, it was questioned by realists who saw our interests in compromise and accommodation. But, as President Clinton pointed out, we kept faith with the people of those countries, who were denied their freedom, their territorial integrity, and their independence, but are no longer denied them today; a new reality.

Then, just a couple of days ago in Berlin, President Clinton walked through the Brandenburg Gate and, to the cheers of the crowds, said that all Berliners are free. He was able to make that dramatic gesture of America's commitment to Europe, in large part, because 31 years earlier President Kennedy visited a divided Berlin. President Kennedy, by proclaiming himself and all free people Berliners, committed us to take a stand against Communist domination. We took that stand and remained firm, again despite those who saw the apparent reality and argued on that basis for accommodating what was inherently wrong then and would still be wrong if it was a divided city today.

I strongly welcome what President Clinton did and said in vindicating policies that were previously challenged as unrealistically principled. Those policies viewed the world not as the status quo, but as something we can change and improve if we are willing to make the commitment to do so. We made that commitment to Europe and, against all odds, changed it.

The President also stated that this is more than a question of plurality. It is a question of U.S. interest. By changing the world, we made it not only freer, but we made it safer. We also gave our Nation a necessary sense of accomplishment.

This commitment to Europe, however, is facing its severest test today in Bosnia and Herzegovina. The results of this test leave me and many others deeply concerned that the commitment is no longer really there as it was toward Berlin and the divided Europe. Our country consistently upheld the territorial integrity of the Baltic States against a menacing superpower.

Today, however, we are engaged in negotiating a settlement in Bosnia and Herzegovina with war criminals responsible for committing genocide. While the settlement proposed by the international community last week respects Bosnia's borders—barely—it also may imperil them in the future with the internal division of Bosnia and Herzegovina along ethnic lines.

I do not oppose the agreement. I do not like the agreement. In some respects, it may be the best that can be achieved at this point through a negotiated settlement. That is really the point. We lost the momentum a long time ago, and we lost a great deal of Bosnia. But there were more effective options to such a settlement, I believe, and ones that were based on principle, the same principle that our policy toward Berlin and a divided Europe and the Baltics was based on some years ago.

Of course, some risks are associated with NATO airstrikes on Serb militant

positions or on allowing the Bosnians to defend themselves by lifting the arms embargo. But where is the result? Where is the commitment to stand firm? Where is that commitment to the principles that we so correctly invoked year after year toward the Baltics, a principle that the United States and the people of this country can and are deeply proud of because we would not relent most favored nation. Every year this Senate has voted on a resolution not to recognize the Baltic States as part of the former Soviet Union. Unfortunately, we have been reduced, in this instance, to coaxing a Serb agreement by offering outrageous promises to lift sanctions on Serbia before an agreement is actually implemented and there is a force to implement it.

To simply accept Serbia's word after all the killing it has fostered would be an act of appeasement which would appall even the most cynical of any of us.

Just as President Kennedy saw Berlin as a vulnerably surrounded front line between free and unfree people in 1963, President Clinton can find Sarajevo to be that same front line today. And the people there are determined—more so now that they have been challenged—to maintain a multicultural society based on tolerance.

It would, therefore, be fitting for President Clinton to build upon his welcomed words in Berlin by now declaring himself and all free people today, not just Berliners but also Sarajevans, and make a stand against the new threat—nationalist hatred.

He should propose, for example, that in 1996, he and the leaders of Canada and of all Europe meet for a summit in Sarajevo under the auspices of the Commission on Security and Cooperation. In so doing, he will not only renew our commitment to Europe but revise that commitment to meet present challenges. The CSCE itself stands for respecting the territorial integrity of states. It helped to reunite a Europe artificially divided. It is especially suited to symbolize our continued opposition to the dark forces which seek to enslave the European continent. It will give impetus to efforts to restore Bosnia and Herzegovina, rebuild it and reconcile its people.

As chairs of the Helsinki Commission, Representative STENY HOYER and I are suggesting the United States propose this idea. It is an important way for our country, through our President, again to express the courage of our continuing conviction in creating a world based on peace, tolerance, and freedom.

In the meantime, we will wait one more week or so to see if the Bosnians and the Serb militants will accept the proposed peace plan or not. I will comment later on what I think we should do if they accept the plan.

While the Bosnians have legitimate complaints about it, their leadership has indicated it will argue for acceptance. That is a great sacrifice for the Bosnian leaders, having met with them many times and knowing how deeply they feel about the intrusion and murder and genocide committed by the Serbs, that they are willing to accept it. If the Serb militants, on the other hand, reject it, we must immediately respond in a way commensurate with their horrible aggression.

No matter what, Madam President, we must come back to policy based on principle. We must recognize the present reality not as a fait accompli but as something we can change for the better if we have the resolve and commitment. We did it in the Baltics; we can do it in the Balkans. We have done it to Berlin; we must do it for Sarajevo.

Madam President, on another note, I want to compliment the President and the administration for its consultation and its deliberate efforts to lay out a policy and conditions for restoration of democracy in Haiti. It is not an easy task, and I cannot help but observe from primarily the Republican side of this body the criticism that the administration is receiving on this policy.

I do not remember anybody ever questioning President Bush's and President Reagan's initiatives into Grenada or into Panama. No, at that time it was OK to stand up and talk about using force to restore democracy. Now that it is even an option, there is continuous sniping and shooting at this administration, not with bullets, but with political rhetoric to attempt to demonstrate and to portray that the administration has no policy.

Indeed, the administration has laid out its policy. I suspect that if the administration had done more like Bush and Reagan and just acted with military force, there would not be the time to have the resolutions like we had yesterday, there would not be the time to continue to have the rhetoric in opposition to a policy that I think is proper, a tough policy and one that is not knee-jerk.

And on the policy on Korea, again, I wonder where these Republicans, who are so critical of the President for continuing dialog, for even making some moderate, I believe, observations at the death of Kim Il-song of Korea, where were they when President Bush went to Japan for the funeral of Emperor Hirohito? Where were they when the President went over there and bowed before that leader's casket? They were not critical of President Bush. They did not say, "My gosh, how can you deal and give any credence and credibility to someone who killed millions of people during the Second World War?"

I do not justify the former leaders or the present leaders of North Korea. They are terrorists. No question about it. They deserve to be criticized, and they deserve to be pressured. And the Clinton administration is doing that.

But to play the partisan role because the President said something about let us wait for a little time while the great leader—and I do not think that is really what he is but, in fact, that is what he has been referred to by that Government.

To continue possible dialog on their compliance with nonproliferation is exactly what we should do as a country, and we should not have the partisan politics that we have seen time and time again because this President said something about North Korea's great leader that was interpreted to be friendly or accepting, that his activities over the years had been proper which, of course, is not the case in the President's remarks.

Madam President, it is time to always assess political rhetoric and statements with a little bit of history. Where was everybody when George Bush made these statements about the Emperor of Japan, who was the leader of that country during the Second World War and its destruction throughout the world in an attempt to defeat the United States.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2275

Mr. LEAHY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, now I think we should get on to the bill, but I do not want it to be like a grenade being tossed into this at the very end when we run out of time.

Madam President, am I correct that the amendment of the Senator from Oklahoma is now pending?

The ACTING PRESIDENT pro tempore. That is correct, Amendment No. 2275.

Mr. LEAHY. Madam President, how much time is there on that amendment?

The ACTING PRESIDENT pro tempore. Fifty minutes equally divided.

Mr. LEAHY. I hope it will not be necessary to use all that time. What I would suggest, we have normally followed the tradition of going back and forth. That is not part of the order, but I hope that we might right after this——

Mr. GRAHAM. Madam President, I would like to ask unanimous consent that the amendment that Senator DECONCINI and I have been endeavoring to offer be the next business of the Senate after the disposition of the amendment offered by the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is ordered.

Mr. LEAHY. Madam President, I yield the floor. I see the Senator from Oklahoma.

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

Mr. NICKLES. Madam President, I thank the Chair. I wish to thank the Senator from Vermont and also the Senators from Florida and Arizona.

Madam President, the Senator from Vermont is correct. We have 50 minutes on this amendment. I do not think it will take that long. We will have to find out.

Madam President, this amendment makes three changes in the budget figures in the foreign operations bill. This amendment restores $52 million of money for the International Narcotics Control Agency. This brings it up to $152 million. That is what the President requested. I think it is what is needed.

I have a memo from the State Department where they are very critical of the House appropriations figure. I will just read this. It says:

The figures from the House Appropriations Committee, Subcommittee on Foreign Operations markup of the International Narcotics Control budget for fiscal 1995 are not just bad—they are disastrous. The committee mark recommends a 1995 budget of $100 milion, the same as the current year and roughly 35 percent less than requested. Major international narcotics programs cannot survive another year at this level of funding.

Madam President, I ask unanimous consent that the entire memo from the State Department be printed in the RECORD.

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

IMPACT OF THE HOUSE APPROPRIATIONS COMMITTEE MARKUP—INTERNATIONAL COUNTER-NARCOTICS PROGRAMS

The figures from the House Appropriations Committee, Subcommittee on Foreign Operations mark-up of the International Narcotics Control budget for FY-1995 are not just bad—they are disastrous. The committee mark recommends a 1995 budget of $100 million, the same as the current year and roughly 35 percent less than requested. Major international narcotics programs cannot survive another year at this level of funding.

Some may believe that, because INM programs will survive the current year with $100 million funding, this is an acceptable base budget. It is not. INM will survive 1994 by smoke and mirrors. They are using to the fullest possible extent funding and equipment already in the prior year pipeline. They are deferring upgrades and improvements. They have received interagency assistance from ONDCP's portion of the Asset Seizure and Forfeiture Fund, and from DOD via Section 1004. And they have cut most overseas programs to the core. In some country programs, basic administrative costs are now more than 50 percent of the total program level.

This approach cannot be sustained a second year. New programs to address new crises such as Asian heroin or organized crime in the former Soviet Union could not even be contemplated. A FY-1995 INM program budget of $100 million will produce inevitable consequences:

Turning Our Backs on the Source Countries: The President's new strategy for the Western Hemisphere (PDD-14) calls for a shift in emphasis from the transit zone to source countries. The new approach is more efficient and more effective. Current programs in the Andean source countries cannot be sustained at a $100 million level, far less expanded. They would have to be reduced dramatically.

Closing Programs: Central America and Caribbean programs are already at shoestring levels. They were maintained last year because INM decided that maintaining a counternarcotics presence and infrastructure in the region justified the programs, even at minuscule levels. They cannot survive a second year at that level. Another $100 million program budget puts us out of the counternarcotics business in Central America and Panama, just as narcotics replaces insurgences as the primary threat against these new democracies.

Ignoring Heroin: Heroin is the new U.S. drug epidemic. South and Southeast Asia produce roughly two-thirds of the heroin in the U.S. Until now, State deferred funding major programs in the region because the heroin threat lagged far behind cocaine. The U.S. no longer has the luxury to defer. A $100 million program level does not provide the resources for an aggressive effort against heroin in Asia.

Shutting Down Eradication: After years of debate and effort, there are finally serious eradication programs in Colombia, Bolivia, Peru, and Panama. Eradication is expensive. It is also politically unpopular in every country where it is implemented. If the U.S. does not support eradication programs vigorously, governments will not conduct them on their own. At $100 million, INM can neither support eradication programs at their current level or start new programs.

Gutting Aviation Support: The Committee calls for INM to get out of the air force business. However, the Committee has never argued against support for essential counternarcotics aviation efforts, and it certainly never directed INM to waste the taxpayers' money by abandoning aircraft to budget starvation. This would be the effect of a $100 million budget on INM's aviation support programs.

Ignoring Russia and the Former Soviet Union: If there is one place on the planet where organized crime has made enormous inroads in the 1990s, it is Russia and the former Soviet Republics. The Congress recognizes it, as the Gephardt-Michel Report earlier this spring graphically noted. The former Soviet governments are ready to cooperate with us. INM has training and assistance programs to address some of the most serious crises. At a $100 million funding level, however, INM could not offer more than token programs.

Mr. NICKLES. Madam President, I also just mention to my colleagues, somebody might say, well, wait a minute. Last year they had $100 million; the year before they had $173 million; the year before that $147 million; and the year before that $150 million.

So if we pass this amendment, we will go up to $152 million, which is basically the same as it was in 1991 for international narcotics control.

Now, can anyone in this Chamber, anybody in this country, say that we do not have a problem as far as illegal drugs coming into this country that are killing thousands of people? It is still happening. It is a serious problem. We need to interdict those drugs. We need to fight the battle. To go down to $100 million, as we did last year, is a serious mistake. The year before that it was $173 million.

What kind of signal does that send to the drug warlords in Colombia? They have to be excited. They like it. They would like to see zero. Let us not spend any money on international efforts to interdict drugs. That would make them happy. I do not think we should do that.

I happen to agree with the State Department which says, wait a minute, this would be disastrous. If you are really serious about trying to combat illegal drugs coming into this country, I think this is rather modest. Again, this is the same level that we were spending all the way back in 1991.

I might mention we have had some success. We interdicted in 1993 cocaine seizures—not all drugs, just cocaine seizures—108 metric tons. That is a lot. But, unfortunately, that was only about 14 percent of the production estimated that year. What is that, 1 out of 7, one-seventh? So we still have a lot to do.

And so, yes, I do think $152 million is a lot better than $100 million. That is what we were spending a few years ago. Frankly, it is needed.

Now, how do we pay for it? I understand some people are going to object to how we pay for it. But let me tell you, I think we were very responsible. I said look at some of the areas that have big increases. I looked at the International Development Association. That is the World Bank. Under the bill, there is a big increase.

The 1995 Senate bill says let us spend $1.2 billion—actually, $1.207 billion. Well, in 1994, we only spent a little bit over $1 billion—$1.024 billion. So that is almost—well, it is a $183 million increase.

So I said, well, let us reduce part of that increase. And even after my amendment, the International Development Association would still have a 7-percent increase over last year. So we have reduced the rate of growth in the World Bank lending arm, but still they have more money in 1995 than they had in 1994.

We also made a reduction in the global environmental facility. Somebody might say, "Gosh, you reduced that significantly." Well, we reduced the outlays by $2.7 million. But I might mention last year they had $30 million. The committee was saying let us go up to $99 million. Under my amendment, we would go to $50 million. So they would still have a 66 percent increase in the global environmental facility.

Now, some people might say, "Wait a minute, isn't that harmful to the environment?"

I might tell my colleague and friend from California, many in the environmental community agree wholeheartedly with this amendment. They are not pleased with the International Development Association. They are not pleased with the multilateral development banks and their lending practices. They made a lot of loans that really did not make sense. And they are not pleased with the global environmental facility.

Let me just read from a couple letters. Friends of the Earth wrote me a letter dated July 12. They said:

Friends of the Earth believes the performance of the World Bank's Global Environmental Facility has for the most part been disastrous and the U.S. funding should be cut back until there is substantial change in the operation of the Facility.

I might tell my friends who are not familiar with it, this is a new facility. This is something that we did not have on the books. The first funding came in 1993, and they received $30 million. In 1994, they received $30 million. And if my amendment is approved, they will get $50 million. A lot of the environmental groups are saying no increase whatsoever, no funding. Under my amendment they still get a 66 percent increase.

So for those who might have some concerns about, well, this Nickles amendment would be too draconian on the global environmental facility, I totally disagree. I think if they would read letters from members and leaders in the environmental community they would concur.

Let me also mention the Environmental Defense Fund. It is well known for leading environmental battles in Washington, DC. This letter was written to Senator BROWN because Senator BROWN was contemplating an amendment that would freeze the International Development Association's funding at last year's level. It sounds kind of reasonable.

That is not my amendment. My amendment allows funding to increase by 7 percent. Maybe we should be voting on Senator BROWN's amendment. But my purpose was not to see how much money we could cut out of the International Development Association. It was to fund international narcotics control. We are not doing enough.

So I allowed some reduction in the International Development Association, but they will still have a 7 percent increase over last year. Let me just read what the Environmental Defense Fund says to Senator BROWN. This is dated July 13.

I am writing on behalf of the Environmental Defense Fund to support efforts of you and your colleagues to, at the very least, maintain fiscal year 1995 appropriations for the World Bank at fiscal year 1994 levels rather than approve any increases.

In other words they are saying, "Hey, we don't want you to increase to $183 million. We don't think they are doing a very good job."

That is the essence of the other page and a half of this letter.

Madam President, I ask unanimous consent that both of these letters, as well as a statement by Bruce Rich on behalf of the Environmental Defense Fund, Friends of the Earth, National Audubon Society, National Wildlife Federation, and the Sierra Club, concerning appropriations before the Senate Foreign Ops Committee on May 17 be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH,
Washington, DC, July 12, 1994.

Re: World Bank and Global Environment Facility (GEF).

Senator DON NICKLES,
Senate Hart Building, Washington, DC.

DEAR SENATOR NICKLES: Friends of the Earth believes that the performance of the World Bank's Global Environment Facility has for the most part been disastrous and that U.S. funding should be cut back until there is substantial change in the operation of the Facility.

A reduction in funding to $50 million from the proposed Senate level of $98 million makes sense at the time. Furthermore, the Congress should make appropriations to the GEF contingent upon basic conditions of transparency and accountability, which do not now exist. It will take some time to develop appropriate guidelines on these two points, so there should be no need to rush their disbursement of funds.

In testimony to the Senate this year the Environmental Defense Fund posed the basic question about the GEF: "What stake will poor populations in the developing world have in GEF projects if they are conducted along the same lines of small-minded secrecy and closed, top-down, bureaucratic planning that characterizes so much of the Bank's current way of operating?" We fully concur with this challenge.

Sincerely,

DR. BRENT BLACKWELDER,
Vice President.

ENVIRONMENTAL DEFENSE FUND,
Washington, DC, July 13, 1994.

Senator HANK BROWN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BROWN: I am writing on behalf of the Environmental Defense Fund to support efforts of you and your colleagues to, at the very least, maintain FY 1995 appropriations for the World Bank (IBRD and IDA) at FY 1994 levels rather than approve any increases. On March 3, 1994 EDF and four other national environmental organizations with over five million members urged in testimony before the Senate Foreign Relations Committee Subcommittee on International Economic Policy, Trade, Oceans and Environment that "the Foreign Relations Committee recommend to the Appropriations Committee to cut a portion of authorized funding for the [World] Bank's hard loan window, the IBRD. We believe that this will be the most effective spur to reforms at the Bank."

The rationale EDF and other national environmental organizations cited for this recommendation is stronger now than it was in March: "the money the Administration is requesting the Congress to authorize and appropriate this year for the MDBs will too often be poorly used, without very significant improvements in the overall management and environmental performance of these institutions. We would suggest that the overall poor environmental performance of these institutions may be only a leading indicator of deeper and more widespread management and project quality problems." The areas of poor performance of the Bank are described in detail in the March 3rd statement submitted to the Foreign Relations Committee. Rather than respond to many of these areas of substantive concern, the Bank continues to increase the resources devoted to public relations lobbying with its major donors, including devoting more time of senior management to public relations efforts to rebut criticisms of Bank performance.

The most telling indicator of the Bank's approach to criticisms of project quality is an ongoing process of reissuing the Bank's Operational Directives—the Bank's internal rules and regulations requiring staff to take into account environmental, social and other concerns in project preparation and implementation—as weakened "Operational Policies," a change that is a giant step backward in making Bank staff accountable and responsible for the developmental impact of their work. The Bank persists in preparing and promoting economically inefficient, environmentally and socially disastrous schemes, the most recent being the proposed Arun dam in Nepal, opposed by numerous NGOs in Nepal, as well as in Europe and North America.

Rather than increased appropriations for the World Bank, scarce foreign aid resources of the U.S. would be much better used in supporting a greater variety of bilateral aid programs (such as the Interamerican Foundation and the African Development Foundation) that directly assist poor communities in developing countries, and in promoting increased debt relief for the poorest nations. Indeed, the G–7 Summit Meeting just concluded in Naples endorsed further debt relief for the poorest nations through the Paris Club.

Sincerely,

BRUCE M. RICH,
Senior Attorney and Director, International Program.

Mr. NICKLES. Madam President, let me just highlight a couple of the concerns that were in this testimony again just as recently as May 17.

The message the national environmental organizations I represent today wish to convey to you in the strongest terms is that the money the Administration is requesting the Congress to authorize and appropriate this year for the MDBs will be unnecessarily wasted and poorly used, without very significant improvements in the overall management and environmental performance of these institutions.

In this regard, the case of the World Bank and associated GEF is particularly disturbing, because of the leadership role that institution is perceived to have. Events over the past two years reveal a long building, serious breakdown of accountability and responsibility at the highest levels in the Bank, despite belated, ineffectual steps of management to respond to increasing international pressures for greater transparency and improvements in project quality.

I will skip a paragraph. It says:

But we would submit that these efforts notwithstanding, there is growing evidence

that the MDBs and particularly the World Bank current cannot be trusted to use the public's money wisely and effectively. We believe that it would be a wiser use of taxpayers' money not to concentrate resources so intensively on the World Bank and other MDBs, with their disturbing record of declining project quality and demonstrated management problems, but rather to also encourage and support a diversity of alternative development institutions and channels for foreign assistance, ones that would have a better chance of helping the poor and helping the global environment.

Just a couple of other excerpts from this statement:

We recommend, therefore, that for FY 1995 the Congress not appropriate the full GEF and MDB capital increases that are being proposed until these institutions show that they have carried out a number of fundamental reforms discussed in detail later.

In the case of the GEF, we believe it would be a mistake for the U.S. to commit funds before the GEF has completed Congressionally mandated restructuring and reforms enacted in appropriations legislation over the past two years. It is important that smaller amounts for the GEF be appropriated quickly, to fund more limited activities related to the immediate implementation of the Climate and Biodiversity Conventions, such as developing country planning and reporting requirements.

Madam President, I could go on. I do not know that it is necessary. But this statement is very strong saying let us not have increases in funds for the Global Environmental Facility and the multilateral development banks, of which the International Development Association is a major part.

Again, my amendment does not freeze. Maybe it should. My amendment allows for an increase in 1998 of 7 percent. It allows an increase for the Global Environmental Facility of 66 percent. But we do save enough money in budget authority to give us the outlay money to fund international narcotics control, which in my opinion will save lives and it will stop tons of cocaine from coming into this country. When that happens, the price is going to be higher. It is going to be more difficult for kids in the District of Columbia to be able to buy crack. It will be more expensive for them. When it is more expensive, maybe some of them will not buy it. Maybe some of them will not get addicted. Maybe some of them will not die fighting for that drug, or killing to get the money to buy the drug.

I hope my colleagues will understand that this amendment is not an attempt to undermine these international institutions. I think they need reform. I think they waste a lot of money. The environmental community believes very strongly that they are not spending their money well, either.

I think we need to restore money for international narcotics control at least to the level that we were doing in 1991. Let us not go back to this $100 million figure and basically be sending a signal to the drug warlords throughout the world that the United States really does not care about interdicting serious illegal drugs.

Madam President, I hope my colleagues will concur and that we will be successful in passing this amendment.

Madam President, I ask unanimous consent that Senators D'AMATO, BROWN, CRAIG, GRAMM, and HUTCHISON be added as cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. I yield the floor.

Mr. LEAHY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, if my colleague from Kansas will withhold for just a moment, I wanted to note a couple of things for the RECORD on why I oppose putting this $100 million in for counternarcotics.

We have spent well over $1 billion in counternarcotics expenditures. But everybody agrees it has not made any difference. Narcotics are more available than before the counternarcotics efforts were underway, and at a lower price.

So it has not had the effectiveness many would like to think. I said, only somewhat facetiously, that we should probably put the counternarcotics program in the Department of Agriculture. The reason I said this is that with the billions we spent, we stopped about 1 percent from coming in here. The best-run agricultural programs in this country lose about 3 percent between harvest and the consumer. We could just put it under the USDA, and we would triple our effectiveness.

The point of it is, of course, that we are going to have to stop demand. That is going to be far more effective than a lot of money that we poured into counternarcotics, which has gone into the hands of corrupt regimes, gone into human rights violations, and other areas.

We kept $100 million in this program to try to have some of that work. But to suggest, as has been suggested here, that somehow the administration does not want any of this money, the fact of the matter is, we are trying to carry out pledges made by the Bush administration, by the Reagan administration, and currently.

If we are going to make anymore cuts in this, we are going to have to say that the promises made by the Bush and Reagan administrations are worthless; we are going to have to say that all the efforts that we were able to make in the GEF, a year spent negotiating a restructured GEF based on money withheld, and pledges made by past administrations and this one, that now that they have done all the reforms, we are not going to keep our word.

I think it would be irresponsible to renege on our pledge, and other countries are going to have ample reason to ridicule us if we do this.

So, Madam President, just so there is no question where the administration is, I ask unanimous consent that a letter from the Secretary of the Treasury, Lloyd Bentsen, in strong opposition to this amendment, be printed in the RECORD at this point.

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

SECRETARY OF THE TREASURY,
DEPARTMENT OF THE TREASURY,
Washington, DC, July 14, 1994.

Hon. PATRICK LEAHY,
Chairman, Subcommittee on Foreign Operations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During floor consideration of H.R. 4426 (the Foreign Operations Appropriations bill) today, amendments may be offered that I hope you will oppose.

These amendment will cut the Committee mark for the International Development Association (IDA) and the Global Environment Facility.

IDA is the centerpiece of multilateral programs to provide cost-effective assistance to Sub-Saharan Africa. The poorest countries depend heavily on IDA for financial and policy support. We are already $310 million dollars in arrears in our payments to IDA.

The Global Environment Facility is the major international mechanism to combat transnational environmental problems, including ozone depletion, extinction of plant and animal species, and ocean pollution. An outgrowth of the 1992 Rio Earth Summit, the GEF has moved beyond the preliminary stage to meet my own staff standards for operational efficiency. The time is ripe to upgrade the GEF to a full-fledged program as provided by the Committee's mark.

I hope you will oppose any efforts to cut these vital programs.

Sincerely,

LLOYD BENTSEN.

Mr. LEAHY. Madam President, I ask unanimous consent that another letter by the Under Secretary of State, who has to oversee both the counternarcotics and the global environmental programs, in strong opposition to this amendment, be printed in the RECORD at this point.

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

U.S. DEPARTMENT OF STATE, UNDER SECRETARY OF STATE FOR GLOBAL AFFAIRS,
Washington, DC, July 14, 1994.

Hon. PATRICK J. LEAHY,
Chairman, Foreign Operations Subcommittee, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: We are deeply concerned about proposed amendments to the Senate Foreign Operations Appropriations bill that would reduce its request of $98.8 million in fiscal year 1995 for the Global Environment Facility (GEF) and that would condition the remaining appropriation. Full funding for the GEF is urgently needed to enable the United States to maintain its international leadership in combatting key threats to the global environment. These include global warming, the loss of biological diversity, the degradation of international waters and depletion of the stratospheric ozone layer.

We have worked hard in negotiations to restructure the GEF and achieved all of its negotiating objectives. We believe that the GEF is now positioned to play a key role in our efforts to combat these threats to the global environment. We must back our policy leadership with financial resources to ensure the GEF's success. Other donors' pledges are tied to ours in a burden-sharing arrangement; failure to honor our pledge may unravel the GEF itself, and with it, efforts to bring developing countries and economies in transition to market economies into the global effort to safeguard our environment. Failure to meet our GEF commitments would be a significant blow to US global environmental leadership and could increase pressure to create a multitude of international environmental funding mechanisms.

It is the Department's understanding that a proposal may be offered to reallocate GEF funds to other key problems facing our nation, including efforts to combat narcotics. Reducing funding for critical global environmental programs to pay for increases in narcotics programs makes no more sense than reducing narcotics funding for environmental purposes. Strong support for both of these major global issues is needed and they must be pursued in tandem. We support full funding for both efforts and we must oppose amendments that could cause harm to the global environment we leave to our children, even if they are aimed at laudable and shared commitments for counternarcotics efforts. That is a false choice and we reject it.

I urge you to strongly support the Administration's request of $98.8 million in fiscal year 1995 for the Global Environment Facility.

Sincerely yours,

TIMOTHY E. WIRTH.

Mr. LEAHY. Madam President, I also ask that a letter from the World Wildlife Fund, the Nature Conservancy, the Natural Resources Defense Council, and Conservation International, be printed in the RECORD at this point, all in strong opposition to the amendment.

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

WORLD WILDLIFE FUND,
Washington, DC, July 14, 1994.

Hon. PATRICK LEAHY,
Subcommittee on Foreign Operations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express World Wildlife Fund's support for the funding levels for multilateral and bilateral funding for environmental protection and development activities recommended in the foreign operations appropriations bill. We consider these amounts the minimum necessary for the United States to help meet global challenges in these critical areas.

In particular, I would draw your attention to the recommended funding levels for the international financial institution, including the Global Environment Facility. The United States' contributions to international financial institutions often serve as a benchmark for other countries' contributions, multiplying the benefit of our dollars. Although we at WWF believe that significant improvements continue to be necessary to ensure that these institution's lending contributes to truly sustainable development, the United States' influence in support of further reform depends on our continued full participation. The appropriations levels in the bill would also take the important step of paying back a portion of the United States' arrearage to the international financial institutions. We urge you and your colleagues to support the administration's Global Enviroment Facility and International Development Association request for fiscal year 1995 without further conditionality, and specifically to reject amendments we understand will be offered by Senators Brown and Nickles that will slash funding for these crucial initiatives.

In addition, after years of budget cutbacks, the Agency for International Development has been left with the minimum funding necessary to meet its mission despite substantial organizational improvements and reforms in the last year. The world looks to the United States to be a leader in meeting the challenges of international development as well as meeting its obligations under the Convention on Biological Diversity and the Framework Convention on Climate Change. We appreciate the funding levels that your subcommittee has recommended for bilateral development and conservation assistance.

Please do not hesitate to call upon us to answer any questions that you might have by telephoning me at (202) 778-9680 or Will Singleton at (202) 778-9791.

Sincerely,

DOUG SIGLIN,
Director, Congressional Relations.

THE NATURE CONSERVANCY,
Arlington, VA, July 14, 1994.

Hon. PATRICK J. LEAHY,
Chairman, Foreign Operations Subcommittee, Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I understand Senator Brown of Colorado will offer an amendment to the Foreign Operations Appropriations bill to cut back the appropriation to the Global Environment Facility (GEF) from $98.8 million to $30 million. He also wants to place certain conditions on the appropriations.

In our view it is essential the GEF receive the full US pledge in order not to severely affect reforms gained in recent negotiations in which the US played a significant leadership role. We supported those reforms and served on the US delegation, which addressed every major area of concern dealt with by a recent independent evaluation.

The GEF is an essential component of the Administration's international environmental policy and will serve as the financial mechanism for the Conventions on Climate Change and Biodiversity. We must back our policy leadership by demonstrating a financial stake in the success of the GEF. Failure to fulfill our pledge to the GEF will be seen as a major disappointment to both developed and developing countries.

Mr. Chairman, on behalf of The Nature Conservancy and its more than 700,000 members, I urge you to fight the Brown amendment and any other amendment which seeks to cut funding or impose new conditions on the GEF.

Thank you.

Sincerely,

TIA NELSON,
Policy Representative, International Program.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, July 14, 1994.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.

DEAR CHAIRMAN LEAHY: The Natural Resources Defense Council strongly supports appropriating the full $98.8 million proposed for the Global Environment Facility in the Foreign Operations Appropriations Bill now before the Senate. This money is critical to ensuring the success of the newly restructured facility to deal with several global environmental problems.

The Global Environment Facility is a fund to assist developing countries deal with the global problems of biodiversity, climate change and international waters. The fund is a critical part of the international process to deal with these problems, and a key component to two international treaties on Climate Change and Biodiversity that the US has ratified (Climate Change) or in the process of ratifying (Biodiversity).

Failure to secure the full $98.8 million as an initial contribution by the US will jeopardize the viability of the GEF to deal with these problems, and hence the participation of developing countries in these international processes to protect the global environment. In the long term this means an even greater burden for the United States if these processes fail. We urge you to support the full appropriations for this critical environmental program.

Sincerely,

S. JACOB SCHERR,
Director, International Programs.

CONSERVATION INTERNATIONAL,
July 14, 1994.

Hon. PATRICK LEAHY,
Subcommittee on Foreign Operations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. I am writing to express concern over amendments we understand will be offered by Senators Brown and Nickles that cut back appropriations for important environmental and development initiatives recommended in the foreign operations appropriations bill. We urge you and your colleagues to support the administration's Global Environmental Facility request for fiscal year 1995 and oppose any amendments which will cut funding for this important program.

The GEF is perhaps the most tangible result of the landmark Rio Earth Summit. It is the interim financial mechanism for the Biodiversity and Climate Conventions and is one of the cornerstones of the Administration's international environmental policy. The Administration has fought hard over the past year for critical changes during the restructuring negotiations and deserves the full endorsement of the Senate.

Please do not hesitate to contact me at 973-2251 should you have any questions regarding these issues.

Sincerely,

IAN BOWLES,
Director, Legislative Programs.

Mr. LEAHY. Madam President, one thing that is united in this foreign aid issue is that there have been both Democratic and Republican administrations in support of how the world's poorest countries are trying. We send about $1—$1—per capita to these African nations, for example, in foreign aid. In contrast to other parts of the world where we spend foreign aid, we spend about $1, and we support IDA because at least that increases the contribution. They do about $5.

It is hard to think that we are even responsible with the kind of aid we give there, when you think of the amount of money we shell out to Nicaragua, El

Salvador, or when, based on the last administration's pledge, we gave nearly $2 billion in foreign aid to Saddam Hussein.

I do not remember the Senator from Oklahoma or anybody else down here trying to stop the last administration from giving a pledge that required the taxpayers of this country to give $2 billion to Saddam Hussein. But here we are going to cut out a dollar per capita to the poorest of the poor. It does not make any sense. So I am opposed to it.

The Senator from Kansas is here. I also note that the chairman of the Foreign Relations Committee is here. I yield to him for 3 minutes, and then I will yield to the Senator from Kansas.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Madam President, this amendment would not only reduce funding for the World Bank's programs in the poorest countries of the world, but it would also significantly reduce funding for the Global Environmental Facility [GEF].

The Global Environmental Facility was created to help developing countries carry out commitments they made in the Biological Diversity Treaty and the Climate Change Treaty.

The Senate has already given its advice and consent on the Climate change Treaty and the Foreign Relations Committee recently reported out the Biological Diversity Treaty by a vote of 16 to 3.

The facility will fund projects that will benefit the global environment in the areas of climate change, biodiversity, ozone depletion, and international waters.

Over the last 2 years, the Bush and Clinton administrations have negotiated the conditions of the GEF and withheld funding until the United States determined that it had established clear procedures to ensure public access to information and are developing procedures to ensure that affected communities are consulted in all aspects of project implementation.

The United States also successfully negotiated a significant reduction in the size of the facility and narrowed the scope of eligible projects to ensure that only projects with agreed global environmental benefits be funded.

To reduce funding below the $98 million the United States has pledged to the GEF now that the United States has accomplished its negotiating objectives would severely reduce U.S. leverage and its ability to ensure that these conditions are fully met and put the United States in arrears.

Madam President, this amendment would strike a major blow to United States and multilateral efforts to protect the global environment. I urge my colleagues to defeat the amendment.

Mrs. KASSEBAUM addressed the Chair.

The ACTING PRESIDENT pro tempore. How much time does the Senator from Kansas need?

Mrs. KASSEBAUM. How much time will the manager yield?

Mr. LEAHY. How much time would the Senator like?

Mrs. KASSEBAUM. I will use 5 minutes at the most.

The ACTING PRESIDENT pro tempore. There are 17 minutes remaining.

Mr. LEAHY. I yield 5 minutes to the Senator from Kansas.

Mrs. KASSEBAUM. Madam President, I rise in opposition to the Nickles amendment. As it has been laid down, it cuts more than $100 million from the U.S. contribution to the World Bank's International Development Association. It reduces nearly $50 million in our contribution to the Global Environmental Facility, and finally, it would increase funding for the international narcotics program.

Let me address the two accounts that the Senator from Oklahoma wants to cut and one he would like to increase. I understand the concerns and the arguments that Senator NICKLES has made regarding the World Bank's International Development Association. Clearly, there is waste at the World Bank—the salary levels are very high, offices are too plush—but I do not believe that cutting funding for IDA is the best method to encourage reform. IDA is an economical, coordinated, and effective way to promote development focused solely on the poorest countries in the world. It helps countries from Armenia to Cambodia, Georgia to Albania. All IDA borrowers have a per capita income below $825.

IDA is particularly important for Africa, which gets about half of all IDA resources. Many African countries, such as Ghana, Gambia, Uganda, and Tanzania, are undertaking substantial economic reform. IDA supports these reforming economies.

As someone who has followed Africa for a number of years on the Foreign Relations Committee, I strongly believe that Africa will never develop and succeed without solid economic policies. This is not easy. But IDA is the best instrument that we have, as an international community, to promote policy reform and help these countries through difficult times.

I know we can sit here and look at the tragedy that has played out in Rwanda, Sudan, or many African nations and wonder if the little bit leveraged through IDA does any good. But, Madam President, I suggest that without it, we will never help and be able to encourage solid economic reforms that are going to be the basis for some stability in the countries that need it the most.

I have had, and continue to have, serious concerns about the coordination of international development efforts. Often, it seems that the United States is off doing one thing, the Europeans another, and the Japanese another. The World Bank, and particularly IDA, offers an effective, coordinated way for donors to work together to promote development.

The World Bank—largely prodded by the United States—has taken some positive steps to reform itself. First-class travel has ended; an inspection panel has been created to oversee Bank projects. The question is how best to continue these reforms.

We are already $310 million in arrears to IDA. We are the only major donor in arrears. If this amendment is approved, adding to our arrearages, our efforts to reform the Bank, I make the case, would be seriously undermined.

I understand and sympathize with the concerns of the Senator from Oklahoma, but I strongly believe that the committee recommended funding for IDA promotes reform at the Bank and supports developing countries, particularly Africa.

I will speak for a moment about the Global Environmental Facility. Many, including myself, have had serious reservations about the original mandate, size, and focus of this facility. Due to these concerns expressed by many, the United States did not fund the pilot program for the facility for 3 years. I now believe that many of these issues have been addressed, and addressed very effectively. After tough negotiations by both the Bush and Clinton negotiators, we now have the type of institution that we want—a transparent, accountable, cost-effective mechanism to address international environmental issues.

Under intense American pressure:

The scope and costs of the GEF have been reduced from $4 billion to the current size of $2 billion;

The U.S. share is only $430 million over 4 years, less than the per capita contributions of other countries;

The United States retains a great amount of control over the GEF's policies and projects; and

The focus of the GEF has been limited to projects with global environmental benefits, such as biodiversity.

I now believe that the GEF can become an important part of U.S. efforts to promote international cooperation on the environment. The United States won some major concessions in forming the GEF. If we want to keep this institution on the right track, it is important that our participation be comprehensive and aggressive to help shape the agenda and make GEF a constructive, focused, effective, and coordinated institution addressing global environmental problems.

May I have an additional 2 minutes to further address the international narcotics control program?

The PRESIDING OFFICER. The Senator has requested an additional 2 minutes from the manager.

Mr. LEAHY. I yield 2 additional minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mrs. KASSEBAUM. Finally, Madam President, I oppose the proposed increase for international narcotics control. I suppose that sounds sort of wild in the belief that this is a program that really is adequately funded, because I care just as much as everybody else does about getting the international narcotics program under control. Just as the Senator from Oklahoma said, the big drug traffickers around the world need to be stopped in every way imaginable, the demand in our own country needs to be addressed.

The committee funded the narcotics control account at last year's level of $100 million. Given budget realities, I think this is more than sufficient funding for this program.

I am not convinced that increased funding for this program will make any real difference in reducing the flow of drugs into this country.

I doubt if the effectiveness of the program during the Reagan and Bush administrations, and nothing in this administration's strategy demonstrates to me that the program will be any more successful in the future.

We have now devoted more than $2.2 billion over the last 5 years in the so-called Andean strategy. Yet, there is no sign that the actual levels of cocaine reaching the United States shores has changed significantly. Estimates are that less than 5 percent of all drugs entering our country are interdicted at the border.

Madam President, I really do have to question the effectiveness of this program and in order to make it effective we must be willing to challenge it. Given the mixed record and budget constraints I believe the committee has acted appropriately by keeping funding at last year's level.

I yield back my time.

The PRESIDING OFFICER (Mr. AKAKA). The Senator's time has expired.

Who yields time?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I rise in support of the amendment.

Mr. NICKLES. I think Senator GRAHAM wants a couple minutes.

The PRESIDING OFFICER. The Senator from Oklahoma has the time.

Does he yield time?

Mr. NICKLES. Will the Senator from Kentucky mind if I yield to the Senator 3 minutes?

Mr. McCONNELL. No.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. GRAHAM. Mr. President, I am going to speak at greater length on this issue raised by this amendment when we debate the next amendment. But I would like to raise this issue.

It is imperative for an effective program against drugs in this country that we have both a strong offense in terms of our efforts to reduce the amount of drugs coming into the United States and an equally strong defense in terms of reducing the demand for drugs within this country.

I do not see these two as being incompatible any more than the same strong offense and strong defense would be incompatible on an athletic team.

What has happened is that we have had a major restructuring of our offensive strategy. The efforts to reduce the supply of drugs into the United States used to be primarily focused on a border policy. That was a policy which keyed around domestic agencies, such as the Department of Defense providing intelligence for more effective interdiction, the Department of Treasury with their customs capabilities, and a whole array of agencies within the Department of Justice to capture those persons who crossed our border with illicit drugs.

We now have adopted a new policy, and I will quote from a statement issued by the drug coordinator on February 9 of this year in which he stated that the new international strategy calls for a—

> * * * controlled shift in emphasis from transit zones to source countries. The term "controlled shift" is used because it is anticipated that the shift could in turn precipitate changes in tactics by drug cartels. This requires drug control agencies to be prepared to respond to changes as they occur.

So our new strategy is to diminish the focus on transit zones, and my colleague and cosponsor of the next amendment, Senator DECONCINI, will talk at some length about that topic and focus on eradication and interdiction inside the key source countries. Those efforts are largely funded through the international counternarcotics programs in the Department of State.

So when we say we are going to hold it at the previous year's level of funding, we are holding it at the previous year's level of funding while we have a new strategy.

So, Mr. President, I strongly support the amendment as offered by the Senator from Oklahoma. I think it is consistent and has the support in terms of reaching these levels of funding for our international narcotics program of the Clinton administration.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I believe the majority will yield me 3 minutes.

Mr. LEAHY. Mr. President, I yield 3 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont [Mr. JEFFORDS], is recognized for 3 minutes.

Mr. JEFFORDS. Mr. President, I rise today in opposition to this amendment, which proposes to cut the U.S. contributions to the International Development Association [IDA] and the Global Environment Facility [GEF] to direct funding to international narcotics control.

Environmental problems do not recognize borders. Excessive carbon emissions in the developing world directly impact our climate here in the United States. Use of ozone depleting chemicals in these countries destroys the ozone over North America. And loss of biodiversity eliminates our ability to discover life-saving pharmaceutical products and methods to control agricultural pests.

The above problems are being addressed by three key treaties. The Montreal protocol calls for the complete phase-out of most ozone-eating compounds by the year 1996. Without U.S. participation in this important process, many countries would miss this deadline, leading to the continued production and use of chemicals that destroy this protective layer. The Convention on Climate Change works to halt the growth in emissions of the greenhouse gases that are warming the Earth's atmosphere. Just last year this body ratified this convention, making the United States an active participant in efforts to stem global air pollution. And finally, we are just weeks away from Senate ratification of the Biodiversity Treaty. The treaty works to stem the loss of the earth's species, their habitats and ecosystems by developing a common framework for natural resources management. Many economic benefits result from the conservation and sustainable use of these resources. We must preserve plant and animal species that may lead to the development of medicines and the protection of agricultural crops from pests.

During a recent Senate Foreign Relations hearing on the Biodiversity Treaty, we heard testimony from representatives of the pharmaceutical industry on the importance of this convention. One company representative indicated the importance of the United States playing an active role in the preservation of biodiversity, as it will continue to allow this U.S. company to effectively discover and screen plants which may lead to drug development and commercial sale around the world.

Just 2 weeks ago the Senate Foreign Relations Committee voted overwhelmingly in support of ratification of the treaty. I hope this body moves rapidly to complete ratification of this important treaty.

Mr. President, we must maintain our commitment to these important global environmental measures. United States participation is vital. The proposed

amendment would gut U.S. participation in the GEF, and would be a major blow to U.S. international credibility on environment issues. The GEF allows the United States to maintain its commitment under the above conventions at the lowest possible cost.

I agree that the GEF has had problems in the past. Two years ago Congress put conditions on U.S. funding to the GEF, stating that the GEF needed to establish procedures for access to project information, Government oversight and procedures to involve nongovernmental organizations and local communities in project preparation and execution. During the last year the administration, through the leadership of the Treasury and State Departments, have worked closely with World Bank officials to ensure that such changes were instituted. I believe they made clear and significant progress in this area. Over the last year, the GEP has undergone a major restructuring, largely as a result of U.S. concerns. Secretary Bentsen has determined that the conditions that Congress imposed on previous appropriations measures have been met. To be sure that the GEF continues to reform, we must play a role and we must begin to provide our piece of the total budget, while working to ensure that changes really happen.

We must maintain our leadership role in the GEF by continuing this funding. The newly restructured GEF gives donor countries, such as the United States, substantial authority over policies and projects of the facility. The GEF will promote the use of environmental technologies, in which the United States is a leader. These technologies include latest generation energy efficiency and renewable energy sources. In my home State of Vermont we are on the cutting edge globally in producing wind turbines, many of which are shipped around the world to displace the use of less efficient, polluting energy sources. A company in Hinesburg, VT, NRG ships wind energy systems to every corner of the planet. By continuing its work, the GEF can serve as a catalyst for much larger investments in U.S.-based technologies, boosting the demand for U.S. goods and services.

Let us maintain our lead in promoting global environmental protection. Let us continue to ensure that U.S. clean technologies continue to dominate markets around the world. Let us work to fully implement the Biodiversity Treaty, the Climate Convention, and other international environmental treaties. The only way to do this successfully is to continue our commitment to the GEF, support the full funding and oppose any efforts to cut funding for the GEF.

Mr. President, I also oppose this amendment's attempt to cut U.S. funding for the International Development Association. The IDA plays an important role in economic development throughout the developing world. This institution, an affiliate of the World Bank, was established under U.S. leadership in 1960 to make or guarantee loans for productive development to the poorest countries, at rates well below those offered in commercial lending markets. IDA projects assist in institution building, human resources development, infrastructure development, and private sector development.

My colleagues and I have legitimate concerns about certain egregious practices of the World Bank and the impact of IDA development loans and projects on poor countries. As ranking member on the Africa Subcommittee of the Committee on Foreign Relations, I am especially concerned about the debt burden of countries in sub-Saharan Africa.

It is true that much of this debt is owed to multilateral agencies like the World Bank. It is also true that the poorest and most fragile nations of the developing world can't reform their economies without international assistance. The multilateral development banks are still the most significant source of funding for sustainable, broad-based development.

The United States has successfully pressured the World Bank to undertake some important reforms. Congress helped apply that pressure by withholding significant portions of our pledges to IDA. The funding level contained in this bill acknowledges that progress has been made on these reforms. However, this amendment would prevent us from fulfilling our pledge and would increase our arrears, despite positive steps undertaken by the Bank—at our insistence—to address these concerns.

As with the GEF, I believe we must continue to press the World Bank to implement additional reforms. This can best be accomplished by remaining engaged in the process, by funding our pledge to IDA and continuing to forcefully push for change.

I urge my colleagues to oppose this amendment.

Mr. President, I yield back any time that I might have.

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

Who yields time?

Mr. NICKLES. Mr. President, I yield to the Senator from Kentucky 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. McCONNELL. Mr. President, I thank the distinguished Senator from Oklahoma for his leadership in this area.

Certainly we have had a lot of discussions over the years about the effectiveness of the American tax dollars spent on antinarcotics efforts, but I think it is really going too far to say that they have not made any difference at all.

My goodness. I can imagine just how bad the situation would be if we had no effort whatsoever. And also I think it is important to remember that these antinarcotics efforts are one of the few areas of any foreign assistance bill that have a very direct impact on us here at home, the clear domestic impact.

Frankly, I think both of these accounts are worthwhile, and I have supported both. I think the narcotics account did take an unusually large reduction this year. I know the chairman did the best he could with our allocation, but the Senate ended up reducing funding for international narcotics control below the House level.

The administration requested $152 million. The House provided $115 million, and we are down to about $100 million. On the other hand, the International Development Association is funded by the Senate at just over $1.2 billion, really quite a significant amount in a just under $114 billion foreign aid bill.

This is not a cut, but a reduction in a substantially larger account than the narcotics account. Clearly these are not easy choices.

But I would like to say that I believe my colleague from Oklahoma is on the right track. This is not the time to retreat in the fight to control international narcotics trafficking.

Just last week, there was extensive coverage of the economic consequences of crime in this country—our country; that is really what the Senator from Oklahoma is talking about here—crime that is, in large measure, drug related.

I do not think we can claim we are serious about crime at home unless we fight the problem on all fronts, all fronts, beginning with waging an unrelenting war at the source and in transit countries.

So I support the amendment offered by Senator NICKLES. It will improve the chances of cleaning up our streets and solving our problems, a combination that is rare in any debate on any foreign aid bill. So I commend my friend from Oklahoma and thank him for his leadership on this issue.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

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

The PRESIDING OFFICER. The Senator has 5 minutes 40 seconds.

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator GRAHAM of Florida be added as a cosponsor.

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

Mr. BAUCUS. Mr. President, I rise in opposition to the amendment by Senator NICKLES. This amendment would nearly cut in half funding for the United States participation in the Global

Environmental Facility, or GEF. The money would be transferred to the appropriation for international narcotics control. While I fully support both funding for the GEF and international narcotics control, this amendment would rob Peter to pay Paul. We should not do that. By halving our contribution to the GEF, the amendment would seriously weaken our Nation's leadership in global environmental affairs.

The GEF provides the means by which the United States and other developed nations fulfill our financial commitments under the Climate Change Convention and the Biodiversity Convention. The GEF funds projects implementing these conventions in developing nations.

The GEF not only facilitates U.S. leadership in global environmental affairs, it is also good for American business. For example, the GEF funds projects that promote the use of environmental technologies in which the United States is a leader, such as energy efficiency and renewable energy projects. Companies like Bechtel, Texaco, and Brooklyn Union Gas have already participated in GEF-funded projects.

The Bush administration negotiated these conventions and the provisions for the GEF. Both the Bush and Clinton administrations have pushed hard to ensure that the GEF is fiscally lean and accountable to the nations that fund it, as well as the people who are directly affected by the funded projects.

Mr. President, reducing the U.S. contribution to the GEF diminishes our global environmental leadership. Other nations look to the United States for this leadership. The contributions of other nations to the GEF are tied to the size of our contribution. If other nations see the United States reducing its commitment to the GEF, they are likely to follow suit. Thus, a reduced U.S. contribution could lead to an unraveling of the GEF itself.

The amendment would also limit our influence over the administration of the GEF. The number of votes a nation receives on questions involving administration of the GEF depends on the size of its contribution. We should not shoot ourselves in the foot by reducing our contribution and limiting our own influence.

Mr. President, funding international narcotics control is, of course, also critically important. I strongly support it. But I do not believe we have to weaken our global environmental leadership to fight the war on drugs. We can, and must, do both. That is why Under Secretary of State for Global Affairs Tim Wirth, who is responsible for both environmental affairs and international narcotics control efforts, has written Senator LEAHY on behalf of the administration to oppose this amendment. As Under Secretary Wirth states in his letter:

We must oppose amendments that could cause harm to the global environment we leave to our children, even if they are aimed at laudable and shared commitments for counternarcotics efforts. That is a false choice and we reject it.

I agree, Mr. President, and I urge Senators to oppose the amendment.

Mr. NICKLES. Mr. President, let me just make a couple of comments in regard to the statements made by my friends in opposition to this amendment.

I heard my friends from Vermont and Kansas talking about the reductions we are making in the International Development Association.

Let me just recite my earlier statement. The funds that we have in this amendment will provide for a 7-percent increase over last year; not a reduction from last year. Last year we only spent a little over $1 billion. We allow almost $1.1 billion under the Nickles amendment. It goes up by 7 percent. It does not go up by 18 percent as proposed by the Senate committee.

The Global Environmental Facility, which some people said, "Well, we are reducing it. We are reducing the rate of growth." Last year, we only got $30 million. We say it will go up to $50 million, not $100 million. But $50 million happens to be a 66-percent increase in the Global Environmental Facility.

Let me just say that both of these programs have significant problems that have been recognized by many leaders in the environmental community.

Now, I know my friend from Vermont will have some letters from some community members saying they oppose this amendment. But we have strong support from the environmental defense fund, from Friends of the Earth, from the National Audubon Society, the National Wildlife Federation, and the Sierra Club that basically are telling the Senate not to increase these two functions because of their serious management problems.

The Senator from Kansas alluded to the fact that the World Bank has been criticized because it has a big bureaucracy. It has over 7,000 employees who make an average of something like, I think, $70,000, and they do not pay taxes. They just built a headquarters that cost over $300 million in downtown Washington, DC. I have been critical of that.

But, really, the focus of my amendment is not attacking the World Bank or even the Global Environmental Facility. It is saying, "Wait a minute. We need to do more to interdict drugs coming into this country."

My friend from Kansas said, "Well, I do not think they have been very effective."

Well, they have been somewhat effective. If you look at the fact that they seized total foreign products in the United States of something like 141 metric tons of cocaine, I would say something is better than nothing.

Let me just read from the State Department analysis. Their analysis was it would be devastating if we fall below the sum of $100 million. Let me remind my colleagues that 2 years ago we were spending $173 million. In 1991, we were spending $150 million.

So I am trying to keep at least the International Narcotics Control Program level. The other two programs, we are reducing the rate of growth, but still IDA gets to grow by 7 percent and the Global Environmental Facility by 66 percent.

We are trying to keep the International Narcotics Control Program at least level with what it has been in the last few years.

This is from the State Department. Keep in mind what the figures we have in our amendment are. To give the administration's figures, they requested $152 million for this program. They say the narcotics program will survive in 1994 by smoke and mirrors. In 1994 they got $150 million. They said they have cut overseas programs to the core. They say we are turning our backs on the source countries.

Current programs in the Andean source countries cannot be sustained at a $100 million level, far less expanded. They would have to be reduced dramatically.

That is from our State Department.

Closing Programs: Central America and Caribbean programs are already at shoestring levels. They were maintained last year because INM decided that maintaining a counternarcotics presence and infrastructure in the region justified the programs, even at miniscule levels. They cannot survive a second year at that level. Another $100 million program budget puts us out of the counternarcotics business in Central America and Panama, just as narcotics replaces insurgencies as the primary threat against these new democracies.

Ignoring Heroin: Heroin is the new U.S. drug epidemic. South and Southeast Asia produce roughly two-thirds of the heroin in the U.S. Until now, State deferred funding major programs in the region because the heroin threat lagged far behind cocaine. The U.S. no longer has the luxury to defer. A $100 million program level does not provide the resources for an aggressive effort against heroin in Asia.

Shutting Down Eradication: After years of debate and effort, there are finally serious eradication programs in Colombia, Bolivia, Peru, and Panama. Eradication is expensive. It is also politically unpopular in every country where it is implemented. INM can neither support eradication programs at their current level or start new programs.

In other words, we are going to be shutting down an effort that has been at least responsible for confiscating, in 1993, something like 141 metric tons of cocaine if we fund this at a level of $100 million.

I say we should support State and we should support this administration and their efforts to fund this program and allow some modest increases in IDA and the Global Environmental Facility. That is allowed under my amendment. I would not even say modest.

Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. NICKLES. The Global Environmental Facility, under this amendment, gets a 66-percent increase. IDA gets a 7-percent increase. The International Narcotics Control under this amendment goes back to the 1991 level.

I hope my colleagues will concur.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I will ask for 1 additional minute on our side to balance that.

Mr. President, let us be clear on this. There is talk as though the administration supports the Nickles amendment. It does not. The Under Secretary of State who oversees both the narcotics and the environmental programs has written very clearly, and it is in the RECORD, that they do not support this.

Now, I yield to nobody in my desire to stop narcotics coming into this country. I think they are the absolute scourge of this Nation. When I was a prosecutor, drug cases were among the top priorities in my office.

But we are giving them $100 million. What I am trying to do in finding money in here, and there is very little money—remember, we cut several billions of dollars out of what the foreign aid bill was back in the Reagan administration, for example, or the early Bush years. It is several billions of dollars less today. You have to make choices.

What we are saying with this amendment is that pledges made during the Reagan and Bush and now Clinton administrations will not be fulfilled. We are saying that in Africa, where we spend about $1 per capita or less, we will cut that even more.

If we are really serious and we want more money for narcotics, then let us take 5 percent out of every country's earmark. I have not heard the Senator from Oklahoma or others suggest that. But that would give us hundreds of millions of dollars, and it would not end up crippling the poorest of the poor. But I do not hear anybody suggesting we do that. Nobody here seems to think that that might be a way to do it. And yet, if we are really serious about protecting U.S. interests in narcotics and if we think by throwing money in it we could do it, that would be the way to do it.

We know that in coca—talk about how effective our antidrug program is—they cultivate 198,000 hectares and we have eradicated 3,000. So now they only end up with 195,000. This really is like trying to bail out the ocean.

Certainly it is better than nothing, if we cut down by 1 percent. But it still means 99 percent comes over. If money alone could do it and was going to stop the drugs in this country, we ought to take all the foreign aid going to every single country and put it into drugs. But nobody is suggesting that for two reasons. One, we know that we have national security and economic interests worldwide in this program of foreign aid. And, second, we know that simply throwing money at it would not stop the problem at all.

What I am saying is, let us support the commitments made in the Reagan years and the Bush years, and now in the Clinton years, and let us not cut further into these areas. We are not going to have—as Secretary Bentsen has pointed out, and others—the reforms we have been able to negotiate unless we, the United States, keep our word.

I would love to put more money in a number of these programs. But I know the Senator from Oklahoma would not support cuts in some of the areas with the largest amounts of money in this, and the majority of the Senate would not support cuts in it. So let us be honest. Let us not just go off and cut the poorest of the poor. They seem to be the only ones that get clobbered every time somebody wants further money. The fact is there is only so much money. The fact is we have cut the foreign aid bill by several billions of dollars. And the fact is that now we have to live with what we have.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. LEAHY. I yield for 30 seconds for a question, because I do not have the time.

Mr. NICKLES. We are talking cuts. Is it not true that under my amendment both the International Development Association and Global Environmental Facility will have more money next year than this year, and the International Narcotics Control Program will actually have less money than it had in 1993?

Mr. LEAHY. Under the amendment of my friend, we are talking about the difference, as the Senator knows, between outlays and budget authority. The International Narcotics Control Program is not cut at all. It still gets $100 million that was requested.

In the Senator's amendment we will not carry out the pledges made by the Bush administration or by previous administrations, and that is the problem that we face.

As Secretary Bentsen said, the Global Environment Facility is the major international mechanism to combat international environment problems including ozone depletion, extinction of plant and animal species, and ocean pollution. They now are reaching the standards that we had required them to do, and we have to go forward.

For IDA, we are $310 million in arrears on our payment.

If we can find some way, rather than clobbering both the environment and poorest of the poor, to find this money, I am happy to do it. I suggested a way, but I have not heard any takers on that. But this is the situation we have.

Does the Senator from Massachusetts want the remainder of my time?

The PRESIDING OFFICER. The Senator has 10 seconds.

Mr. LEAHY. It is a moot point. We are now at 10 seconds

Mr. KERRY. Mr. President, I was, unfortunately, chairing a nomination hearing or I would have been here. I do not want to delay the Senate. I ask unanimous consent—would my colleague be agreeable to 5 minutes or something?

Mr. LEAHY. Equally divided?

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I know my friend from Arizona would like time.

Mr. LEAHY. I request 5 minutes.

Mr. NICKLES. I think the Senator wanted 5 minutes on each side.

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

Mr. KERRY. Do I understand it is 10 minutes equally divided?

The PRESIDING OFFICER. It is 5 minutes equally divided.

Mr. LEAHY. No, 5 minutes per side.

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

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I applaud the desire of my friend from Oklahoma to try to increase the narcotics effort. I serve as chairman of the Terrorism, Narcotics and International Operations Subcommittee in the Foreign Relations Committee and we have been involved for years in trying to target the money appropriately. We are funding the current level of international narcotics effort in this committee mark, so this is not a cut. But as most of our colleagues know, over the last few years we have tried to shift the focus of some of the international narcotics efforts.

I very strongly argue when you add what we have coming in the crime bill with what will be coming in the subsequent drug bill, that to cut the Global Environment Facility [GEF] and the International Development Association [IDA] funding is simply a misallocation of priorities.

It is not inappropriate to want to do more about drugs. We want to do that and we intend to do that with a $25 to 30 billion crime bill. In addition, we will follow shortly with a drug bill, where we will increase our own domestic efforts. We are not going to increase sufficiently the antinarcotics effort by shifting this money out of the GEF and IDA into the international sector where we have had very, very mixed success.

I might add, it would be far more important to shift the international narcotics focus now to where the Coast

Guard is pulling away the line of defense from south of Florida, and where it is forced to shift into some of the internal efforts in other countries. Therefore, the money in this amendment would not even be spent effectively. That is one side of the ledger. The place where the Senator from Oklahoma wants to shift this funding is not going to be as effective.

The other issue in this amendment is from where the funding is being shifted. The Senator from Oklahoma seeks to cut the committee's funding for the GEF and the IDA which would have an enormous negative impact on U.S. foreign policy efforts. With respect to the GEF, where we have spent 3 long years negotiating in an effort to get the European countries and others to join us, this amendment would be a major blow to U.S. credibility on international environment issues and would prevent the United States from fulfilling its commitment to the GEF which is the funding mechanisms for both the conventions on climate change and biodiversity, among other initiatives.

The United States has been able to exert leadership in formulating GEF policies even with its relatively low-cost contributions from the United States. We finally have reached agreement and all of a sudden we want to come in and pull out the guts of that agreement. This would be an enormous setback.

The U.S. negotiated for the overall worldwide GEF budget to be reduced from $4 billion to $2 billion over four years. The United States accepted responsibility for a share of $430 million, less than our proportional share to other international organizations such as the United Nations and dramatically less than sought by other participants. At present, we have yet to send one dollar. This amendment would reduce this first year's contribution of $98.8 million to $50 million. Thus, this amendment would prevent the United States from meeting its international obligation.

Finally with regard to the GEF, the votes are tied to a country's contribution levels. Therefore, at a minimum, if we cut the United States contribution, failing to meet our prior commitments, the United States will forfeit its claim to environmental leadership and will lose its influence over the effort to combat global environmental problems.

The second program from which funding would be shifted is the IDA which deals with the question of what creates the whole huge expenditure here on an annual basis for refugees and migration. I have just come from a hearing of our new Assistant Secretary for Population, Refugees and Migration. The Congress is called upon to spend millions of dollars for refugee relocation and we are here taking money from IDA which is one of the principal sources of loans to the poorest countries in the world in an effort to prevent these crises. This amendment would reduce our ability to proactively deal with those crises.

So I will guarantee that, as a result of not spending that money on the GEF and IDA, we will be back here on the Senate floor finding other ways to spend millions of dollars to make up for what happened as a consequence of our not investing in the long-term.

I say to my friend, it is a good idea to want to do more about narcotics internationally. But you have to balance what he is seeking to do against where he seeks to get the money, and what the impact, negatively, will be on those things that are funded by IDA and the GEF. You have to balance it against what we are already accomplishing in the international field and where the priorities are in the international field that will not be addressed by the amendment of my friend from Oklahoma.

Therefore, I would conclude that while the intent is good, the means of carrying it out are not going to accomplish the goal and will simultaneously have a very negative impact on other efforts of the United States.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. How much time remains for both sides?

The PRESIDING OFFICER. The Senator has 5 minutes remaining. Opponents have 30 seconds remaining.

Mr. NICKLES. Mr. President, I yield my friend and colleague from Arizona 2½ minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2½ minutes.

Mr. DECONCINI. Mr. President, I thank the distinguished Senator from Oklahoma and compliment him on this amendment. I have heard the debate. Yes, we have two very important areas.

But to me, it is quite simple to determine that if we are committed—as we have constantly said and this administration has constantly said but I do not think it has acted strong enough—to the war on drugs, then we should put that as a No. 1 priority, and that is what is done here.

The reductions from IDA are not so significant or so dramatic that it cuts the guts out of that program. What this does is it says that we are going to really continue the war on drugs. We have not done that, I am sorry to say.

As our new strategy has come out to shift the source country from the transit area and interdiction area, what have we done or what has the administration attempted to do? They have cut the overall drug area. In the area of interdiction, $52 million. They wiped out—actually, they started with $200 million in the interdiction program.

The Senator from Massachusetts made reference to the effort of the military down in south Florida. That is a perfect example of a miscalculation and misappropriation of budgetary assistance down there. The admiral and his people are not prepared to take over what the interdiction program has been through the U.S. Customs. Consequently, in the bill that I chaired on the floor some time ago, we added some people there. This gives some money that could be assigned to such efforts.

Talking about the host countries, what we need is more emphasis and more resources to Colombia, Bolivia, and Peru, and do not tie their hands. For the first time—and this is the good side or the good news of this new strategy—for the first time, we have seen cooperative efforts by those countries. We ought to place more emphasis here, and I support the Senator's amendment.

I ask unanimous consent that I be shown as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments made by my friend and colleague from Arizona.

I heard too many opponents say we are just gutting IDA, the International Development Association, we are gutting the World Bank, we are gutting the Global Environmental Facility, and that is not factual. Let us at least state the facts.

The facts are that the Global Environmental Facility last year got $30 million; the year before that, they got $30 million; the year before that, they got zero. Why? Because they were not ready. They are still not ready.

Under my amendment, they get $50 million. That is a 66-percent increase. That is a $20 million increase. That is an increase over last year.

I might say that several people in the environmental community think that they are not ready, that they are not doing a good job. I have already read statements by the Environmental Defense Fund, the Friends of the Earth, the National Audubon Society, the National Wildlife Federation, and the Sierra Club which say: "Don't give them any more money." They said the same thing about the World Bank. Why? Because they are financing a bunch of very questionable projects. They are wasting money.

I am not going to bash them. Under my amendment, they get more money. The World Bank, the IDA gets 7 percent more money than they had last year. Why are we doing this amendment? We are taking some of the reductions or savings so we do not increase the World Bank by 18 percent and we do not increase the Global Environmental Facility by 23 percent. We

give them some increases, but we take those savings and put it back into drug interdiction.

I must confess, I was asleep on the floor last year because the year before, in 1993, we spent $173 million in drug interdiction, and in 1994, only $100 million. The State Department says if we stay at $100 million, we are gutting the program. We are going to lose our ability to be able to interdict drugs; we are going to not be able to take on heroin coming from Southeast Asia and other places, and it is going to cost lives.

If you look at the result, yes, they have confiscated something like 143 metric tons of cocaine. That is saving some lives.

So I just urge my colleagues to support this amendment.

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

Mr. KERRY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KERRY. Mr. President, let me quickly counteract. The League of Conservation Voters has sent a time-sensitive letter stating that they oppose any amendment that will reduce U.S. contributions to the Global Environment Facility below the level requested by the administration or that would transfer GEF funding to other purposes including narcotics enforcement. And while the Environmental Defense Fund says to Senator BROWN that they want to maintain the IDA at the current level, the League of Conservation Voters states that environmental organizations are not completely in agreement among themselves as to the appropriate level of funding.

Finally, I repeat: The Attorney General of Colombia has changed the policy of Colombia in a way that helps drug traffickers, and we are not now giving them any information.

The PRESIDING OFFICER. All time has expired.

The question now occurs on agreeing to amendment No. 2275 offered by the Senator from Oklahoma [Mr. NICKLES].

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Illinois [Ms. MOSELEY-BRAUN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

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

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—38

Bennett	Graham	McConnell
Bond	Gramm	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Pressler
Byrd	Hatch	Pryor
Coats	Heflin	Roth
Cochran	Helms	Sasser
Craig	Hutchison	Shelby
D'Amato	Kempthorne	Smith
DeConcini	Kohl	Stevens
Dole	Lott	Thurmond
Faircloth	Mack	Warner
Gorton	McCain	

NAYS—57

Akaka	Feingold	Mathews
Baucus	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Boxer	Harkin	Moynihan
Bradley	Hatfield	Murray
Breaux	Hollings	Nunn
Bryan	Inouye	Packwood
Bumpers	Jeffords	Pell
Chafee	Johnston	Reid
Cohen	Kassebaum	Riegle
Conrad	Kennedy	Robb
Danforth	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Lautenberg	Simon
Domenici	Leahy	Simpson
Dorgan	Levin	Specter
Durenberger	Lieberman	Wellstone
Exon	Lugar	Wofford

NOT VOTING—5

Boren	Coverdell	Wallop
Campbell	Moseley-Braun	

So the amendment (No. 2275) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I have an announcement I would like Members to hear. We have, as you know, in this bill, a very significant part for the Camp David countries. It has been put together by a number of us in a bipartisan fashion to move forward the peace process. I think it is essential to the peace process.

One of the things that Senators should know about—and I think it is something that can give us all hope—is that King Hussein of Jordan and Prime Minister Yitzak Rabin of Israel will meet with President Clinton at the White House on July 25. This is going to be a historic meeting, as Senators know—those Senators in both parties who have worked so hard on Middle East peace matters.

Mr. President, last month, as you know, there were meetings, United States-Jordanian-Israeli meetings, here, and this builds on that. I think Prime Minister Rabin and King Hussein both deserve a great deal of credit for this. But I also think President Clinton and Secretary Christopher, who put a great deal of their own time and effort into this, also deserve credit in bringing them together.

The President has stated over and over again to virtually every one of us, and also to the American people, his personal commitment to bring about a comprehensive settlement in the Middle East. So, next week, Secretary Christopher will be going back to the region, and he will continue to work on this. He will participate in the United States-Jordan-Israeli discussions and meet with Yasser Arafat and review the progress in implementing the declaration of the principles of Palestinian self-rule. As one who has worked with Presidents FORD, Carter, Reagan, Bush, and now Clinton in trying what sometimes seems like very laborious steps toward Middle East peace, I think this is a very positive situation. I look forward to the meetings in just 10 days here in Washington. I compliment the parties who have done that.

Several Senators addressed the Chair.

AMENDMENT NO. 2290

The PRESIDING OFFICER. The Chair advises that the regular order, under the previous order, is that the question would occur on amendment No. 2290, offered by the Senator from Florida. Debate on this amendment was limited to 50 minutes, equally divided in the usual form.

Who seeks recognition?

Mr. LEAHY. Mr. President——

Mr. MURKOWSKI. Will the floor manager yield for a question?

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. MURKOWSKI. I wonder if the manager will agree that after Senator GRAHAM completes, I may be allowed to go next?

Mr. LEAHY. I would be happy to do that. What I have been trying to do—we do not have an order, but we have been trying to go back and forth from side to side. Senator GRAHAM has been waiting patiently here since yesterday and was to go next.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, we also have two Senators here on the

floor who are prepared to follow Senator GRAHAM, and I think it would help if Senators would get their amendments in prior to the expiration of the UC agreement and if we stacked these, with Senator MURKOWSKI coming after Senator GRAHAM and Senator DOMENICI after him.

Mr. GRAHAM. Mr. President, as I understand it, the next order of business is amendment No. 2290. I would be prepared to lay that amendment aside for the purposes of taking up Senator MURKOWSKI's amendment, with the understanding that our amendment would recur at the disposition of the next amendment.

During that period, we are attempting to work out some language that might result in amendments 2290 and 2291 becoming acceptable and, thus, saving both controversy and time for the Senate.

UNANIMOUS-CONSENT REQUEST

Mr. LEAHY. Mr. President, I ask unanimous consent that we go next to one of the amendments on the list, the amendment by the Senator from Alaska [Mr. MURKOWSKI]; upon completion of that amendment, then the Senator from Florida be recognized to bring up whatever amendment he has that is on the regular list.

The PRESIDING OFFICER. Does the Senator from Vermont propound that as a unanimous-consent request?

Mr. LEAHY. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, Senator DOMENICI is here patiently trying to get in line. I would suggest to the chairman that we simply modify the UC agreement to allow Senator DOMENICI to be next in line after Senator GRAHAM.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I do so. Let me restate it.

I ask unanimous consent that we go now to Senator MURKOWSKI, who will bring up an amendment. Upon the completion of that amendment, the Senator from Florida [Mr. GRAHAM] will be recognized to bring up his amendment. Upon completion of that or the setting aside of that amendment, we go to the Senator from New Mexico [Mr. DOMENICI] to bring up his. All these are amendments that are on the agreed list.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

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

Will the Senator from Alaska tell us which amendment he is offering, so we may know how much time is allotted under the unanimous-consent request?

Mr. MURKOWSKI. Mr. President, I believe the total time that was allotted was 50 minutes equally divided, and I will not take that time.

The PRESIDING OFFICER. I believe the Senator had two amendments, one of which was for 50 minutes. Will the Senator tell me which one?

Mr. MURKOWSKI. The North Korea amendment was 50 minutes. It is my understanding the other two amendments are accepted by both sides, but I intend to mention them and get clearance.

The PRESIDING OFFICER. Does the Senator have a number on the amendment he is offering?

Mr. MURKOWSKI. The Senator does have a number. The initial number is 2272, which there will be a substitute for in a sense of the Senate replacing the amendment. The other one is 2273, which is the North Korean amendment which will be offered, and I will ask for a rollcall vote. The other one that has been accepted is the United States-Japan friendship amendment. I believe that is amendment 2274.

The PRESIDING OFFICER. For the Chair's clarification, the Senator is offering amendment 2273 at this point?

Mr. MURKOWSKI. I will be asking for clearance on the other two amendments that have already cleared and am formally asking for a rollcall vote on the North Korean amendment which again is No. 2273.

The PRESIDING OFFICER. The Senator is then recognized to offer amendment No. 2273 and has a 50-minute time limit for that debate, as I understand it.

So the Senator is recognized for offering 2273.

Mr. MURKOWSKI. Mr. President, I would assume that there will be no objection to clearing the other two since one has already passed.

Mr. LEAHY. Mr. President, we have approved so many through late last night, I am not sure of the numbers. One of those has already been adopted by the Senate.

Mr. MURKOWSKI. I believe that is correct. My understanding is it has been cleared.

Mr. LEAHY. Why not go forward on this and we will double check.

AMENDMENT NO. 2273

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

Mr. DOLE offered amendment No. 2273 for himself and Mr. MURKOWSKI.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following section:

No funds appropriated under this Act or any other Act may be made available to the Democratic People's Republic of Korea until the President certifies and reports to Congress that the Democratic People's Republic of Korea:

(1) does not possess nuclear weapons;

(2) has halted its nuclear weapons program; and

(3) has not exported weapons-grade plutonium.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MURKOWSKI. Mr. President, this amendment simply states that North Korea will receive no United States foreign assistance until the President certifies to Congress that, first, North Korea does not possess nuclear weapons; second, North Korea has halted its nuclear weapons program; and third, North Korea has not exported weapons-grade plutonium.

Mr. President, I know that my colleagues share my apprehension over possible instability in North Korea in the aftermath of the death of Kim Il-song, who was referred to as the "great leader." Reports indicate that Kim Chong il, Kim Il-song's heir, has consolidated his power and is expected to take over after the funeral of his father on July 17.

The change in regimes seems to present the world with an age-old problem, and that is "The devil you know is better than the one you don't."

In the case of North Korea, Kim Il-song had been around for probably as long as any leader in recent history, and the outside world had at least some idea of what he is capable of doing.

Kim Il-song was the leader who launched the invasion of South Korea in 1950 resulting in the death of 3 million of his countrymen and more than 33,000 American troops; the leader whose agents detonated a bomb in Rangoon killing 16 South Korean officials, among them members of the Cabinet—including one of my friends, Bum Suk Lee; the leader who sanctioned the bombing of a Korean Airlines flight killing 115 passengers and crew, and the leader whose military hacked American personnel to death in sight of the United States guards in the DMZ.

Kim Il-song leaves a very unpredictable legacy, and he leaves it to a very unpredictable son. I have not met anyone in the U.S. intelligence community who has any first-hand information about Kim Chong il. There are reports that it was Kim Chong il who actually orchestrated the Korean Airlines bombing.

While the long-awaited change in leadership would cause concern whenever it occurred, the apprehension has increased measurably because of North Korea's suspected nuclear activity. Now, more than ever, the United States must demand that North Korea simply come clean on past nuclear activities and follow through on past

commitments to allow the International Atomic Energy Agency inspectors to have complete access to nuclear facilities, both suspected and declared.

So, Mr. President, for that reason I am offering an amendment on behalf of myself and Senator DOLE that says that this body, the United States Senate, will not provide any aid to North Korea until the President certifies that three specific conditions have been met.

The first condition is that North Korea does not possess nuclear weapons. If North Korea possesses a nuclear weapon already, the weapon must be destroyed. This was the path taken by South Africa when it signed onto the IAEA safeguards back in 1991. We should expect no less today from North Korea.

The second condition is that the North Koreans halt their nuclear weapons program—halt it. We mean that. This includes full compliance with the terms of the Nuclear Proliferation Treaty and the January 30, 1992, full-scope safeguards agreement between the IAEA and North Korea.

The third condition is that North Korea has not exported weapons-grade plutonium to other countries on missiles or otherwise.

As this amendment makes clear, it is up to the administration, as the party directly negotiating with the North Koreans, to send a clear and strong message that the United States is prepared to offer incentives for North Korea, but that it must be on our terms.

Unfortunately, up to now, our strategy with North Korea has been less than consistent. Everyone who has negotiated deals in the Asia Pacific understands a key point that I think the United States negotiators have missed from time to time: That Asians understand strength and consistency. I think it is fair to say that our policy has lacked both.

A quick review of the chronology of our negotiations prior to the decision to seek sanctions, that was later put aside in light of former President Carter's visit to Kim Il-song, reveals a process that has been dominated by North Korean delay tactics.

It is more than 2 years now, more than 2 years, Mr. President, since North Korea signed the Nuclear Non-Proliferation Treaty Safeguards Agreement that requires regular inspection of its nuclear facilities. It is more than 1 year since North Korea threatened to pull out of the NPT because the International Atomic Energy Agency was demanding access to the two undeclared nuclear sites. But we are no further along in halting the nuclear program than we were before.

Let me share with you, Mr. President, the charts that show this chronology more vividly.

Starting in 1992, in January, North Korea signed the Nuclear Non-Proliferation Treaty Safeguards Agreement, which permits regular inspections of its nuclear facilities.

Then the IAEA, the International Atomic Energy Agency, conducted sporadic inspections in 1992 and noted various discrepancies.

Here we are in January, a year later, 1993, and North Korea refuses IAEA requests to inspect two undeclared, but suspected, nuclear sites. One might wonder what their objective was in refusing access to these two sites. I say it is because they are developing nuclear capabilities.

In February 1993, a month later, the IAEA sets March 31 as the deadline—that was the first—for North Korea to agree to the inspection of the two sites.

The next month, March 1993, North Korea announces its intention to withdraw from the Nuclear Non-Proliferation Treaty and the United States begins negotiations with North Korea.

This was clearly a path of inconsistencies.

June 1993, North Korea suspends the threat to withdraw from the Nuclear Non-Proliferation Treaty, but continues to refuse inspections.

November 1993, President Clinton announces that North Korea will not be allowed to possess a single nuclear weapon.

March 1993 through December 1993, the administration holds two rounds of high-level negotiations with the North Koreans.

And then, at the end of the year in December 1993, the President announces an agreement with North Korea to allow inspections at seven declared sites.

Here we are going from January 1992 to December 1993, and clearly, no progress, in spite of the fact that our President announced that the North Koreans would not be allowed to possess a single nuclear weapon.

So let us turn to the next chart, Mr. President.

January 1994, the International Atomic Energy Agency refuses to accept North Korea's terms for a limited inspection.

February 6, 1994, North Korea and the International Atomic Energy Agency reach an agreement on details of inspections.

Looks like progress.

March 1994, the inspectors enter North Korea after delays in getting visas. I happen to have some knowledge of that. Not only were the visas delayed, they were cut short. They actually cut short the time that was requested by the IAEA inspectors. So it was an unsatisfactory effort, and clearly the intention of the North Koreans are suspect.

March 21, the IAEA board of governors announces that because inspections were not complete, the agency was unable to draw conclusions as to whether there had been diversions of nuclear material.

March 31, nonbinding statement by the United Nations asking North Korea to allow inspectors back in mid-May.

April 1994, North Korea announces its intention to remove spent fuel rods at reprocessing plants. The United States tells North Korea that the IAEA inspectors must be present during removal of the rods.

May 19, North Korea begins removing spent fuel rods from the reactor without—without—the IAEA inspectors present, a violation of the Nuclear Non-Proliferation Treaty.

May 21, the United States announces that it will resume high-level negotiations. This buys more time for the North Koreans.

June, the IAEA announces that it can no longer assure continuity of safeguards.

June, the United States cancels high-level negotiations and threatens to go to the United Nations for economic sanctions.

And in June, IAEA board of governors votes to cut off technical assistance. China, I might add, abstains.

June 13, North Korea announces its intention to withdraw from the IAEA.

So here we are, January 1992, when the North Koreans signed the Nuclear Non-Proliferation Treaty safeguards and here we are, July 1994, still nowhere with regard to the inspections.

And what has happened? Clearly, the North Koreans have had nearly 2 years—2 years—of jawboning. But from that standpoint, they gained the time to develop a greater nuclear capability.

Since North Korea threatened to pull out of the IAEA in June, we have had four significant events.

First, the United States declared it would seek U.N. sanctions against North Korea.

Second, former President Jimmy Carter visited Kim Il-song.

Third, the United States agreed to resume high-level negotiations with North Korea. The talks began on July 8, but then they were postponed because of the death of Kim Il-song.

Fourth, North and South agreed to hold a summit, scheduled for sometime in July. This may or may not be postponed. We will have some idea after the funeral ceremonies are over, which I believe will be the 17th of this month.

But the point is, Mr. President, for more than 2 years, the late Kim Il-song has dictated and our negotiators have basically conceded, in a good-faith effort perhaps, but concessions nevertheless. The North Koreans have gained the advantage of time to achieve their objective of technological advancement.

The North Koreans have extracted concessions from us. We have agreed to the high-level talks. The United States suspended joint military exercises with

the South Koreans, team spirit, in a willingness to cooperate with the North Koreans.

The United States delayed sending the Patriot missile requested by our military; we finally sent them by ship.

The North Koreans got another year to work on their nuclear capability.

The North Koreans moved spent fuel rods into the cooling pond without the IAEA monitor procedures in place.

What do we get out of this, Mr. President? It is pretty hard to identify anything.

The IAEA still is unable to verify whether nuclear activity took place. Two suspected nuclear sites remain off limits. North Korea is a month or so away, as we understand now, from being able to reprocess spent fuel rods into weapons-grade plutonium, which will give them the capability to develop perhaps four to six more bombs.

Dr. Davis, Assistant Secretary for Political and Military Affairs at the State Department, testified before the Foreign Relations Committee back in March that she was not concerned about the loss of time because the North Koreans told us that their program was frozen.

Well, Mr. President, I am concerned, and I am sure a majority of my colleagues are too. By allowing North Korea to continue their drive toward nuclear capability, we face a more ominous enemy than we did just last year.

If the new North Korean regime is ready to put aside its drive toward nuclear arms and to move toward a family of nations, then I believe the United States should rightfully welcome such a move and offer rewards. However, I strongly believe that the North Koreans must offer the concessions, and not the other way around.

For far too long, we let Kim Il-song dictate the terms of the negotiations while he gained the valuable time to push the suspected nuclear program ahead. From the track record, it was hard to tell which country in the negotiations was the tiny, isolated, terrorist regime violating international agreements and which country was the superpower that was pulling the weight for the international community. I think this must change.

This amendment, Mr. President, sets goalposts for the new leadership in North Korea, Kim Chong il, and signals the United States administration that this body, the United States Senate, is ready to provide carrots and assistance to North Korea, but only after explicit guarantees about their nuclear program and their weapons program are met. No longer can we afford this extended delay in negotiations.

Again, I want to note the words spoken by President Clinton back on November 7, 1993, "North Korea cannot be allowed to develop a nuclear weapon."

I agree with the President's statement. That is exactly what this amendment is about. The President must certify that North Korea does not possess a nuclear weapon at such time as we consider giving them any type of United States aid or assistance.

That concludes my remarks. It is my intention to ask for the yeas and nays on this amendment. I am sure the floor leaders, both for the majority and minority, have some comments relative to his position. At the conclusion, it would be my intent to briefly clear the sense-of-the-Senate amendment which is pending and I believe has been cleared, on Pan Am 103.

I yield the floor.

Mr. McCONNELL. Mr. President, I commend the distinguished Senator from Alaska for his outstanding work here on a very important topic and clearly the most troublesome area in the world today. That is exactly what the Senator from Alaska has been speaking about. I am in strong support of his amendment.

Mr. President, the crisis in Korea has been brewing for some time. In December 1991, faced with a threat from the Bush administration to seek global sanctions, North Korea agreed to sign a safeguards treaty with the IAEA. Since then Korea has engaged in a dangerous diplomatic game, inching forward toward accommodating international concerns then abruptly retrenching and closing off negotiations and inspection access to facilities.

After an abbreviated period in which they allowed the IAEA access to sites they selected, in February 1993, the IAEA demanded inspection rights to the Yongbyon site, setting a March 31 deadline. The Clinton administration initially supported this demand and the President made stemming the flow of weapons of mass destruction his highest priority.

The North's response was to withdraw from the Nuclear Non-Proliferation Treaty altogether.

By April, Secretary Christopher was publicly warning the United States would seek international sanctions and threatening enforcement action if the IAEA safeguards terms are not met. By June, with absolutely no change in North Korea's position, we were conceding and offering assurances against the threat and use of force and promising noninterference in North Korea's internal affairs.

By July, the Clinton administration was back to tough talk. After his visit to Korea and the DMZ, the President declared "we cannot let the expanding threat of these deadly weapons replace the cold war nightmare of nuclear annihilation." He pledged United States support for South Korea's defense and suggested, once again, we would seek international sanctions. Once again, suggestion dissolved into submission.

After protracted and unproductive negotiations the administration decided to cancel joint United States-South Korean military exercises sending another signal that when the going gets tough, we make concessions.

When the IAEA Director General raises international alarm because monitoring devices are running out of film, the administration announces the North has agreed to one inspection of seven sites the Koreans have picked. The IAEA rejects this step as unacceptable and almost 2 months later the administration takes the bold step and announces sanctions are one option under discussion.

Then as now, the North Koreans simply waited for the policy to change again. By my count, in the last 6 months alone sanctions withdrawn, diluted, and derailed at least a half dozen times. No doubt the most embarrassing moment came when former President Carter announced the administration would suspend the U.N. sanctions effort, only to be first contradicted by the White House then embraced.

Mr. President, unlike Haiti where the victims of our inconsistency wash up on our shores every day, the flip flopping on Korea puts 38,000 American soldiers and their dependents, our Nation and our allies in jeopardy. Confusing the national security lines which simply cannot be crossed invites aggression.

President Clinton has said if the North invades, Korea would be worth fighting over. I agree, but what if the North simply stalls? What if the North's end game is to buy time to build a nuclear inventory for use or sale?

The administration's ill-conceived and inconsistent policy of tough talk and little action has produced no tangible results. We have made no progress in 18 months in determining the status of nuclear material diverted in 1989. We have no assurances of the future handling or disposition of the fuel rods recently removed. IAEA inspectors still have restricted access and as we know were denied the opportunity to monitor the recent transfer of fuel rods.

The North is not building a record of trust or confidence. Quite the contrary, in fact, is the case. Their suggestions of compromise are never matched with corresponding action.

On the other hand, our suggestions for compromise have routinely been followed by concessions.

I recently was struck comments of a Democrat who closely monitors our policy toward Korea. When asked about the negotiations the response was blunt, "These aren't negotiations, this is a fire sale and American security is on the block."

I fear the concession will continue and we will actually shift from simply refraining from carrying through or threats to actually offering incentives such as foreign aid to the North. And, we will offer those incentives without securing meaningful results.

I think this amendment to assure North Korea meets it's international obligations prior to providing assistance are absolutely essential to our security interests.

The PRESIDING OFFICER. Is the Senator from Kentucky speaking on the time of the Senator from Alaska? The Senator from Alaska has 17 minutes 30 seconds remaining.

Mr. MURKOWSKI. The Senator will yield, but it is my intention to clear the other sense of the Senate. So I defer to the floor managers.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, on my time, as soon as we complete this, I am probably going to yield back all my time—well, let the Senator from Kentucky finish what he is saying and then maybe we can wrap up all this.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, last week Kim Il-song died and in doing so provoked yet again a controversy. He is only equaled by Stalin in brutality. He is directly responsible, as we all know, for the attack that precipitated the Korean war. Fifty-five thousand Americans were killed in that conflict. We know he could be held directly accountable for the terrorist attack in Rangoon which killed 17 members of the North Korean Government. Who could forget the savage attack in 1957 on the DMZ when American servicemen were beaten and axed to death in plain view of people on the other side?

In spite of all this, this horrible reputation that will live in ignominy forever—President Clinton felt the need to express his condolences on behalf of all Americans for the loss of Kim Il-song. He expressed his appreciation for Kim Il-song's leadership.

The Republican leader of the Senate, a decorated veteran, criticized these remarks, suggesting none of the American families of Korean vets would mourn for 1 minute the loss of Kim Il-song.

Unfortunately, he was immediately attacked by the New York Times for his lack of diplomacy. I think it is perfectly clear that Senator DOLE was right.

There are two interesting articles which I would like to call to the attention of my colleagues, commending the Republican leader for his observations on the passing of Kim Il-song, someone for whom condolences are clearly not appropriate—a Mike Royko column in the Chicago Tribune of July 12, and an editorial in the New York Post of July 13.

Mr. President, both of these editorials point out the appropriateness of the observations of the Republican leader on the passing of one of the truly evil people in world history. I ask unanimous consent they appear in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, July 12, 1994]

KIM IL SUNG'S DEATH IS NOTHING TO MOURN

(By Mike Royko)

A panel of Washington TV talkers was snickering about the dig that Sen. Robert Dole took at President Clinton.

If you missed it, Dole criticized Clinton for conveying the condolences of the American people to North Korea on the death of dictator Kim Il Sung.

Dole suggested that veterans of the Korean War and their families wouldn't be mourning the death of the man who started a war in which so many Americans died.

This amused the Washington talkers. Pundit Robert Novak said Dole was having a slow day without any TV appearances, so he pounced on Clinton's condolences to get media attention. The others chuckled at Novak's wit and insight.

They might be right. Dole is a partisan politician, and he doesn't skip many opportunities to zap his adversaries.

But does that mean Dole was wrong?

I happened to be driving in my car when I heard the radio news item about Kim Il Sung's death.

My first thought was: "Too bad he didn't croak 50 years ago, the rat."

Remember, we are talking about a world class villain. While he didn't operate on the big scale of a Stalin or Hitler, he shared their cold-blooded instincts.

Because of his lust for power, more than 1 million Korean civilians died, men, women, children. More than 53,000 Americans and 200,000 Korean troops were killed. The entire country was devastated. He believed in torturing prisoners of war, letting some starve to death.

And since that war ended 41 years ago, he's been looking for other ways to stir up trouble. He captured an American ship and tormented the crew. He ordered a civilian airliner shot down. And most recently he has given much of the world a nervous twitch by trying to build nuclear weapons.

So if there was any reaction in this country and other civilized lands, it should have been to order a round and toast his departure.

Then the radio news item went on to the fact that Clinton had conveyed condolences to the North Korean people "on behalf of the American people."

And my surprised reaction was: "Hey, I am an American person. If I want my condolences conveyed, I will convey them myself. And the only emotion I want to convey is my disgust that this vile buzzard lived to the overripe age of 82, causing nothing but misery and suffering."

Of course, say foreign policy whiz will say that Clinton was merely practicing smart diplomacy, that he did the correct thing because we are trying to establish warmer relations with North Korea in order to discourage them from building nuclear weapons.

That may be true. And if Clinton wanted to be diplomatic and express his personal condolences, it's OK. He could have even said that he was conveying Hillary's, too, and the condolences of the White House staff and all of his friends back in Arkansas.

He could have sent a floral display, for all I care. Maybe with a ribbon that said: "Kim Il Sung—gone but not forgotten." Or he could send an audio tape of him playing "Amazing Grace" on his saxophone.

But it seems presumptuous of him to casually toss about the condolences of every person in this country. If he wants to send flowers, he shouldn't put our names on the card without asking.

That's what I don't like about diplomacy. So much of it isn't sincere. I doubt if there is even one person in this country who can truthfully say he feels sad about the death of Kim Il Sung. Well, maybe one or two. Even John Gacy had his weird admirers.

Most Americans didn't know who Kim Il Sung was because we aren't keen on foreign affairs, except those of the British royal family. And those who did know who he was were relieved that he's no longer with us.

So I agree with Dole on this issue. If the brainwashed people of North Korea want to weep and wail because they have lost their wacky leader, that's their business.

But the president of the United States should not be expressing our condolences for the death of a monster who caused the death and misery of millions of people. Someone who would have done it again, on a much grander scale, if he had the opportunity.

If Clinton wanted to say something, he might have dropped a brief note to Sung's son, Kim Jon Il, who will probably be North Korea's next dictator, saying: "Just heard about your dad. I hope you won't be as big a loony tune as he was."

[From the New York Post, July 13, 1994]

MISPLACED CONDOLENCES

Should President Clinton have expressed "sincere condolences to the people of North Korea" after the death of Stalinist dictator Kim Il Sung? Should the President have volunteered pointed "appreciation" for Kim's "leadership" during the last months of his life in facilitating the high-level diplomatic talks on North Korea's nuclear program that commenced recently in Geneva?

We think not.

President Eisenhower had it right when Joseph Stalin died in 1953. If it's impossible to say anything both positive and true about a recently departed international personality, it's best to say nothing at all.

Kim Il Sung was a brutal dictator and a thug; he shaped the world's last genuinely menacing communist police state and, in his last years, Pyongyang's quest for nuclear weapons made North Korea a greater threat to stability in Asia than it had ever been. We don't know how many Korean lives Kim Il Sung snuffed out during his half-century reign; but certainly—as Senate Minority Leader Bob Dole of Kansas noted Monday—he bore a significant measure of responsibility for the Korean War a conflict in which more than 50,000 American servicemen died.

The President may think diplomatic protocol requires expressions of both "sincere condolences" and praise whenever foreign leaders die. If so, he's been badly advised. And while we deem the current diplomatic discussions pointless and misguided, it would have been reasonable for Clinton—who actually believes in the talks—simply to declare his hope that they go forward.

The added comments bespeak either rare naivete or a stunning willingness to utter meaningless platitudes. Either way, Clinton struck the wrong note.

Mr. McCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I ask unanimous consent the pending amendment be temporarily laid aside so the Senator from Alaska can bring up the amendment related to Pan Am 103.

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

JAPAN-UNITED STATES FRIENDSHIP COMMISSION—AMENDMENT NO. 2274

Mr. MURKOWSKI. Mr. President, I rise today to ask my colleagues to support an amendment to the enabling legislation of the Japan-United States Friendship Commission. The proposed amendment strengthens the criteria for membership on the Commission and broadens the investment authority of the Commission.

The Japan-United States Friendship Commission was created by Congress in 1975. The purpose of the Commission, as defined in the Japan-United States Friendship Act is to promote "education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interest between the United States and Japan." To carry out its purpose, the Commission has promoted scholarly, cultural, and public affairs activities between our two countries. In recent years, the Commission has also supported a series of policy research projects important to the bilateral relationship. In light of the increasing interdependence of the United States and Japan and its attendant friction and misunderstandings, the work of the Commission is more important than ever.

Evaluating the various proposals requires an increasingly detailed knowledge of Japan, a qualification that was not codified in the original enabling legislation and not necessarily observed in the past. To correct this deficiency, my proposed amendment codifies membership criteria.

When Congress created the Commission, it provided it with an endowment of $18 million and an approximately equivalent amount of Japanese yen. Like a private foundation, the Commission spends the interest earned by this endowment on grants to support training programs at universities, research institutions, media organizations and the like across the United States. The Commission is unique because it is the only source of funds dedicated to support these activities that Americans can use without fear of carrying out consciously or unconsciously, the aims and agendas of self-interested institutions and organizations. The Commission appears annually before Congress to seek appropriations of its interest earnings.

Unfortunately, artificial limits on investment authority for funds have begun to severely erode the Commission's financial base. Currently, the enabling legislation requires that the Commission invest its funds in Treasury bills and notes exclusively. As old notes at 10 percent and higher now begin to mature, the Commission is forced to place them back in notes at historically low rates. This further erodes their earnings. The power of the Commission to make grants has eroded to less than one-quarter of its original purchasing power.

My amendment would address this problem by allowing the Commission to invest in the full range of instruments of debt that are guaranteed both in principal and interest by the U.S. Government, such as GNMA's, as well as Treasury instruments. Such a change will allow the Commission a certain degree of relief from a policy imposed on it when the impact of inflation and low rates of return on operating expenses were not foreseen by the Congress.

On this point, I would note that at least two Federal Commissions created after the Japan-United States Friendship Commission have this broader investment authority written into their enabling legislation. These are the Barry M. Goldwater Scholarship and Excellence in Education Foundation and the Harry S. Truman Scholarship Foundation.

I urge my colleagues to support this modest change to the Japan-United States Friendship Act to enable the Commission to continue its worthwhile activities.

AMENDMENT NO. 2272, AS MODIFIED

(Purpose: Sense of the Senate urging United States Government agencies to provide information to victims of international terrorism)

Mr. MURKOWSKI. Mr. President, I send a sense-of-the-Senate amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. PRYOR). The Chair asks which amendment does the Senator from Alaska desire to modify?

Mr. MURKOWSKI. Mr. President, it is a substitute for 2272.

The PRESIDING OFFICER. If there is no objection, the amendment is modified. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. HELMS for himself and Mr. MURKOWSKI, proposes an amendment numbered 2272, as modified.

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

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

The amendment is as follows:

At the end of the first Committee amendment, insert the following new section:

SEC. . POLICY REGARDING PROVIDING INFORMATION TO VICTIMS OF INTERNATIONAL TERRORISM.

POLICY.—It is the Sense of the Senate that:

(1) in order to assist the families of U.S. citizens who have been the victims of terrorist acts, U.S. government agencies should provide or facilitate the acquisition of evidence relevant to the actions brought by American citizens against States that support terrorist acts or against individuals accused of committing terrorist acts.

(2) the U.S. government should cooperate with U.S. citizens to the extent that such cooperation does not significantly prejudice a pending criminal investigation or prosecution, or threaten national security interests of the U.S.

SEC. . REPORT ON STATUS OF EFFORTS OF U.S. AGENCIES TO ASSIST AND PROVIDE INFORMATION TO VICTIMS OF INTERNATIONAL TERRORISM.

Provided further:

(1) The Secretary of State, in consultation with the Attorney General, should provide a report to the appropriate committees of Congress within 30 days on U.S. agencies' efforts to provide information and assistance to the families of the victims of Pan Am Flight 103.

(2) The report should include a description of efforts to criminally prosecute those responsible for the bombing of Pan Am Flight 103 and efforts to provide information in civil actions against States that support terrorism or individuals who commit terrorist acts.

Mr. MURKOWSKI. Mr. President, I am somewhat shocked that my original amendment was not accepted. It simply said that U.S. Government agencies should be required to share information with individuals who have brought civil actions against a foreign state that sponsors acts of international terrorism or against individuals who have been accused of terrorist acts.

The amendment was inspired by the tragic bombing of Pan Am 103 over Lockerbie, Scotland on December 21, 1988, killing 270 passengers, including 189 Americans.

For 6 years, the families of the victims have been seeking justice and retribution but the wheels of justice have turned slowly.

Currently the bureaucrats at the Departments of State and Justice do not have to do anything to further information sharing. There is no requirement to share information, and consequently a positive act or an affirmative decision must be first initiated from within the bureaucracy to share information with civil litigants. My sense-of-the-Senate revises the process. The presumption would allow the bureaucracy to share the information unless there is a compelling reason not to do so.

I am told that the bureaucrats down at the Department of Justice oppose my amendment. I don't have their formal statement but the legal mumbo jumbo seems to boil down to one concept—as between the victims of terrorism and a terrorist state, such as Libya, the United States Government would prefer to remain neutral.

I don't think that's what this body believes our U.S. agencies should be doing. Under this sense-of-the-Senate, this body would be on record supporting the policy that the United States Government should share information in these civil suits unless there are sound national security reasons or prosecutorial reasons to withhold Government information regarding international terrorist States or groups.

I am pleased that the managers have accepted this sense-of-the-Senate, and

I will work to have my original amendment adopted at a later date.

Mr. LEAHY. Mr. President, I note this has been cleared. There is no objection to this amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2272), as modified, was agreed to.

AMENDMENT NO. 2273

Mr. LEAHY. Do we now return to the previous amendment by the Senator from Alaska?

The PRESIDING OFFICER. The question now occurs on amendment 2273, of the Senator from Alaska.

The Senator from Alaska has 4 minutes.

Mr. MURKOWSKI. Mr. President, I yield back my time.

Mr. LEAHY. I yield back the time on this side.

The PRESIDING OFFICER. All time has been yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2273.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] and the Senator from Colorado [Mr. CAMPBELL] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—95

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

NOT VOTING—5

Boren	Coverdell	Wallop
Campbell	Pressler	

So the amendment (No. 2273) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

The Chair will advise the Senator from Vermont that under the previous order the Senator from Florida is to be recognized.

The Chair recognizes the Senator from Florida.

Mr. LEAHY. Mr. President, will the Senator yield to me a couple of minutes?

Mr. GRAHAM. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, a number of Senators on both sides have been asking me where we stand. We have been trying, as the Chair knows, to yield back time and trying to move rapidly. We are now going to go to amendments by the Senator from Florida. I understand from the Senator from Florida that we may be able to move that in less time than planned, and we would go to the Senator from New Mexico [Mr. DOMENICI].

Again, I urge Senators, if we have something that we know is going to pass overwhelmingly, if we could resist the temptation for rollcall votes—because I understand leadership has other matters coming up this afternoon—we could move this before we are finished.

That is all I am going to say.

I thank the Senator from Florida for his customary courtesy.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Florida.

Mr. GRAHAM. Thank you Mr. President.

AMENDMENT NO. 2290, AS MODIFIED

Mr. GRAHAM. Mr. President, I ask unanimous consent that a modification to amendment 2290, which is at the desk, be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. GRAHAM, proposes an amendment numbered 2290, as modified.

The amendment is as follows:

On page 34, line 13, insert after the word State "determines and reports" and strike on line 14 "certifies".

Mr. GRAHAM. Mr. President, I believe that with that modification, this amendment will be acceptable and it will therefore be unnecessary to have the full 50 minutes used for a rollcall vote.

I would like, however, just to briefly give to the Senate the background and rationale for Senator DECONCINI and others having proposed this amendment.

Mr. President, the United States has had a drug-control policy which had two parts: A demand-suppression component which attempted to reduce the level of consumption by United States citizens of drugs, while at the same time we had a supply-suppression component which attempted to reduce the amount of drugs coming into the United States available for consumption.

That supply suppression has had primarily a border interdiction tactic; that is, through the use of Department of Defense intelligence gathering and surveillance capabilities, various law enforcement agencies, such as Coast Guard, Customs, and the Department of Justice activities, we have attempted to arrest the inflow of drugs close to our border.

In February of this year, the U.S. Drug Coordinator, Dr. Brown, announced a new strategy. The new strategy is based not on border protection but rather on source country activities.

I am quoting from the statement that was released by the Drug Coordinator on February 9, 1994 in which he states:

> The new international strategy calls for a controlled shift in emphasis from transit zones to source countries.

He continues on:

> Cooperation with other nations that share our political will to defeat the international drug syndicates is at the heart of the international strategy. Its primary goals are to increase multilateral and other organizations response to the drug threat, and to aggressively increase illicit crop eradication to stop fast developing opium, and to reduce coca cultivation by 1996.

Mr. President, we are rapidly implementing this strategy in terms of drawing down resources that have been committed in the past to our transit zone border protection supply-repression policy. As an example, the Customs air and marine interdiction program has been cut by $52.6 million. One-third of the overall air and marine budget in fiscal year 1994 has been eliminated. The Department of Defense spending on protection and monitoring activities was cut by $22 million in fiscal year 1995, and had previously been cut by approximately $130 million in the current fiscal year, or a total of over $150 million reduction in what the Department of Defense had been committed to in terms of transit zone interdiction. The Coast Guard interdiction funds have been cut by $51.3 million.

What this means is that there are fewer cutters and aircraft interdicting narcotics smuggling just off our coast.

Mr. President, that is what our drug strategy has done in terms of this controlled shift. An absolute critical component of this new strategy working is that the source countries, particularly the principal producers of cocaine, Colombia, Peru, Bolivia, are full participants in this effort to suppress the supply.

Senator DECONCINI and I visited those countries in February of this year. One of the things that was obvious, and pointed out both by U.S. representatives and by the source countries, was that they are very dependent on the United States for military supplies that are utilized in the counternarcotics effort.

For example, we visited a military airfield in Colombia where the very aircraft that were intended to be used in suppressing drugs, things such as interdicting illicit aircraft that were coming across the border going into the small jungle airfields where the cocaine laboratories were operating, those aircraft were sitting on the ramp, and had been sitting on the ramp for extended periods of time. The reason that they were not operable was because they did not have the spare parts necessary to get them in the air. And the reason they did not have the spare parts was because of U.S. prohibitions on military sales to those countries for those aircraft.

I believe that we start with the premise that the antidrug effort is at least an equal effort between the United States and the source countries. Arguably, it is primarily in the interest of the United States to have an effective suppression policy.

So it was within that context that I was concerned with language in the original subcommittee bill that would have required a certification by the Secretary of State that any foreign military sales to Bolivia and Colombia were used by such countries primarily for counternarcotics activity.

My concern is both because that could have had the effect of adversely impacting our national interest in the effective source country international narcotics suppression effort; that it could have rendered this controlled shift from transit zone to source countries not a controlled shift, but effectively an abdication of any policy, and that would have had the effect of not reducing this flow of drugs into the United States. Also, it was not pragmatically sensitive to the fact that the militaries in these countries are quite small.

Colombia has only a few military aircraft and, yes, those aircraft are used for counternarcotics purposes, but also they have other purposes. As an example, recently there were reports about how effective the Colombian military had been in the providing of emergency assistance to the victims of the recent Colombian earthquakes. I imagine that those same helicopters and aircraft in the Colombian Air Force used for emergency purposes were also aircraft that had been used for counternarcotics purposes.

So it would be very difficult, in my judgment, to make a certification that those funds had been used primarily for counternarcotics activities, even if those activities had been the plurality of the use of the aircraft, boats, or other equipment that were committed to the counternarcotics function of that particular nation.

So we have softened that language in this amendment to state that the Secretary of State will determine and report that such funds have been used primarily for counternarcotics purposes. Then it would give the Secretary of State and the Congress, and other interested agencies and citizens of the United States, an information basis upon which to evaluate how these military sales were being conducted.

While I support this modification and I believe that it moves in the direction that is necessary to build the partnership between the United States and source countries, I urge that as we face these debates in the future, we be sensitive to the fact that we have made this fundamental change in our drug policy; that that change of source country eradication and interdiction critically depends upon the effectiveness of the source countries being a full partner in that effort; and finally, that we not send either substantive restraints or intangible signals that will be interpreted in these source countries as a statement of lack of respect, a lack of a willingness to treat them as a full partner in this effort, which might result in a less than committed effort in a war that we have been talking about for years and now must have a full commitment to win.

So, Mr. President, I urge the adoption of the modified amendment which has been submitted. I appreciate the good efforts of the chairman of the subcommittee and his staff for working toward this resolution. I hope that this amendment will be accepted.

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

Mr. President, the Senator from Florida [Mr. GRAHAM] is one of the leaders in this body in the fight against drugs. He is also a recognized expert in the whole Caribbean, Central America, and South America area. I know how hard both he and the Senator from Arizona have worked. The Senator from Arizona [Mr. DECONCINI] is a former prosecutor and chairman of the Senate Intelligence Committee, and is also a recognized expert in the field of counternarcotics. The Senator from Florida is the chief sponsor of this legislation, and he has been sensitive to the human rights concerns raised earlier.

I think the modification he has made to his amendment is an excellent one and it makes it possible for us to continue in the effort of counternarcotics that he and I and the Senator from Arizona and others definitely want, but also to keep control of the issue of human rights—again, an area where he and I and the Senator from Arizona have great concerns. I also compliment Senator DODD, the Senator from Connecticut, and his staff, who have worked so hard on this.

I might ask the Senator from Florida, so I will understand the schedule—and I will support his amendment—I understand we will go to this amendment now on a voice vote rather than a rollcall vote. Is it the Senator's intention to withdraw his other amendment?

Mr. GRAHAM. Mr. President, not at this moment. Our staffs, in consultation with other concerned officials, are working on the second amendment, which relates to Peru, to see if there can be a satisfactory resolution of that issue. If that in fact is possible, it would be my intention to offer a modification to amendment No. 2291 to effectuate a resolution.

Mr. LEAHY. The reason I asked the Senator that, I was going to suggest we yield back our time, dispose of the current amendment, and then, even though the unanimous consent agreement would allow him to take up his next amendment, allow the Senator from New Mexico to go immediately with his under a unanimous-consent agreement that I would propound, and then upon the completion of his amendment, go back to the amendment of the Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate very much the graciousness of that invitation. My concern is that I do not know whether we will be in a position to offer a modified amendment within 30 or so minutes.

Mr. LEAHY. If that is the case, we will simply bring in another one and ask another unanimous consent. I am trying to protect the Senator's rights.

Mr. GRAHAM. Then I accept the offer of the Senator from Vermont, with the understanding that I might, at an appropriate time, move to lay aside my second amendment, No. 2291, if we are not in a position at that time to offer a modification to 2291.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that upon the completion of the pending amendment, it then be in order to recognize the Senator from New Mexico for his amendment; that upon the completion of that amendment, the Senator from Florida then be recognized again for his amendment, or for whatever other action we may take at that time.

Mr. McCONNELL. Reserving the right to object. What is the time agreement on the second Graham amendment?

Mr. GRAHAM. Mr. President, the time agreement on the second amendment is 20 minutes, equally divided.

Mr. McCONNELL. I think Senator HELMS is the last one in line. I want to make sure there is enough time left.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CHANGE IN COSPONSORSHIP

Mr. McCONNELL. Mr. President, yesterday Senator McCAIN sought to be added as a cosponsor to the Helms amendment No. 2257, to limit the provision of assistance to Nicaragua. He was inadvertently added to the Helms amendment No. 2258, to limit the authority to reduce U.S. Government debt to certain countries, and was not added to amendment No. 2257.

I, therefore, ask unanimous consent that the RECORD be corrected to withdraw Senator McCAIN's name from amendment No. 2258 and add his name as a cosponsor to amendment No. 2257, as intended.

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

Under the previous order, the Senator from New Mexico is to be recognized.

Mr. LEAHY. We have not completed yet, Mr. President. I will yield the remainder of my time on the pending Graham amendment.

Mr. GRAHAM. I yield the remainder of my time on the pending amendment.

The PRESIDING OFFICER. All time having been yielded back on the Graham amendment, the question occurs on amendment No. 2290, as modified.

The amendment (No. 2290), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Under the previous order, the Senator from New Mexico is recognized for the purposes of offering an amendment.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. How much time do I have? Is it 15 minutes on each side on this?

The PRESIDING OFFICER. If the Senator could identify the number of the amendment he is propounding, the Chair will be happy to respond.

Mr. DOMENICI. Amendment No. 2284.

The PRESIDING OFFICER. The Chair informs the Senator from New Mexico it is 30 minutes, equally divided.

AMENDMENT NO. 2284, AS MODIFIED

(Purpose: To allow the President to use Russian aid funds in this bill for the Nunn-Lugar cooperative threat reduction program)

Mr. DOMENICI. Mr. President, I send the amendment to the desk on behalf of myself and Senator DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. DOLE, proposes an amendment numbered 2284.

Mr. DOMENICI. 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 20, line 13, delete the period, and add the following new proviso:

: *Provided further*, That the President may transfer such funds allocated to the Russian Federation to appropriations available to the Department of Defense and other agencies of the United States Government for the purposes of cooperative threat reduction and countering the proliferation of weapons of mass destruction under the provisions of title XII of Public Law 103-160 and section 575 of Public Law 103-87: *Provided further*, That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: *Provided further*, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the President: *Provided further*, That the total amount of any transfer authority utilized shall not exceed the amount transferred by the Department of Defense to the Department of State and their agencies under title VI of Public Law 103-87.

Mr. DOMENICI. Mr. President, I could speak for 30 seconds on this amendment and just let the Senate decide, but I think I will go into more detail. But let me begin with the purpose of this amendment.

This amendment permits the President of the United States—does not order him or force him, but permits him—to transfer money that we have in this bill for foreign aid to Russia or Ukraine, to transfer as much of that as he might think is necessary to carry out an American program of assisted dismantling of Russian and Ukrainian nuclear and chemical weapons systems.

That is the essence of it. It is very simple: Do we want to let the President of the United States work with President Yeltsin to dismantle, jointly, nuclear and chemical weapons? This task clearly is the first order of business between our two great nations. Presidents Clinton and Bush, the Senate, the House, and everyone who has seriously looked at our relationship with the former Soviet Union states that this is our first order of business.

Frankly, I cannot understand why the President of the United States would not welcome this authority. For some strange reason, another Senator is going to stand up shortly and say the President does not think we need this now.

I think we needed it last year. I think we needed it last month. And I think we need it for all of fiscal 1995. We need to let the President of the United States use as much money as we are allocating and appropriating for aid to Russia for the dismantlement program which is finally reaching the point where it really needs some dollars to accomplish its mission.

Having said that, I am positive that the objection to this amendment is going to be that the program has not been working very well. The opponents will ask, "why do we want to put more money into the Nunn-Lugar program?"

The truth of the matter is we do not yet know if it is working well or not. We have not been able to spend money for one reason or another on this program, such that even though the Nunn-Lugar cumulative appropriation is about $1.2 billion. Some of the delay has to do with the way we have appropriated the money by putting strings on it and requiring that it come out of Defense readiness accounts.

Another legitimate cause of delay has been the difficulty of reaching agreements on highly technical and sensitive subjects with the governments of Russia, Ukraine, and Kazakhstan. Some think it is malfeasance or negligence on the part of the Department of Defense. You will hear that argument, although Dr. Perry would dispute it. For all of these reasons, we have not been able to get the money into the field.

In a moment I will seek consent to place in the RECORD a recent letter from Dr. Perry to Vice President GORE explaining the legitimate causes for the delay in getting the Nunn-Lugar program underway. Our Secretary of Defense, a genuine expert in most of these matters, says his people are ready to go, but they have run into a lot of stumbling blocks, not the least of which is that they attempted to transfer moneys within the Department in ways that Congress can not agree to.

I am not suggesting that we not spend whatever money is in the pipeline from the Defense budget. I am merely saying this program tackles the most serious problem for Americans and for the world, that is, the dismantling in the most expeditious way with the cooperation of the Russians, most of their nuclear weapons. That is the most important function we can accomplish in our aid for Russia and Ukraine.

And if the President needs any money from this Foreign Aid Subcommittee earmark for these countries, he should be able to do it. This is a very simple amendment. It says he may use it. That is all. It does not mandate it. It does not take it away

from foreign aid, it sets priorities for foreign aid. It says if he needs it, he can use it up to this year's appropriated amount. I do not believe he is going to use it at this time.

But, frankly, if I were in the President's shoes, I would welcome it because in 1½ years or so, I would like to be able to give a report to the Congress that this program is working and that every penny that was needed was made available and that we got on with the most serious of programs of assistance to the Soviet Union.

I could go into the history of what happened to this money, but I would like to conclude for now by saying there is no doubt that a couple years ago, even more, 3 years ago, when the Nunn-Lugar threat reduction program came into existence, many people still thought the Defense Department was a milk cow. For anything that would come along, we would say, "let us pay for it out of Defense." So we gave the Pentagon a function that I do not believe was purely a Defense Department function, the joint dismantling of nuclear and chemical weapons systems.

There is nothing ironclad or written in stone that the Defense Department ought to do that. In fact, maybe the Department of Energy should have done that, as its national laboratories do for the Pentagon as subcontactors. That is where all the expertise is. Back in 1992–93, we used the fact that some thought that we had a lot of money in Defense to appropriate the first batch of money for Nunn-Lugar out of Defense. It was done with the full concurrence of Senator NUNN and Senator LUGAR and I believe Senators WARNER and THURMOND, who have been the ranking members of the Armed Services Committee.

The truth of the matter is that back then no one anticipated Bosnia, Korea, Haiti, and continuing problems with Iraq. Frankly, the Defense Department should no longer be looked at to implement more activities that are not directly related to the functioning of the military of the United States.

Our Defense budget is no longer a big bank that we ought to rely on every time we turn around for some kind of nondefense function. That is the opinion of President Clinton and the senior House and Senate appropriators.

In rebuttal, I will go into a few more details, but I would just say to the Senate now that I believe everybody here believes that we ought to dismantle the Soviet chemical and nuclear weapons as the No. 1 priority between our Nation and Russia.

Second, speaking only for myself, I have supported foreign aid for the former Soviet Union. I came down here to the Senate floor to help when Senator NUNN first brought the matter to our attention, and some people thought he was rushing things. I told this President that I would support his first package. I helped him with budget matters on it, and it was passed last September.

But I do not believe we ought to hold back one bit on money needed for dismantling.

I want to close by saying that I have the greatest respect for the chairman of this subcommittee and clearly for my friend and fellow Republican who is the ranking member. I am not sure where he is going to come down on this. But none of this is an aspersion on anybody or anybody's jurisdiction. It is just a bona fide concern by this Senator that we ought not in any way tie the hands of our President when he needs to put money into dismantling of nuclear weapons. We ought to loosen his hands and give him authority to use some of the foreign aid money if he so desires.

I reserve the remainder of my time.

I ask unanimous consent to print in the RECORD the letter from the Secretary of Defense to Vice President GORE, dated 14 May.

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

SECRETARY OF DEFENSE,
Washington, DC, May 14, 1994.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: In accordance with responsibilities delegated to me by the President on January 29, 1994, I am transmitting the Semi-Annual Report on Program Activities for Facilitation of Weapons Destruction and Non-proliferation in the Former Soviet Union. The enclosed report is submitted in accordance with Section 1207 of the "National Defense Authorization Act of FY 1994," Public Law No. 103–160, and the "Department of Defense Appropriations Act of FY 1994," Public Law No. 103–139. The report covers activities from October 1, 1993, through March 31, 1994, and cumulatively.

Progress in the Cooperative Threat Reduction program during this period has been significant. Congress has authorized $1.2 billion for this program in FY 1992–FY 1994, although $212 million of this authority has expired. From the remaining $988 million, the report reflects an increase in notifications to Congress of proposed obligations for specific projects from $790 million at the end of FY 1993 to $961 million as of March 31, 1994. Of these funds, $897 million has been committed in 38 international agreements with the four eligible former Soviet Union (FSU) states of Russia, Kazakhstan, Belarus and Ukraine.

Most importantly, the threat to the US from the arsenal of weapons of mass destruction left from the FSU is being reduced. Supported politically and materially by CTR assistance, missiles containing nearly 600 nuclear warheads from Ukraine, Belarus and Kazakhstan have been deactivated, dismantled, and/or shipped to Russia; comprehensive planning has been initiated to dispose of the 40,000 tons of declared chemical agents on Russian territory; improvements are being made to enhance non-proliferation capabilities; and efforts to convert weapons of mass destruction production capabilities to peaceful uses have been initiated.

Total FY 1994 obligations through March 1994 are $12 million, bringing total program obligations to $117 million. This pace of obligations reflects the time lag inherent in the CTR certification, negotiation and funding process. Negotiations which began nearly two years ago, in many cases, have just resulted in signed agreements during the past six months. Moreover, nearly $522 million for programs which had been initiated under signed international agreements in FY 1992 ($212 million) and FY 1993 ($310 million) could not be obligated until Congressional notification and reprogramming requirements were met.

To ensure that the Department of Defense could meet the commitments made under these authorities, $208 million for programs initiated under the FY 1992 transfer authority were re-notified as proposed obligations on February 16, 1994, from the FY 1994 direct appropriation. Up to $310 million for programs initiated under the FY 1993 transfer authority remain on hold until Congressional approval of the FY 1993 Reprogramming request submitted March 17, 1994.

Program implementation and actual obligations are expected to pick up dramatically in the last half of this fiscal year. Since the end of March, obligations have increased by $13 million to total $130 million.

The Department of Defense continues to focus on the objectives established by Congress in the legislation, specifically: weapons destruction and dismantlement, safe and secure transport and storage of nuclear weapons and materials, non-proliferation, defense conversion and demilitarization, and defense and military contact activities. The report reflects advances in each of these areas to reduce the threat of nuclear and other weapons of mass destruction in the former Soviet Union. The report also provides details of each project, describes the participation of other departments and agencies in the implementation of the program, and addresses events which have occurred since the beginning of the fiscal year.

An identical letter has been provided to the Speaker of the House of Representatives.

Sincerely,

WILLIAM J. PERRY.

Mr. DOMENICI. Mr. President, there is $931 million in this bill for aid to Russia, Ukraine, and the other new States of the former Soviet Union. Another $2.5 billion was provided in this bill last year.

Over 2 years, then, we have provided $3.4 billion from this subcommittee, most of which is going to Russia. I support this effort by Congress and the President to help America by helping Russia and Ukraine. I applaud the efforts of the managers, especially my friend from Kentucky, to reserve a greater percentage of the funds for Ukraine and other republics.

But I want to make sure that the programs in Russia and Ukraine that are most critical to United States national security do not starve for funds while lower priority projects are awash with money.

On Wednesday, the Secretary of Defense, Dr. Perry, came before the Appropriations Subcommittee on Defense to appeal for continuing support for our cooperative threat reduction program. That is also known as the Nunn-Lugar program.

The Nunn-Lugar program is vital. It is our way of working with the new

Russian and Ukrainian Governments toward our mutual objectives of reducing the threat from nuclear, chemical, and biological weapons left behind when the Soviet Union collapsed in 1991.

Together with the much smaller partnership program funded by section 575 of last year's foreign aid appropriations, this program is the best hope we have to prevent Soviet weapons of mass destruction from getting into the hands of rogue nations and terrorists.

Mr. President, it has taken over 2 years to get the Russians to the point where they are convinced that this threat reduction program is in their own interest. There was a lot of suspicion about our motives.

It has taken 2 years and more to negotiate the detailed agreements to begin safeguarding and destroying nuclear warheads and chemical weapons in Russia. Finally, the Nunn-Lugar program is ready to roll. Unfortunately it is broke.

HISTORY OF NUNN-LUGAR FUNDING

What happened? After all, Congress made available some $1.2 billion over the 1992 to 1994 period for the Nunn-Lugar threat reduction program. Only $50 million has been spent to date.

Well, this is what happened. The first $800 million of those funds were not direct, new appropriations. They were transfer authority from other Defense Department funds. Two years ago, there was the perception that the Defense Department was a milk cow for foreign aid and domestic programs. In fact, last year, in this bill, we agreed to appropriate almost a billion dollars for defense, and then to transfer almost all of it to AID's program in Russian and Ukraine.

Today, the President and most of us realize that we need every dollar of our defense funds to pay for a deteriorating defense structure that faces deployment in Haiti, Bosnia, and Korea—a structure that will have to call up the Reserves to fulfill its growing number of missions abroad.

As a result of the financial squeeze on defense, the Defense appropriators have drawn the line. Last year, the transfer authority for the 1992 Nunn-Lugar $400 million was canceled. Only about $200 million had been used for Nunn-Lugar, so the program lost half of its 1992 funding. That is one of the things that happened.

In the same Defense appropriations bill, last year, the appropriators put very strict conditions on the transfer of Nunn-Lugar funds under the 1993 authority. As a result, some $318 million in requests for essential Nunn-Lugar programs have been frozen since March 17, 1994, because there is no agreement among the relevant committees on where to find the money.

Finally, a few weeks ago, the House passed a 1995 Defense appropriations bill that denied the President's request for a fourth annual installment of $400 million for the Nunn-Lugar program.

I went through so much detail on the recent history of the Nunn-Lugar program to make the point that the Nunn-Lugar program is starved for funds. Of the $2 billion that has been made available or requested over the 4-year period, the total amount that has been spent or remains available for obligation is less than $700 million.

WHY THIS IS NEEDED NOW?

We already have legal agreements to spend $1 billion to reduce the threat from excess nuclear and chemical stocks. Negotiations are approaching completion on the remaining $1 billion in Ukraine, Russia, and Belarus. But, we do not have the resources in the Defense budget to pay for these programs—unless we reduce readiness, pull back from the protection of Korea, or end participation in international peacekeeping.

Mr. President, I do not know whether President Clinton wants to use the transfer authority I am proposing. If I were in his shoes, or those or Dr. Perry at the Pentagon, I would welcome this authority as a fall-back.

In 2 months there will be another summit meeting between President Clinton and President Yeltsin. The mutual security and proliferation issues that are covered by the Nunn-Lugar program will be on the top of their agenda. My amendment gives the President some flexibility to determine his own priorities in our program of assistance to Russia.

In the interests of equity between the Defense Department and AID, I have modified my amendment to limit the President's transfer authority to the amounts transferred from the Defense Department to the Agency for International Development during the fiscal 1994.

This amendment sets no precedents on transfers among different subcommittees. It is precisely modeled on the language shifting funds from the Defense Department last year. If the President uses this authority to fully fund the Nunn-Lugar program, it would follow the transfer of funds earlier this year to the State Department and AID.

Let me summarize. My amendment gives the President the flexibility to transfer Russian AID funds in this bill—under the control of the Agency for International Development—to the Nunn-Lugar nuclear threat reduction program in the Department of Defense.

This transfer authority is discretionary; the President does not have to use it, and probably will not, unless he is convinced that the Nunn-Lugar program is in trouble because it is broke. The amount of any transfer would be limited to the $919 million transferred this year in the other direction—from the Pentagon to AID.

I am asking the Senate to go on record that dismantlement of excess nuclear and all chemical weapons systems is the top priority in our Russian AID program.

Those who disagree, those who consider AID high-price consultants and high school student exchanges to be the top priority should vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I listened very carefully to my colleague.

The PRESIDING OFFICER. Is the Senator yielding himself time?

Mr. McCONNELL. I am yielding myself time in opposition.

Mr. LEAHY. Mr. President, I yield such time as he may use.

Mr. McCONNELL. Mr. President, I listened carefully to my friend from New Mexico. As he knows, I have consistently voted with him on a variety of different measures because of my concern that the defense budget was being raided. However, I cannot join him today.

The defense budget is over $250 billion. The foreign operations budget is under $14 billion.

I think it is also important to understand exactly what this amendment would give the President the discretion to do. This bill before us is not just about Russian aid. It is also about Ukraine. It is about Armenia. It is about Georgia. So this is bigger than just Russian aid, Mr. President. This is also about other countries of the New Independent States.

There are many Americans whose roots originated in that area of the world who care deeply about this foreign aid bill.

We used to think that the only domestic constituency for the foreign aid bill was the American Jewish community which cared a great deal, obviously, about Israel. But that has changed, Mr. President. There are a lot of Eastern Europeans, a lot of Americans who came from that part of the world who care keenly about this bill. This bill has a domestic constituency.

So what my friend from New Mexico is saying is we ought to give the President the discretion to reach in and take this money earmarked by this bill for Ukraine, Georgia, and Armenia away and give it in effect to a program which we have already allocated $1.2 billion to and has only been able to spend $36 million.

Let me repeat. We have appropriated more than $1.2 billion in Nunn-Lugar money with the concurrence and support of the Armed Services Committee and the Defense Appropriations Subcommittee. They willingly supported giving up this money for this purpose. We have given them $1.2 billion. The people in charge of this program have only been able to spend $36 million, and

the Senator from New Mexico says we need to give the authority to give them more, to give them more and take money away from Ukraine, Armenia, and Georgia.

In fact, I am told the Pentagon lost $200 million because of mismanagement of this program.

Mr. President, why would we want to give more money to a program which nearly everyone agrees, at least to this point, has been very poorly run? Indeed, it is so poorly run that I think it makes the State Department and aid management look good, and that is pretty hard to do.

But I rest my case by saying this Russian aid bill is not just about Russia. It is not just about Russia. It is about Ukraine. It is about Armenia. It is about Georgia. And the broader bill is about the Baltics and Eastern Europe. And there are a great many Americans who came from that section of the world who support this bill.

So I understand what my friend from New Mexico is searching for here.

He does not like these constant raids, if you will, on the Defense Department. I have voted with him, I suspect, on every single effort he and others may have made in this regard in the past. Maybe this particular effort has been around a long time. I have only known about it this morning, maybe yesterday at the staff level. Here we are, an hour and a half from voting on the bill, and we may be able to finish sooner.

I hope the Senator from New Mexico will not insist on pushing this today. If he does, I hope it would not be approved. Maybe we ought to sit down and talk about it before taking such a dramatic departure from the way we are about to operate under this bill, a bill that a great many Americans care about. Even though it is called a foreign aid bill, there is a growing American constituency for this bill and particularly the way this current bill for next year is crafted.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I will send my friends on the other side of the aisle a thesaurus.

Mr. President, I yield myself 4 minutes.

Mr. President, nobody has been—if I could have the Senator from New Mexico's attention—nobody has worked harder and been more responsible in trying to get a Russian aid package through than he has. The meeting Senator MCCONNELL and I had with him and others, the Secretary of State, dealing with the President and everybody else to get this through. I appreciate that and it means a great deal to me.

I concur in the desire. In fact, I cannot imagine any Member of the Senate, Republican or Democrat, who does not want to get rid of chemical, biological, and nuclear weapons in the former Soviet Union. There are few things that might unite all 100 Senators, but that one certainly does.

But we have appropriated $988 million in so-called Nunn-Lugar money since 1992. Only $40 million of that has been expended. Four percent, slightly over 4 percent, of the money appropriated has been expended. The rest, the 95 to 96 percent of the funds, are sitting there waiting to be expended.

And as the Senator from Kentucky pointed out, we have in this foreign aid bill a very small amount of money with demands that greatly exceed the amount that is already there.

We have heard debate for the past several days about a lot of places around the world where America's vital interests—economic interests, security interests, and humanitarian interests—are not being met because we do not have the funds to do it.

To take more money out and to put it into an account that already has substantial amounts of money is, I believe, shortsighted. It means that we will not have money to go into programs that will help create exports in the United States, will help create jobs here in the United States, and our export market will not have money to help corporations that want to invest in the former Soviet Union. We will not have money for humanitarian programs that most of us here support.

So I hope that we would not transfer such scarce amounts of money. In fact, this would allow the entire $840 million in this bill for the New Independent States in the former U.S.S.R. to be transferred to the Defense Department. I would hate to think that we are going to tell not only Russia but Ukraine and Georgia, Latvia, Estonia, and all these other places we may want to help, that, "Sorry, the money is gone, basically, to our Defense Department."

We will have funds for this need. I will work with the Senator from New Mexico and any other Senator to make sure we always have adequate amounts of money to help in the cleaning up of nuclear and chemical weapons in Russia. It only makes good security sense for us. But this is robbing Peter to pay Paul. And the worst part about robbing Peter to pay Paul is Paul has a pretty fat wallet to begin with.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. Seven minutes and twenty seconds.

Mr. DOMENICI. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have the right to modify my amendment.

Mr. LEAHY. I thought the yeas and nays had been ordered.

Mr. President, reserving the right to object, because the amendment is under the unanimous-consent agreement and I do not want to object.

Mr. President, I would suggest the absence of a quorum, with the time not to run against either side.

Mr. DOMENICI. Let me tell the Senator what it is. Maybe neither of you will object. All this is on my time.

My good friend from Kentucky said that there are other countries affected besides Russia and that they will be concerned. This modification merely limits the transfer authority to funds that are allocated to Russia. Funds allocated to Russia from this heading in the bill are all that the President would have flexible authority over. I think that is a fair amendment. It responds to a concern he had and I offer it hoping that the managers would accept it.

I ask unanimous consent that my modification be in order.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment (No. 2284), as modified, is as follows:

On page 20, line 13, delete the period, and add the following new proviso:

": *Provided further*, That the President may transfer such funds allocated to the Russian Federation to appropriations available to the Department of Defense and other agencies of the United States Government for the purposes of cooperative threat reduction and countering the proliferation of weapons of mass destruction under the provisions of title XII of Public Law 103-160 and Section 575 of Public Law 103-87: *Provided further*, That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: *Provided further*, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the President: *Provided further*, that the total amount of any transfer authority utilized shall not exceed the amount transferred by the Department of Defense to the Department of State and other agencies under Title VI of Public Law 103-87."

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this makes it even worse, because the amount of money available to Russia is extremely limited. These are the amounts of money we use to help our export industry, our educational groups, and others that are trying to work with Russia.

Basically, what we have said is we could just take all of that money away immediately and put it into a huge fund otherwise designated. If anything, it heightens my opposition. I would note, incidentally, the State Department also opposes this.

Mr. DOMENICI addressed the Chair.

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

Mr. DOMENICI. Mr. President, I would take note of the $2.6 billion heretofore appropriated for Russian aid and the New Independent States last September. Less than half of that $2.6 billion has been put under contract. None

of it is now available for dismantlement of chemical or nuclear weapons systems.

I remind the Senate that the amendment of the Senator from New Mexico does not spend any Russian aid money. I am giving the President authority, the flexibility he seeks in his foreign aid authorization, in the events there are insufficient funds to carry on a program of dismantling nuclear and chemical weapons. He can use some or all of the funds that are going to Russia for this purpose.

Now I believe that is a fair statement of the amendment. I do not think it is a very profound situation in terms of understanding. It is very, very simple. I believe the Senators ought to decide whether they want to give our President this kind of flexibility.

Frankly, this is what the administration is saying in its circular to the floor. It says:

This authority is "not now necessary" since the cooperative threat reduction program is now getting its program implementation underway.

It then says, "It is possible that at some time in the future the President could want to transfer funds from either Nunn-Lugar to Freedom Support, or vice versa, as allowed by the Domenici amendment."

Frankly, we are appropriating clear through September 30, 1995—that is the future. Why we would not just give President Clinton this flexibility with the full knowledge that, in fact, if things are going well, he will not use it, but if things are not going well and it is needed, that he would use some of it? I believe the Senate ought to make a decision on this. But I would like to talk with the managers about whether a rollcall vote is needed, so I yield the floor and reserve the remainder of my time.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum, the time to run equally.

The PRESIDING OFFICER. Without objection, the time is divided equally. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I am prepared to yield back time in opposition, and I do so yield it back.

Mr. DOMENICI. 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. DOMENICI. Mr. President, I ask consent Senator HELMS be added as a cosponsor and that it be left open for additional cosponsors who might want to join.

The PRESIDING OFFICER. Is the Senator from New Mexico yielding back the remainder of his time?

Mr. DOMENICI. I yield it right now.

The PRESIDING OFFICER. All time having been yielded back, the question now occurs on amendment No. 2284, as modified.

The clerk will call the roll.

Mr. HELMS addressed the Chair.

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

Mr. HELMS. Mr. President, I wish to inquire from the managers of the bill what amendment will be considered after this amendment is disposed of?

Mr. LEAHY. Under the unanimous consent agreement which allowed the Senator from New Mexico to come in with his, it reverts to the Senator from Florida, who has one amendment with 20 minutes equally divided.

Mr. HELMS. Would you repeat the time involved?

Mr. LEAHY. The Senator from Florida has one amendment remaining with 20 minutes equally divided.

Mr. HELMS. Then after that, is there——

Mr. LEAHY. I tell the Senator from North Carolina what we have been trying to do is go back and forth and go back to this side. The Senator may be the only person with an amendment left.

Mr. HELMS. Just to be safe, will the Senator include me in the unanimous consent following the Senator from Florida?

Mr. LEAHY. Of course. I ask unanimous consent following the disposition of the Graham amendment it then be in order to recognize the Senator from North Carolina for his amendment, under the previously agreed-to unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement, as modified, is agreed to.

Mr. HELMS. I thank the Chair.

VOTE ON AMENDMENT NO. 2284, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on amendment No. 2284, as modified. 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 Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Colorado [Mr. CAMPBELL] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] and the Senator from Mississippi [Mr. LOTT] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

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

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—56

Akaka	Exon	McCain
Bennett	Faircloth	Murkowski
Bingaman	Feinstein	Nickles
Bond	Gorton	Nunn
Breaux	Graham	Pressler
Brown	Gramm	Pryor
Bumpers	Grassley	Riegle
Burns	Gregg	Robb
Byrd	Hatch	Roth
Chafee	Heflin	Sasser
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inouye	Smith
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
DeConcini	Kempthorne	Thurmond
Dole	Lieberman	Warner
Domenici	Lugar	Wofford
Durenberger	Mack	

NAYS—38

Baucus	Hatfield	Mikulski
Biden	Hollings	Mitchell
Boxer	Johnston	Moseley-Braun
Bryan	Kennedy	Moynihan
Conrad	Kerrey	Murray
Danforth	Kerry	Packwood
Daschle	Kohl	Pell
Dodd	Lautenberg	Reid
Dorgan	Leahy	Rockefeller
Feingold	Levin	Sarbanes
Ford	Mathews	Simon
Glenn	McConnell	Wellstone
Harkin	Metzenbaum	

NOT VOTING—6

Boren	Campbell	Lott
Bradley	Coverdell	Wallop

So the amendment (No. 2284), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I believe under the unanimous consent agreement, the Senator from Florida would be next recognized.

With the Senator from Florida in the Chamber, I ask unanimous consent that I now be recognized to move to withdraw amendment No. 2291, the amendment by the Senator from Florida.

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

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. What is the amendment?

Mr. LEAHY. Mr. President, I now ask to withdraw amendment No. 2291, the Graham amendment.

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

So the amendment (No. 2291) was withdrawn.

Mr. LEAHY. Mr. President, I thank the Senator from Florida, again, as I

said earlier, one of the leading experts on counternarcotics in this body, for his efforts in working this out. Also, I give him the thanks of colleagues who are watching the clock and were concerned about going, and that has made it possible to move forward.

Now, Mr. President, as I had indicated before, the floor should revert to the Senator from North Carolina, and I yield the floor so he can obtain it in his own right.

AMENDMENT NO. 2256

Mr. HELMS addressed the Chair.

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

Mr. HELMS. I thank the Chair.

Mr. President, I have two amendments—one of which has been accepted by the managers and the other I think they are willing to accept, but I desire a rollcall vote on that one. I call up amendment No. 2256, and I ask it be stated.

The PRESIDING OFFICER. For the information of the Senate, the clerk will now report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2256.

Mr. LEAHY. Mr. President, if I could ask the Senator, that is the chemical and biological weapons amendment?

Mr. HELMS. The Senator is correct.

Mr. President, I send the modification to the desk. Since the yeas and nays have not been obtained, that would be in order.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The modification is as follows:

At the end of the first committee amendment add the following:

SEC. . RUSSIAN CHEMICAL AND BIOLOGICAL WEAPONS PRODUCTION.

None of the funds appropriated or otherwise made available under this Act may be made available for Russia (other than humanitarian assistance) unless the President has certified annually to the Congress in advance of the obligation or expenditure of such funds that Russia has demonstrated a commitment to comply with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and, upon Russian ratification and entry into force, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and the Wyoming "Memorandum of Understanding Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition of Chemical Weapons" (including the disclosure of the existence of its binary chemical weapons activities).

Mr. HELMS. Mr. President, this amendment prohibits the provision of certain categories of foreign aid to Russia unless the President certifies that: First, Russia has demonstrated a commitment to comply with the 1972 Biological Weapons Convention; and second, that Russia has disclosed the existence of its binary chemical weapons program.

The amendment will not affect humanitarian aid, or assistance under the Cooperative Threat Reduction Act—also known as Nunn-Lugar funds—which provide for the dismantlement of weapons of mass destruction.

The Foreign Relations Committee is currently considering the Chemical Weapons Convention [CWC], which is supposed to ban chemical weapons from the face of the earth. But, the committee shouldn't approve, and Senate should not ratify the CWC until two things happen: First, Russia complies with the Biological Weapons Convention, which they signed 24 years ago; and second, Russia comes clean about their binary chemical weapons program. Mr. President, that is exactly what this amendment aims to accomplish.

At a June 23 Foreign Relations Committee hearing, CIA Director James Woolsey expressed deep concern regarding the nature of Russia's chemical weapons program. While the United States is in the process of destroying virtually all of its chemical weapons, highly credible reports indicate that Russia may actually be developing new, more sophisticated binary chemical weapons. These are reports that the CIA Director and the intelligence community take very seriously. But that concern is not being heard at the White House and the State Department.

And, guess what, Mr. President? It appears that the Russians are lying to the United States about the existence of these weapons. Director Woolsey went on to tell the committee that he has "serious concerns over apparent incompleteness, inconsistency and contradictory aspects of the data" Russia has provided to the United States on their chemical weapons program, as they agreed to do in various agreements with the United States. That's a diplomatic way of saying that he thinks the Russians may be covering up something.

Director Woolsey also told the committee that, and I quote, "we do not have high confidence in our ability to detect noncompliance" with the Chemical Weapons Convention. In other words, the United States cannot verify that Russia will destroy their weapons and not develop new chemical weapons in accordance with the Chemical Weapons Convention.

The fact that the former Soviet Union may be cheating on an arms control treaty shouldn't surprise anyone. I have repeatedly asked Deputy Secretary of State Strobe Talbott and other administration officials if the former Soviet Union—now Russia—is in compliance with the 1972 Biological Weapons Convention. They have admitted candidly that Russia is not in compliance.

For more than a year, highly credible Russian authorities have accused the Russian military of pursuing a vigorous chemical weapons program. The most damaging revelations come from Vil Mirzayanov, a former high-ranking official at the Soviet State Scientific Research Institute for Organic Chemistry. This individual had 26 years of experience in the research of chemical weapons for the Soviet Union. He is intimately acquainted with the negotiations of the Chemical Weapons Convention.

He alleges that Russia intends to test and produce binary chemical weapons after ratification of the Chemical Weapons Convention. I asked administration officials whether these allegations were true, and they have told me on several occasions that they take these allegations very seriously. And in classified briefings they have told me why they take these allegations so seriously. Now, I cannot reveal what these officials said, but I can say that the information is sufficiently disturbing to merit more attention than it has received to date.

It's important, in my judgment, that Senators understand fully what's at stake. First, it is believed that Russia has invented sophisticated and very potent binary chemical weapons. Mr. President, binary chemical weapons are made of two harmless chemicals which are lethal when combined. Alone, these harmless chemicals are commonly used in the agricultural and manufacturing industries and are therefore not listed by the Chemical Weapons Convention as a prohibited toxin.

Second, it is believed that Russia has already produced 15,000 tons of one such binary agent known as "substance 33." But, Russia hasn't disclosed any binary chemical weapons, as they were required to do. They have disclosed only 40,000 tons in stockpiles of more common types of chemical weapons.

Finally, I take very seriously the allegations that Russia may be using United States foreign aid to destroy old chemical weapons stockpiles on the one hand while developing new weapons on the other. I hope sincerely that U.S. foreign aid is not being siphoned off to pay for the development of new chemical weapons.

Mr. President, this amendment is necessary because of the possibility—perhaps the probability—that Russia has developed and produced deadly binary chemical weapons after it signed the Chemical Weapons Convention in January 1993. I reiterate, Mr. President, that during this same period of time, the United States has been destroying its chemical weapons stockpiles. The United States is not developing new chemical weapons.

Some Senators may worry about the affect this amendment could have on President Yeltsin. I understand that concern. I like President Yeltsin. I have met with him every time he has visited Washington. I want to do everything I can to help President Yeltsin

achieve a genuine democracy in Russia, and, in my judgment, this amendment will help.

I would not be surprised if President Yeltsin would secretly welcome this amendment. I do not think he's the problem. The problem lies, in my judgment, with the Russian military, the intelligence services and the old chemical weapons bureaucracy. They ignore too often responsible Russian leaders as well as their treaty commitments. This amendment could serve as a wake-up call to these rogue elements to get with the democratic program and start living up to treaty obligations.

To conclude, Mr. President, the amendment is in the same spirit as section 502 of the Freedom Support Act, or the Russia aid bill. Section 502 allows nonproliferation and disarmament assistance only to countries that are complying with treaty obligations to destroy weapons of mass destruction, and are forgoing any military modernization programs that exceed legitimate defense requirements.

If Russia is not complying with the Biological Weapons Convention, and if they are developing sophisticated binary chemical weapons while the United States is destroying its stockpiles, why should Russia be trusted to live up to commitments made when they signed the Chemical Weapons Convention? The Senate deserves to be told whether Russia is complying with arms control commitments before consideration of the Chemical Weapons Convention. Clearly, United States foreign aid should be used to encourage Russia to live up to those commitments, and that is what this amendment intends to achieve.

Mr. President, I ask unanimous consent that section 502 of the Freedom Support Act be printed in the RECORD at this point.

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

SEC. 502. ELIGIBILITY.

Funds may be obligated for a fiscal year for assistance or other programs or activities for an independent state of the former Soviet Union under sections 503 and 504 only if the President has certified to the Congress, during that fiscal year, that such independent state is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if that independent state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons; and

(4) facilitating United States verification of any weapons destruction carried out under section 503(a) or 504(a) of this Act or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

The PRESIDING OFFICER. Does the Senator from North Carolina yield back his time?

Mr. HELMS. I certainly do.

The PRESIDING OFFICER. The Senator from North Carolina has yielded back his time on the amendment.

Mr. HELMS. On this amendment.

Mr. LEAHY. I yield back any time on this side.

The PRESIDING OFFICER. If there is no further debate, all time being yielded back, the question is on agreeing to amendment No. 2256 offered by the Senator from North Carolina.

So the amendment (No. 2256), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, would the Chair advise me of the amendment number on the Colombia narcotics certification amendment that I have at the desk?

Mr. LEAHY. Mr. President, if I might, I believe it is 2281.

The PRESIDING OFFICER. The Senator from Vermont is correct. The amendment is 2281.

AMENDMENT NO. 2281

(Purpose: To limit assistance to the Government of Colombia unless the President certifies that it is fully cooperating in counternarcotics efforts)

Mr. HELMS. I call up that amendment, and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2281.

The amendment is as follows:

At the end of the first Committee amendment, insert the following:

SEC. . LIMITATION ON THE USE OF FUNDS FOR THE GOVERNMENT OF COLOMBIA.

(a) LIMITATION.—None of the funds appropriated by this Act shall be obligated or expended for the Government of Colombia unless the President determines and certifies that the Government of Colombia is taking actions to—

(1) fully investigate accusations of corruption by the narcotics cartels involving senior officials of the Government of Colombia;

(2) implement the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption;

(3) reduce illicit drug production to the maximum extent which were determined to be achievable during the fiscal year;

(4) significantly disrupt the operations of the narcotics cartels; and

(5) investigate all cases in which any senior Colombian official is accused or implicated in engaging in, encouraging, or facilitating the illicit production or distribution of narcotic and psychotropic drugs to other controlled substances.

The PRESIDING OFFICER. The Chair would like to state to the Senator from North Carolina that there is 30 minutes, equally divided, on this particular amendment.

Mr. HELMS. That is correct. I assure the Chair that I will not use my half of that unless I surprise myself.

Let me give you a statement, Mr. President, made back in April by the President of the United States: "Colombia is the world's leading supplier of cocaine hydrochloride to international markets."

President Clinton said those exact words back in April when he certified that Colombia was fully cooperating with the United States in counternarcotics programs. Bear in mind, Mr. President, that the Colombian drug cartels control 80 percent of the world's cocaine trade, and most of that, I am sad to say, is destined for the United States.

Unfortunately, after the President's certification back in April, the news from Colombia has seriously worsened in terms of whether the Colombian Government is doing anything to stem the flow of cocaine into the United States. There are credible and disturbing accusations that the President-elect of Colombia, Ernesto Samper, received large campaign contributions from the Cali Cartel. To make it clear how big this cartel is, let us describe it as the world's 800-pound guerrilla in cocaine trafficking. They do most of the cocaine trafficking in this world.

I have become accustomed down through the years to our State Department dismissing any criticism of foreign heads of state. But, in this instance, the State Department has not attempted to deny or downplay the charges against the Government of Colombia. Instead, our State Department says that they are investigating the accusations.

In a June hearing before the House Committee on Foreign Affairs, the Assistant Secretary of State for International Narcotics Matters, Ambassador Bob Gelbard, did nothing whatsoever to avoid or deflect questions about President-elect Samper's having received campaign funds from the drug cartel.

In fact, when Ambassador Gelbard testified before the House committee, he was asked about the amount of campaign funds that the candidate for President—who is now the President-elect of Colombia—received. How much did the candidate receive from the cocaine cartel in Colombia? Ambassador Gelbard told the House committee that the figure was in excess of $4 million—a pretty hefty day's work for a presidential candidate receiving campaign funds.

Mr. President, the State Department is very wisely taking these allegations seriously. Colombia's President-elect, Mr. Samper, has been fingered by the Cali Cartel leaders themselves. This is almost like a Max Sennett "bump them in the hallway" comedy.

They discussed in detail in several telephone conversations among themselves about their having provided money to the Samper campaign. In one case, a Cali leader spoke boastfully of his having given $4 million to Samper with the expectation that the then-Presidential candidate—and now the President-elect—will, of course, respond with favors to the drug cartel.

I expect it takes a minimum of logic to understand that anybody who takes $4 million from one crowd in a political campaign is going to be obliged to do whatever he can to be helpful to the contributor.

In any case, a senior U.S. official told the Associated Press that the tapes were part of a "long chain of highly credible reports" connecting the Cali cartel and the Samper campaign.

Another piece of evidence, according to the Miami Herald, comes from the firsthand experience of an informant trusted by the U.S. Drug Enforcement Administration. The confidential informant claims to have arranged a meeting in 1990 between Samper and two Cali leaders in which Samper was given some $800,000 in cash. I am beginning to wonder, Mr. President, what that candidate is doing with or has done with all the money he has collected.

The accusations against the President-elect of Colombia alone are serious enough to make imperative the Senate's approval of the pending amendment. But these revelations come on top of other bad news from Colombia, including rampant evidence of drug corruption in the Colombian Congress. The situation is so bad that Colombia has been described as a "narcodemocracy". I will tell you where that description originated. It originated with a distinguished Member of the U.S. Senate, Senator JOHN KERRY of Massachusetts. Senator KERRY did an op-ed piece for the Washington Post back in April in which the Senator from Massachusetts wrote, let me quote it:

> Recently, a former employee of the cocaine cartel described Colombia to me as a "narcodemocracy." "The drug traffickers," he said, "do not own everyone in the Colombian legislature or law enforcement. But," he explained, "they do control just enough people in each organization to get Cali's job done."

Cali, of course, is the drug cartel, Mr. President.

> "We have the illusion of a democracy," he told me, "but the super-cartel controls it."

That former cartel employee was presumably credible enough to be quoted by the Senator from Massachusetts. But what was not known then is that the Cali cartel is aiming not only to exert influence in the Colombian Congress, but is seeking to control the presidency as well.

The accusations against President-elect Samper come on the heels of a year in which: The Colombian constitutional court declared it legal to possess and use drugs; the Colombian official responsible for prosecuting drug traffickers advocated drug legalization; this same official, after cutting a deal with one of the most notorious and bloody traffickers, attempted to cut plea bargains with some 200 other drug traffickers; and the United States suspended its evidence-sharing arrangement with Colombia, both as an expression of our disapproval of the plea bargains and because the United States could not assure protection for informants who provide the necessary information to indict and convict these international criminals.

Mr. President, a senior U.S. official was quoted the other day as saying: "The drug war in Colombia is in very, very sad shape. It's probably never been worse. The [drug] kingpins are not being attacked, and their power is only increasing with nothing to stop it." Mr. President, this official has accurately characterized the situation.

Mr. President, the Foreign Assistance Act currently contains a certification process which requires the President to determine and certify that countries which are deemed to be major drug producers or transhipment points must be fully cooperating in order to receive U.S. assistance. This certification process is an important instrument in ensuring continued cooperation.

However, given the seriousness of the accusations against the President-elect of Colombia, a heightened review process must be in place before we release $1 of United States taxpayers' money to that country. In this instance, the existing statutory standard is inadequate in my judgment.

Let me summarize the rest of my remarks, in the interest of time, because I know Senators want to depart Washington this afternoon. The pending amendment is very, very simple. It prohibits the expenditure of funds to the Government of Colombia, until such time as the President of the United States determines and certifies that the Colombian Government is investigating the corruption charges against senior officials and is continuing:

To cooperate fully in counternarcotics efforts,

To eliminate bribery and other forms of public corruption,

To reduce illicit drug production, and

To disrupt significantly the illegal and immoral operations the drug cartel.

The amendment does not say that these conditions have to be fully implemented, because that would be a virtual impossibility to do. It does say that the Government of Colombia must be doing something about the narcotics problem and the corruption associated with it, if it is going to receive the largess of the United States.

Mr. President, I ask unanimous consent that the articles referred to in my remarks be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SCANDAL TAINTS COLOMBIA'S NEW LEADER—U.S. SAYS CARTEL GAVE MILLIONS TO CAMPAIGN

[By Christopher Marquis and Gerardo Reyes]

WASHINGTON.—The Clinton administration has independently confirmed stunning allegations that Colombia's president-elect, Ernesto Samper, received millions of dollars in campaign donations from Cali Cartel cocaine traffickers, top U.S. officials said Wednesday.

Robert Gelbard, director of the State Department's Office of International Narcotics Matters, in fact confronted Samper eight months ago with the U.S. intelligence that he had received millions of dollars from the cartel, the officials added.

A U.S. Drug Enforcement Administration informer meanwhile made a separate allegation against Samper, charging that he personally took cash from Cali Cartel members in 1990 in exchange for a vow to make it easier for traffickers to avoid U.S. extradition orders.

In a statement released Wednesday in Bogota, officials of the campaign that carried Samper to electoral victory Sunday said "categorically that the treasury did not take in any resources of dubious origin."

Drug trafficking was barely mentioned in the electoral campaign, although Colombia controls about 80 percent of the cocaine reaching the United States.

But Tuesday night, television newscasts in Bogota began broadcasting tape recordings of conversations reportedly involving two of the Cali Cartel's top leaders indicating that they gave Samper's campaign $3.7 million. The recordings were made public by defeated challenger Andres Pastrana, who said he was handed the tape by an unidentified person a week earlier during a campaign visit to Cali.

"It's true, all of it," a top U.S. official said when asked about the charges in Bogota, which have stirred a scandal, cast a pall over Samper's narrow victory and further strained relations between Bogota and Washington.

The charges, which could ultimately undermine the cornerstone of U.S. anti-narcotics efforts in Latin America, were presented as fact by CIA officials in a briefing to Congress last week, said one Congressional source who attended the briefing.

The CIA reported that "[Samper] not only received the money, he solicited it," the source added.

It was not clear whether the U.S. evidence against Samper refers to the same event related to The Herald by a Colombian citizen described by DEA officials as a highly trusted informant who once worked for the Cali Cartel.

The informant, who asked to be identified only as Maria, claimed that she arranged a 1990 meeting at Samper's request between him and two Cali Cartel leaders—Miguel Rodriguez Orejuela and Jose Santacruz Londono—in which Samper received six briefcases containing $800,000 in cash.

"In exchange for the money they give me for the campaign, I promise that . . . I will see to it that my people in Congress defeat the extradition treaty,'" Maria said Samper told her.

Samper, a lawyer and economist, lost the 1990 campaign for the Liberal Party's presidential nomination to President Cesar Gaviria, but he immediately began collecting money for the 1994 campaign. In 1990,

Congress weakened a law that would have made it easier for the Colombian government to extradite wanted drug traffickers to the United States.

Spokesmen for the Samper campaign flatly denied the DEA informant's charges.

"If any campaign has concerned itself in an exemplary manner with checking and watching over the origin of the money that reached our national treasury, it was our campaign," Samper said Monday.

It was not the first time Samper has been involved in controversy over politics and drug money.

In 1983, Colombian news reports quoted a top boss of the Medellin Cartel, Carlos Lehder, as saying that he and cartel leader Pablo Escobar had met Samper while he was in charge of the victorious election campaign of President Alfonso Lopez Michelsen. Lehder said he had given Samper a big check for the campaign.

Asked about that charge on Monday, Samper said that a committee made up of members of all major parties checked the allegations at the time and could not prove them.

Far more serious are the comments in the tape recording made public this week, containing a conversation between three men identified as brothers Miguel and Gilberto Rodriguez Orejuela, and a journalist linked to the cartel, Alberto Giraldo.

Gaviria, whose tough stance against drug traffickers broke the back of the violent Medellin Cartel, immediately ordered a probe to verify whether the voices on the tape were properly identified.

In the tapes, the three men discuss Samper's need for campaign funds. A man identified by the newscasts as Giraldo tells the others that Samper's campaign needs five billion pesos—roughly $6.2 million—but had only two billion pesos. A voice said to belong to Gilberto Rodriguez replies: "Done. We have that."

Elsewhere in the recordings, a man identified as one of the Rodriguez brothers tells Giraldo: "Yeah, well, you can't help us . . . That fine day when you are a presidential candidate, and you have 47 percent in the opinion polls, you won't get just money, you'll have our lives in your hands."

Giraldo issued a statement Tuesday in Colombia. "I suggested to the Rodriguez Orejuela gentlemen that I could intermediate with the candidates' advisers to see if it were possible . . . to deliver economic donations to the campaigns," he said.

But "my efforts were useless," Giraldo said, adding that advisers for both Samper and Pastrana rejected the offer.

Gelbard, who testified on drug policy before the U.S. Congress on Wednesday, was cautious in his public comments when asked about the charges, saying the Clinton administration was not prepared to publicly comment on the veracity of the charges.

The administration is "investigating this very intensively right now," he said.

"Obviously, this is the worst kind of information that we could receive," Gelbard told the lawmakers. "This, if true, would obviously have the most serious effect on not only any kind of bilateral relationship with that government, but obviously would create the most serious problems in terms of fighting counternarcotics."

[From the Associated Press, June 25, 1994]

U.S. CONFRONTED COLOMBIAN CANDIDATE LAST FALL ABOUT LINKS TO TRAFFICKERS

(By George Gedda)

WASHINGTON.—The Clinton administration heard as long ago as last fall that Colombian drug traffickers were arranging for large donations to the campaign of Ernesto Samper, newly elected Colombian president, U.S. officials say.

Assistant Secretary of State Robert Gelbard met alone with Samper in Washington last October and asked him about evidence suggesting a link between him and the narcotraffickers. U.S. officials, speaking only on grounds of anonymity, said Samper categorically denied the allegation.

This past week, the alleged donations by the Cali cocaine cartel exploded onto Colombia's political landscape with the release of an audiotape that further confirms the long-held U.S. suspicions.

The audiotape indicates the Samper campaign sought money from the cartel and that the traffickers were trying to "buy" five Cabinet positions, including that of defense minister.

Colombia's defense minister traditionally has played a key role in implementing strategies for curbing drug trafficking.

A senior U.S. official, asking not to be identified, said the tape is part of a "long chain of highly credible reports" connecting the cartel and the Samper campaign.

Samper has continued to deny any wrongdoing. He met late last week with U.S. Ambassador Morris Busby, but officials declined to characterize the meeting.

State Department spokesman Mike McCurry had said earlier that "it's not my understanding that we have confirmed" the link between Samper and the Cali cartel. But he also said, "That's something we're looking into."

The taped conversations were discussed during the Samper-Busby meeting, McCurry said Friday.

"Ambassador Busby reiterated that the United States remains seriously concerned over these alleged links," he said.

Congressional sources, also speaking on grounds of anonymity, said administration officials told them the traffickers contributed $6 million to the Samper campaign.

Colombia is the world's largest source of cocaine, and U.S. Cooperation with Colombian President Carlos Gaviria in combating the traffickers generally has been good.

Under Gaviria's leadership, the Medellin cartel has been debilitated, highlighted by the death of Pablo Escobar last Dec. 2 in a shootout with police and military forces.

Government forces also have attacked the Cali infrastructure, with raids on processing laboratories. However, arrests of Cali drug chieftains have been rare, officials say.

The officials say they are extremely apprehensive about the implications of the disclosures concerning potential drug trafficking influence at the highest levels of government.

They note that in addition to being the major supply source, Colombian traffickers virtually control cocaine processing as well as international wholesale distribution chains and markets.

The disclosures came as the United States has been attempting to reach an interim agreement with Colombia and Peru to revive the operation of a radar system designed to track narcotics flights in the Andes.

On May 1, the Defense Department shut down the operation out of concern about the legal implications of U.S. complicity in the shooting down of civilian aircraft.

OFFICIAL SAYS DRUG COOPERATION WITH COLOMBIA MAY DECLINE

(By George Gedda)

WASHINGTON.—U.S.-Colombian cooperation in fighting drug trafficking could be set back if reports are verified that the campaign of Colombia's president-elect received drug money, a senior State Department official said Thursday.

Cooperation between the two countries already had been undermined with the U.S. decision last month to suspend a program that provided Columbia and Peru with radar data for tracking U.S.-bound cocaine flights.

The uncertainty about future cooperation sharpened Wednesday when Colombian news media aired a tape suggesting that the campaign of President-elect Ernesto Samper had accepted drug money.

If the allegations turn out to be true, the capacity of the Colombian government to continue its anti-drug collaboration with the United States "would be affected negatively," and Alexander Watson, the assistant secretary of state for inter-American affairs.

According to published reports, members of Congress have been told by administration officials that Samper not only received the money, he solicited it.

Samper's campaign organization said Wednesday that no donations of "dubious origin" were accepted. Samper is a lawyer and an economist who once held a cabinet post.

Watson said, "We remain very seriously concerned. We would hope Colombian authorities would investigate thoroughly. It is a matter of great concern to us."

Well before the tapes were made public, Watson said, U.S. officials had heard reports of drug money being funneled into Samper's campaign. Campaign officials denied the reports, he said.

Until recently, U.S. officials and outgoing Colombian President Carlos Gaviria Collaborated closely in combating drug traffickers. Under Gaviria's leadership, the Medellin cartel has been considerably weakened. The city of Cali has become the drug-trafficking headquarters.

Watson said he was unaware of any official contact on the subject with Gaviria, who was in California for the World Cup soccer tournament.

But signs that Colombia has been wavering in the anti-drug campaign prompted the administration earlier this year to suspend an evidence-sharing program with Colombian authorities.

Then, on May 1, the Defense Department shut down without notice a radar system designed to track narcotics flights in the Andes. The action was taken out of concern about the legal implications of U.S. complicity in the shooting down of civilian aircraft.

On Tuesday, Clinton asked Congress to approve legislation that would allow the United States to provide tracking data in a way that would spare American military personnel involved in the operation from being prosecuted.

IMAGE VERSUS REALITY IN COLOMBIA

(By Tracy Wilkinson)

(A soccer star's slaying is the latest blow to a drug-besieged nation struggling to redefine itself. The identity conflict creates a schizophrenic society and fuels tensions with U.S. over how to fight narcotics war)

BOGOTA, COLOMBIA—Just hours after he was chosen president of this country of contradictions, an exasperated Ernesto Samper was tackling his first post-election meeting with international reporters.

"There have been 17 questions in this press conference, and 14 have been about drug trafficking," he complained to the assembled journalists.

"That," he said, "is Colombia's problem."

It seemed as though Samper was less bothered by the fact that his country is the

world's largest cocaine producer than by the fact that the foreign press was focusing on it.

The undeniable influence of the multibillion-dollar drug business at so many levels of Colombian life has created a society in conflict with itself. Appearance and image often take precedence over a dirty reality.

It is a society that cleaves to formal niceties and politeness, yet has one of the highest homicide rates on the planet—approximately 85 per 100,000 people. It is an extremely legalistic society, yet one where fewer than 5% of its murderers are ever brought to justice.

Colombia is the center of the international cocaine trade, yet Colombians are increasingly tired of that single label. Many Colombians bridle at hearing their country described as a "narco-democracy," but they are constantly confronted with reports of drug money infiltrating political campaigns, law enforcement agencies and even their beloved soccer teams. The shocking slaying last Saturday of soccer star Andres Escobar, for example, may be linked to angry traffickers who lost money on Colombia's elimination from the World Cup.

The concern for image, combined with a volatile sense of nationalism, has created a deep ambivalence about the drug war among many Colombians, who say they would like to clean up their government and institutions but who resist and resent pressure from Washington to fight the traffickers more forcefully. Increasingly, Colombians speak of legalizing drugs and accommodating traffickers as an alternative to the head-on, violent confrontation that has claimed hundreds of lives.

And if Colombia seems schizophrenic about the war on drugs, Washington too has been sending mixed signals to the Colombians. The confusion only compounds frustration and suspicion at both ends and ultimately weakens efforts to staunch the flow of illegal narcotics at a crucial time—just as the Clinton Administration is reviewing its Andean drug strategy.

"Colombia is a strangely paradoxical country," said anthropologist and drug expert Alfredo Molane. "A great portion of public opinion, and the government, is against drug trafficking from a legal point of view, and from a moral point of view.

"But economically, it fills the pockets of many people—not just the rich but the poor too. In spite of everything, the cultivation and trafficking [of narcotics] has provided the country with certain economic stability. Therein lies the ambivalence."

Samper, who narrowly won Colombia's presidential election June 19, has been dogged ever since by new drug scandals that once again pose a dilemma for Colombians. To accept that the allegations are true would be to accept the worst about the Colombian system.

Two cassettes of taped telephone conversations, sent surreptitiously to journalists days after the election reveal overtures made to Samper's campaign by the Cali cartel, the sophisticated operation that U.S. officials say controls an estimated 80% of the world's cocaine trade.

One tape, the authenticity of which was verified by Colombian officials, contains three conversations between the heads of the Cali cartel, brothers Gilberto and Miguel Angel Rodriguez Orejuela, and a journalist who has worked as their go-between. They are heard matter-of-factly planning to offer at least $3.75 million to Samper's campaign.

In a second tape, the authenticity of which has not been verified, Gilberto Rodriguez says that he has already deposited about $4 million in Samper's coffers and expects the future president to respond with unspecified favors.

Outgoing President Cesar Faviria, who is from the same political party as Samper, attempted to quash the second tape by prohibiting television from airing it, saying it violated a new law that bans broadcast of statements by criminals. Gaviria knew of the first tape before the election but kept it secret.

Samper acknowledged that the Cali bosses repeatedly offered contibutions, but he denied accepting them. He said his own code of ethics plus legalistic mechanisms set up with accountants prevented the entry of directly money into his campaign. But Samper did not address the fact that most such money is laundered or passes through third parties before reaching its destination.

In many countries, a scandal of this ilk would sink a politician, but Samper went on vacation and is expected to weather the storm. Similar accusations have arisen in past campaigns and faded away. Samper, as head of the presidential campaign of Alfonso Lopez Michelsen in the early 1980s, was alleged to have accepted money from the Medelin cartel; a committee of Colombian politicians cleared Samper of the charge then.

Despite great consternation among American officials, who demanded an explanation from Samper, domestic reaction to the latest scandal was mild.

Newspaper and radio headlines concentrated on how the story was playing abroad, and on the damage that was being done to Colombia's reputation. Some blamed the messenger—one of the tapes was publicized by the man Samper defeated in the election, Andres Pastrana.

"What is bothersome in all of this is not whether or not there is "hot money" in the campaigns, which is an undeniable reality in this country," Maria Jimena Duzan, a leading columnist and author, wrote in the newspaper El Espectador. "It's the opportunistic and low way that Pastrana manipulated the information on the cassette.

"In one day, [Pastrana] returned us to those dark days when, to prove that we were not in league with the narco-traffickers, we had to offer our lives and submit to all U.S. pressures."

Enrique Santos Calderon, a columnist with Bogota's largest daily, El Tiempo, said: "This scandal again places narcotics trafficking at the center of all that occurs in this country. . . . I can imagine the delight of Sen. Kerry and all the things that the gringo and international press are going to speculate."

John Kerry, the Democratic senator from Massachusetts, has become a favorite target of Colombian criticism since April, when he publicly quoted a drug trafficker labeling the country a "narco-de-mocracy." His comments came amid an escalating dispute between officials in Washington and Bogota over the tactics used to go after traffickers. The dispute, in the opinion of many experts, has eroded the working relationship between the countries and fueled Colombian ambivalence and American mistrust, while giving a break to the bad guys.

"The drug war in Colombia is in very, very sad shape." said a senior U.S. official. "It's probably never been worse. The kingpins are not being attacked, and their power is only increasing with nothing to stop it."

Colombia began changing tack on the drug war in 1991, during Gaviria's first year in office and following the assassination of three presidential candidates and a justice minister. Bowing to a demand from master criminals such as Pablo Escobar, the government rescinded its extradition treaty with the United States, sparing narcos the possibility of appearing before a U.S. court.

In the years that followed, Gaviria's government began a policy of plea-bargaining with traffickers who turned themselves in confessed and gave up part of their business. But as the policy seemed to offer increasingly lenient sentences to brutal thugs. American support faded.

Much of the controversy in the past year has centered on Colombia's principal law enforcement official, Gustavo de Greiff, who is in charge of bringing traffickers to justice. He has repeatedly angered American officials by advocating the legalization of drugs and by openly declaring the drug war a lost cause.

His most egregious sin in the eyes of American officials is his willingness to negotiate with the Cali cartel bosses. Under the plea-bargaining policy, the Rodriguez brothers and other leaders would spend little time in jail, and their fortunes would remain largely intact.

Such accommodation outrages U.S. law enforcement agents, yet De Greiff and other Colombians see it as the only practical way to put a dent in a business conducted by men who can pay millions of dollars and kill with ease to protect themselves. A military offensive would exact too high a toll, they argue.

"Colombia has no other way out, unless it has a suicidal calling to conduct a fundamentalist religious war, exposing itself to all forms of destruction," said political scientist Alejandro Reyes, an expert in Colombia's endemic violence. "There is no other possible solution. Kill all drug traffickers? [The offensive against drug czar] Escobar cost us 500 to 800 lives. . . . A civilized country cannot sacrifice the lives of 500 people, and how many police? How many judges? Just to give us the pleasure of seeing the fall of Rodriguez Orejuela? If we can do it with negotiation—he goes to jail, stops killing, stops trafficking, pays a huge fine—that would be a great deal for the country."

Whereas the Medellin cartel attacked the government head-on with car bombs and terrorism, the Cali bosses have more subtly damaged the government and economy through bribes and a complex system of shell companies and middlemen.

In retaliation for De Greiff's policies, Washington last year suspended a longstanding practice of sharing evidence with Colombian judicial officials, paralyzing an estimated 50 drug-trafficking cases. The tensions between Washington and Bogota were inflamed further in May, when the Pentagon abruptly halted the use of American military radar and spy planes to track suspected drug flights.

Pinpointing the flights as they made their way from Peru and Bolivia, where the raw material for cocaine is grown, to Colombia, where the drug is produced, and on to the United States, had been a pillar of the international interdiction effort. But the Pentagon said it feared legal liability if Colombia or Peru began shooting down planes.

Radar operated by U.S. military personnel in Colombia's Amazonian jungle led to the interception in the past two years of more than 400 illegal flights carrying 300 tons of cocaine, Colombian and U.S. officials say.

Given the relative success. Colombian officials were shocked and baffled by the sudden

suspension of the intelligence-gathering effort. Gaviria's government had taken the political heat that came with allowing American military personnel to operate in national territory because a greater good—the stopping of drug flights—was served. The Colombians felt as if they had cooperated only to have the rug pulled out from under them.

The loud, clear signal to the Colombians was that the United States was withdrawing from the front lines of the drug war. And if that was the case, why should Colombia make greater sacrifices?

"This [the suspension] is not something that is done among friends," said Maj. Gen. Alfonso Abondano Alzamora, commander of the Colombian air force.

In fact, the Pentagon's action apparently stunned and angered U.S. Congress and State Department officials as well. President Clinton last month asked for legislation that would restore the radar and the spy flights, and a law that accomplishes that is before the House.

The Colombians had a right to be angry, said Rep. Robert G. Torricelli (D-N.J.), who chairs the House Subcommittee on Western Hemisphere Affairs and follows narcotics issues. "The Colombian government had been challenged to take a stand and interdict the narco-traficantes," he said, "and no sooner had they begun [than] the United States government withdrew its cooperation . . . It put all of us in an embarrassing position."

Torricelli, citing intelligence from the Drug Enforcement Administration, said drug flights jumped 20% after the radar was turned off.

While this particular issue may be resolved, it became symbolic of the deterioration of a cooperation that once existed between the United States and Colombia.

A growing movement among intellectuals such as Nobel laureate Gabriel Garcia Marquez to legalize drugs as a way to make the trade less profitable, and a Colombian high court's recent decision to decriminalize small amounts of marijuana and cocaine, raised further questions.

Gaviria, who opposes legalization, argues that his government has fought the good fight, pointing to the killing by police of Pablo Escobar last December and the dismantling of the Medellin cartel. But some wonder if the more insidious Cali cartel has not been allowed to operate virtually unchecked.

"A good number of Escobar's henchmen are in jail, and people feel, finally, a sense of relief," said political scientist Rodrigo Losada, an expert in drug violence. "But if you look below the appearances, you see the business of narcotics trafficking is as powerful as ever. There have been symbolic cases that bring tranquility to people, but it does not change things deep down."

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. Mr. President, who is controlling time?

Mr. LEAHY. I believe I am controlling half of the time. I will yield whatever time the Senator from Florida wishes.

Mr. GRAHAM. Mr. President, I appreciate the Senator from Vermont yielding me time. I will not use much.

I want to point out that there is a certain schizophrenia that flows from this amendment. Let me tell you about my first visit to Colombia in 1979 at the request of the United States Ambassador to Colombia, and with the United States Drug Enforcement Agency. We were having a crisis with Colombia at that time relative to the commitment of Colombia to play its role in the drug war. What was the case in 1979? The crisis was that the United States had encouraged Colombia to engage in an extensive eradication effort relative to marijuana. They agreed to do that. They purchased from the United States a U.S.-produced product called Paraquat. Paraquat had proven to be an effective eradication agent against marijuana.

Paraquat was under assault in the United States because it was determined that persons who utilized an illegal substance—marijuana—which had been sprayed with Paraquat might be subject to some further health damage. So the United States had told the Colombian Government that if it continued to use a United States-produced product to eradicate a product—marijuana—that the United States wanted to cause not to be able to come into this country, that Colombia would face the same types of prohibitions that the amendment that the Senator from North Carolina suggested—a cutoff to United States funds to Colombia.

The Colombians found that to be a ludicrous position by the United States. We are asking them to participate in a war on drugs, and they are committing hundreds, if not thousands of their military to this eradication effort; they are using a U.S. product which has been proven effective in eradication, but because that product had an adverse health effect on those persons who used this substance, we are telling them they cannot use it, and we are going to cut off their funds for other activities if they continue to do that. That is an example of the schizophrenia that the United States has portrayed to the Colombian Government and its people.

But that was in 1979. Let me roll this forward to the current period. The Colombian Government has committed a substantial amount of its resources to assist in the war on drugs, including the utilization of its Air Force to track and interdict illicit planes which are flying from Bolivia and Peru to Colombia.

As a brief background, the way the system operates is that most of the coca is grown not in Colombia, but in Peru and Bolivia. It is then processed into what is called coca paste, which has about the consistency of toothpaste, and it is shipped in small planes up to Colombia along the routes that are shown on this map, into an area in the jungle of Colombia which has many small airstrips where laboratories are located, which take this paste and convert it into the crystalline substance which is then taken to the United States and to Europe.

The United States has been assisting the Colombian Government in this effort by locating a series of radar installations established by the United States military to provide intelligence to the Colombians so that they can better identify these illicit airplanes and use their small air force for interdiction purposes. That system is relatively new but seemed to show some promise of being an effective part of the overall effort to repress drug supply within Colombia. About 60 days ago, we shut that down. Why did we shut it down? Because we were concerned that the Colombians, as well as the Bolivians and Peruvians might be using some of the intelligence information that we provided to them through these radar stations for the purposes of shooting down the illegal planes that were carrying the illegal substance into Colombia for processing so it could then become a highly potent illegal substance in the United States.

Do you think the Colombians did not find that to be a rather daffy position of the United States? We are supposed to be partners in a very dangerous undertaking to suppress these drug cartels and, yet, because of our sensitivity that some of those illegal airplanes might be physically encountered, we are no longer going to be providing them with the intelligence information which made the whole system function.

Mr. President, the amendment that the Senator from North Carolina has suggested is a very difficult one to oppose. There are problems in Colombia that need to be addressed. But I suggest that before we become too sanctimonious, we need to understand that the reason for the large drug trade in Colombia is primarily because of the enormous demand for drugs in the United States of America. The Colombians will tell you in your face that "If you can get control of your consumption, we would immediately get control of our supply."

Second, that we are in a partnership with Colombia, Bolivia, and Peru and with other countries that are afflicted with this scourge to try to suppress it, and we need to treat our partners with some degree of respect or we are not likely to get the kind of cooperation that we want.

Third, in this very bill that we are voting on here today we have prohibited the United States from making military equipment for the counternarcotics effort available to the country of Peru, and we are requiring, even with the amendment that was recently adopted, some very targeted reporting requirements on making military equipment available for counternarcotics activity in Bolivia and Colombia.

What do you think those countries feel about the sincerity of our commitment to a war on drugs when we then

put all of these restrictions on our ability to be a credible partner and their ability, even with their own money, to pay for spare parts for their airplanes and boats, most of which are U.S. manufactured, that they have to have in order to do an effective interdiction job?

So, Mr. President, let there be no question as to what is about to occur as a result of actions that are taking place on this legislation. We are going to deny to some critical partners in the war on drugs access to the equipment and information that they require in order to effectively carry out a war on drugs.

We are sending a highly offensive message of disrespect to these countries. In the case of Colombia, the President of Colombia, who assumedly had been presiding over these misdeeds, President Gaviria, has been one of America's very best allies in the war on drugs and a whole set of other hemispheric issues, so much so that he was the United States' favorite candidate and successful candidate to become the next Secretary General of the Organization of American States, Colombian Gaviria.

This is the man that we supported and who was successful in his quest to become the head of the Organization of American States, and now we are essentially saying under his administration all these bad things have gone on and, unless the new administration takes action to correct them, we are going to shut down any United States assistance to the Colombian Government, including the assistance for the war on drugs.

That is, Mr. President, part of why I think we are engaged in a schizophrenic activity here in which we say on the one hand that we want to have a very strong war on drugs, we want to focus on the source countries, we want those things that are likely to be most effective in suppressing the flow of illegal substances into our country. Yet, on the other hand, we are putting handcuffs on our ability to be a good partner with these countries.

Let me just say two points in conclusion. These countries have a lot of reasons why they might be reticent to be so involved in this war on drugs. In Colombia alone every year there are hundreds of murders and abductions as a result of internecine conflict among drug cartels. It is a very dangerous and violent activity in which not the U.S. law enforcement nor military is being shot at but Colombians. I think that we ought to show some recognition of the sacrifices they are making.

Also, Mr. President, in the case of particularly Peru, the request that we have made of them, and which they are increasingly willing to accept, to eradicate is causing tens of thousands of people to be unemployed with no alternative agriculture to take its place. I think it is a request that we should make and hope to get a response, but, again, I underscore we are asking these countries to pay the price in large part for a war for which we will be the principal beneficiaries by reducing the supply of illegal substances into the youth of the United States of America.

In conclusion, I would say, Mr. President, that I think we need—and we need to do it now—to reexamine our whole shift of emphasis on the international suppression of drug supply.

For a number of years our basic policy has been a transit zone interdiction policy. We have put U.S. naval ships in the area of the Caribbean. We have put border patrols across the Mexican-United States border. We used the U.S. Defense Department satellite intelligence, all designed to protect our border against a flow of drugs.

We are shutting that down. We are going to be spending $150 million less next year through the Department of Defense, as an example, than we did just 2 years ago in its efforts to suppress drug trafficking. We are putting all of our emphasis on source countries, particularly Colombia, Peru, and Bolivia.

Yet we are now saying that we have limited confidence in their abilities, commitments, the basic structure of their government and, therefore, we are putting all of these restraints on their ability to do something which we very much want them to do for which we will be the principal beneficiary. Schizophrenic.

I believe, therefore, Mr. President, that as additional appropriations bills come before this Senate in the next few weeks we need to be asking the question—maybe we need to go back to the old policy of having some kind of effective border protection if we are putting all these restraints and essentially saying that we do not have any confidence in the new policy of source country eradication and interdiction.

That, Mr. President, is the debate that I would anticipate that the Senate will need to engage in in the weeks ahead.

I think it is very important that these countries move toward the kinds of world standards of democracy, human rights, and governments that deserve the confidence of their people because of their absence of corruption. But we also need to be sensitive to what we are doing in a very practical level in terms of those countries' abilities to protect our citizens from the enormous flow of illegal drugs that are having a devastating effect on the people of this country and particularly on the youth of America.

Mr. President, I make those comments to put in context what we are doing with this amendment and with similar provisions that have already been incorporated in the legislation before us.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, may I inquire as to the time situation?

The PRESIDING OFFICER. The Senator from North Carolina has control of 4 minutes 7 seconds.

Mr. HELMS. And the other side?

The PRESIDING OFFICER. They have 53 seconds.

Mr. HELMS. Let me say to my friend from Florida that I listened intently to what he said, which was very persuasive, but he did not really talk about the amendment before us.

Of course, we should—and I do—recognize Colombia's long democratic tradition and past cooperation with the United States in counternarcotics efforts. Colombia's contributions in lives and resources should not be diminished—and I appreciate the sacrifices made by the Colombian people. But the situation has changed. As the saying goes, that was then and this is now.

In any case, that is why the current situation is so tragic, Mr. President. And it is my hope—and I am sure it is the hope of every Senator—that the United States and Colombia can continue in a cooperative relationship in fighting the evils of the narcotics trade.

This amendment is meant in that spirit; I think it is drafted in that spirit. I think it says exactly what it is intended to say. It says to Colombia that the burden is on Colombia, particularly the President-elect, to show that we remain good partners.

In fact, Mr. President, my amendment does nothing more than what the Assistant Secretary of State for Inter-American Affairs, Alexander Watson, told the Associated Press not long ago. He said, "We remain very seriously concerned [about the allegations against Samper]. We would hope Colombian authorities would investigate thoroughly. It is a matter of great concern to us."

Let me reserve the remainder of my time momentarily because the distinguished Republican leader is tied up in a meeting for a few more minutes and I do not want him to miss this vote.

AMENDMENT NO. 2282, AS FURTHER MODIFIED

Mr. HELMS. Mr. President, I wonder if it would be appropriate to ask the distinguished managers of the bill if we can temporarily lay this aside and let me handle another matter that has been agreed upon. I will tell the Senator what it is. Substitute amendment No. 2282, as modified by unanimous consent yesterday, the wrong text was inadvertently included in the RECORD.

Mr. LEAHY. Mr. President, I say to my friend from North Carolina, I have no objection to that. If we could then get to a vote on this, we will actually be almost exactly at the 2 o'clock vote that we had agreed to.

If the Senator propounds the unanimous-consent request, I have no objection whatsoever.

Mr. HELMS. I do make that request.

Mr. President, I ask unanimous consent that the substitute amendment No. 2282 as modified by unanimous consent yesterday be considered as adopted in lieu of the original, amendment No. 2282.

Mr. President, a version of this amendment which was not the agreed upon substitute was inadvertently published in the RECORD of July 14, 1994, on page S9023 as the correct version of the amendment adopted. I wish to correct the RECORD so as to reflect the actual language of the modified amendment intended to be adopted.

I sent a copy of the correct amendment to the desk so that all Members can be clear as to which text was intended to be agreed to.

The PRESIDING OFFICER. If there is no objection, amendment No. 2282 is further modified.

The amendment (No. 2282), as further modified, reads as follows:

At the appropriate place in the committee amendment, insert the following:

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) None of the funds appropriated by this or any other Act may be obligated or expended for any officer of employee of the United States government to meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

Mr. HELMS. I thank the Chair and I thank the managers of the bill.

AMENDMENT NO. 2281

Mr. HELMS. I yield back the remainder of my time.

Mr. LEAHY. Parliamentary inquiry. Are we now back on the amendment?

Mr. HELMS. Yes.

Mr. LEAHY. Then I yield back the remainder of my time.

The PRESIDING OFFICER. The question now occurs on amendment number 2281.

Mr. HELMS. The yeas and nays have been ordered?

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

The PRESIDING OFFICER. Is there a sufficient second?

Evidently there is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Parliamentary inquiry, Mr. President.

I just want to make sure. I thought the Senator from North Carolina had requested the yeas and nays. It is my mistake, obviously. But I just want to make sure what we are doing.

The yeas and nays are now ordered on the amendment we have been debating the last 20 minutes or so, is that correct.

The PRESIDING OFFICER. The Senator is correct.

The question now occurs on agreeing to amendment No. 2281, offered by the Senator from North Carolina.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the rollcall vote ordered on the Helms amendment occur at 5 minutes of 2, with the final passage vote then to occur immediately afterward.

The PRESIDING OFFICER. Is there objection?

The vote, therefore, on the Helms amendment will occur at 1:55 and, immediately following, the vote on final passage will occur immediately thereafter.

If there is no objection, it is so ordered.

(Mr. BUMPERS assumed the chair.)

Mr. LEAHY. Mr. President, we are at the conclusion of a major foreign operations bill. It has gone through some difficult debates, as I have stated before, debates that do not necessarily reflect an appropriations bill. We have had lengthy, and at times contentious, debates on Bosnia and Herzegovina; we have had a couple of major debates on Haiti, that poor troubled nation in the Caribbean; we have had debates designed as much to express our displeasure at the actions of this person or that person, this institution or that institution.

What I am concerned about, Mr. President, is that there is one area of debate that we do not have. We had it to some extent here, but we have not really had it on the floor of the Senate.

We find it easy to get up and say we do not like what this country has done or that country, or this leader or that leader, and sometimes the leaders are our own. But, it has really been years since there has been a major debate, either within the administration or the Senate on what should be the direction of our use of foreign aid or foreign assistance or foreign military assistance.

Obviously, it is easy to say that we have a security interest in using foreign aid. If it can enhance the national security of the United States by helping foster democracies, helping to lessen tensions of other countries, it can usually enhance our security far less expensive than building more aircraft carriers, or bomber wings, or placing tens of thousands of troops in this part of the world or the other. Also, as democracy flourishes in different parts of the world, the security of all other democratic nations is enhanced. That we understand.

It is a value to our economic development in this country. We know that hundreds of thousands, sometimes millions of jobs in the United States can be created if we are enabled to increase our exports.

As we have put development assistance into countries, especially in the Third World, we have found, amazingly enough, that the greatest increase in our exports has been into the Third World. We do not find enormous increases in exports to Europe or Japan or elsewhere, but it is in the Third World or the potential in the Pacific Basin or the other areas.

So, again, the kind of development assistance and other funds in here help our own economic security at home, and it creates jobs.

Last, of course, there is another reason for it. That is, when you are the most wealthy, most powerful Nation on Earth, a Nation with about 5 percent of the Earth's population and consuming within 40 to 50 percent of the Earth's resources, we have a humanitarian reason. God has blessed us, as no other country on Earth. And I think we have a humanitarian reason to help out others. Sometimes the help we give is almost shamefully low, as the debate talked about in sub-Sahara Africa, the poorest of the poor, so much of our assistance amounts to less than $1 per capita.

But there are other times when the United States has shown its enormous capacity for help. Where there have been earthquakes and typhoons and natural disasters in other parts of the world, often it is the United States with our almost inexhaustible supply of food and provisions in this country, our ability to reach anywhere in the world with our military transport systems, it has been the United States that stepped forward and helped out in these situations.

Having said all that, Mr. President, this simply states the obvious: The security reasons, the economic reasons, and the humanitarian reasons.

But I hope—and I cannot emphasize how much I hope—that the administration and the House and the Senate, Republicans and Democrats alike, can sit down, perhaps after this year's elections, and start determining a new direction for the way we use foreign aid in a post-cold-war period.

Mr. President, I urged President Bush, and I have urged President Clinton: Let us start designing a new policy as part of our foreign policy in the use of assistance that we give.

Too much of what is in this bill reflects the inertia of the cold-war period and not the innovation of a post-cold-war period. We can set the directions as we go into the next century.

Many of the Senators here have children who will live most their lives in the next century. Let us think how we design that.

So I urge the President, and I urge the bipartisan leadership, let us get together this fall and try anew to design something that reflects more the real interests and the greatness of the United States before we do next year's bill.

I yield.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2299

Mr. McCONNELL. Mr. President, I ask unanimous consent that an amendment by Senator BROWN which has been cleared on both sides be considered at this time. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. BROWN, proposes an amendment numbered 2299.

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

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

The amendment is as follows:

At the end of the bill insert the following:

SEC. 576. LIMITATION ON USE OF FUNDS FOR CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY.

(A) LIMITATION.—Not more than $20,000,000 of the amount appropriated under Title I under the heading "CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND" shall be available until the Bipartisan Commission described in subsection (b) submits the report described in subsection (c).

(b) BIPARTISAN COMMISSION.—There shall be established a bipartisan Commission whose members shall be appointed within two months of enactment of this Act to conduct a complete review of the salaries and benefits of World Bank and International Monetary Fund employees and their families. The Commission shall be composed of:

(i) 1 member appointed by the President;

(ii) 1 member appointed by the Speaker of the House of Representatives;

(iii) 1 member appointed by the Minority Leader of the House of Representatives;

(iv) 1 member appointed by the Majority Leader of the Senate;

(v) 1 member appointed by the Minority Leader of the Senate;

(vi) SALARIES AND EXPENSES.—The salaries and expenses of the Commission and the Commission's staff may be paid out of funds made available under this Act.

(c) COVERED REPORT.—Within six months after appointment, the Commission shall submit a report to the President, the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee which includes the following:

(i) a review of the existing salary paid and benefits received by the employees of the World Bank and the IMF;

(ii) a review of all benefits paid by the World Bank and the IMF to family members and dependents of the employees of the World Bank and the IMF;

(iii) a review of all salary and benefits paid to employees and dependents of the World Bank and the IMF as compared to all salary and benefits paid to comparable positions for employees of U.S. banks.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2299) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I want to express my thanks to the chairman of the subcommittee for his cooperation in moving this bill forward. In particular, I thank the majority staff, and of course those with whom I have worked most closely, JIM BOND and his assistant, Juanita Rilling, and my long-time assistant and foreign policy adviser, Robin Cleveland.

Let me say as we go to the conclusion on this vote, there is a substantial imprint on this year's foreign aid bill by Republican Senators. Frequently we have been accused by some as being guardians of gridlock. I would say in this particular instance we have put forth an affirmative program for the New Independent States and for Russia.

This bill, as it passes the Senate, reflects the priorities of many Republicans that we ought to have a country-specific approach to the New Independent States and to Eastern and Central Europe. That is reflected by a $150 million earmark for Ukraine, a $75 million earmark for Armenia, a $50 million earmark for Georgia, and a requirement that Russia withdraw all of its troops, every last one, from the Baltics by the date originally set by the Russians of August 31 of this year.

In addition to that, there was bipartisan support for emphasis on the crime problem in Russia and two amendments related to local law enforcement and the establishment of FBI offices in helping the Russians in dealing with their enormous crime problems which are spilling over onto us. That is addressed in this bill.

In addition, this bill requires that 50 percent of the grants and contracts be country-specific. The importance of that is that we move away from dealing with the New Independent States through Moscow and that we deal with them as independent and separate entities. That philosophy is expressed time and time again through this foreign aid bill.

We had some good debate about both Haiti and about NATO and the composition thereof. I was disappointed but encouraged that an amendment I offered to, finally after all of these years, establish specific criteria for NATO, and then once those criteria are established provide assistance to countries to meet those standards and become a part of NATO, was only narrowly defeated: 53 to 44.

I might say to my friends in the administration, they worked pretty hard to defeat that amendment, but we will be back. There were other amendments approved with regard to the expansion of NATO. If NATO is to have any meaning as we move toward the end of this century, clearly it must grow and include others.

Let me say in conclusion, there are many millions of Americans of Eastern European descent who care about our policy in that part of the world, who are working with us to move the administration in the direction of a country-specific approach and termination of this Moscow myopia, which has been so prevalent in the first year and a half of the Clinton administration.

I thank the chairman for his friendship and cooperation, and we look forward to final passage.

I yield the floor.

Mr. LEAHY. I thank the Senator from Kentucky for his cooperation, and also for his kind remarks.

I do want to thank the new chief clerk on the majority side, Bill Witting, for his help in this bill; Tim Rieser, who has worked tirelessly; Fred Kenney, who is our Vermont secret weapon in this for all the hours he has put in; Neil McGaraghan, who has joined us here on the floor throughout this; Elizabeth Murtha; and those who have worked with Jim Bond, Robin Cleveland, Juanita Rilling, and Michelle Hasenstab.

These are the people without whom we would not have this bill, without whom we would not be able now to complete it.

VOTE ON AMENDMENT NO. 2281

The PRESIDING OFFICER. The hour of 1:50 having arrived, the question now occurs on amendment No. 2281.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] and the Senator from Mississippi [Mr. LOTT] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—94

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

NOT VOTING—6

Boren	Coverdell	Lott
Campbell	Harkin	Wallop

So the amendment (No. 2281) was agreed to.

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

Mr. MOYNIHAN. 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 excepted committee amendments, as amended, are agreed to.

If there is no objection, the remaining pending floor amendments are withdrawn.

So the amendments (No. 2247, 2249, 2250, 2251, 2255, 2259, and 2260) were withdrawn.

Mrs. KASSEBAUM. Mr. President, I would like to make some general comments about the fiscal year 1995 Foreign Operations Appropriation bill. I commend the chairman and ranking member of the subcommittee for their hard work on this legislation. I understand that the committee has been forced to make some difficult choices in a very tight fiscal environment.

In this regard, I applaud the committee for its strong commitment to funding for the Development Fund for Africa. I am also pleased that this legislation provides funds for the IMF's Enhanced Structural Adjustment Program and the World Bank's International Development Association, efforts which help the poorest countries in the world, particularly in Africa.

I am, however, Mr. President, concerned by the number of congressional earmarks in this appropriations bill. By my count, this legislation contains more than 20 mandatory earmarks. It is an intrusive foreign aid bill with an unreasonable degree of congressional micromanagement.

For years, I have opposed congressional earmarking in our foreign aid budgets. I have believed that earmarks fragment our overall foreign assistance program, divert resources from worthwhile projects, cripple the ability of the administration to respond to changing events, and undermine the overall effectiveness of our foreign aid programs.

In response to these and similar concerns, last year's foreign operations bill moved away from earmarks, retaining only a small number of politically sensitive priorities, such as Israel, Egypt, and Cyprus.

Again this year, the House has passed a bill with no mandatory earmarks. The Senate legislation, in contrast, reverts to the old philosophy of micromanagement and congressional control.

Mr. President, I understand the frustration that has led to these earmarks, and I support many of the earmarked programs. The administration, in my mind, has underfunded child survival and basic education. These are effective and successful foreign aid programs with a broad domestic constituency. I also fully agree with the criticisms of the assistance program in the former Soviet Union. It is badly managed and overly focused on Russia.

But while I agree with the problems I do not support congressional earmarking as a solution.

Let's look at the impact of earmarking on our aid program in the former Soviet Union.

Together with prior commitments, the proposed earmarks would tie up $719 million of the $839 million proposed for next year, leaving little more than $100 million for new programs. This would severely limit the ability of the administration to respond to changing events.

I believe that the countries in central Asia are very important to United States interests. By focusing aid on Georgia, Armenia, and Ukraine, the proposed earmarks would dramatically slash funds from the struggling countries of central Asia. These countries simply do not have the strong constituency to fight for funds.

I am no fan of the aid program in the former Soviet Union. We need to improve the management of the program. We should devolve decisionmaking to the field. Too much goes to U.S. contractors. We should cut funds—as this bill does. But I do not believe that micromanaging the program from Capitol Hill will solve the problems.

Mr. President, we are engaged in an effort in the Foreign Relations Committee to enact comprehensive foreign assistance reform. The Subcommittee on International Economics recently marked up a reform bill. While everyone understands the difficulties in passing such legislation this year, I believe we have laid the foundation of congressional action on comprehensive reform in the near future.

The fundamental philosophy of the reform effort, in my mind, is to lay out clear objectives for our foreign assistance programs, give the administration as much flexibility as possible to achieve those goals, and then hold them accountable as they implement these programs.

Mr. President, the Foreign Operations Appropriations bill before the Senate today runs counter to the foreign aid reform effort. It signals a return to business as usual. And, I fear, it represents a victory for special interests over the long-term effectiveness of our foreign assistance programs.

INTERNATIONAL EXECUTIVE SERVICE CORPS

Mr. McCAIN. I have always been a strong supporter of the International Executive Service Corps [IESC]. Exposing foreign business managers to U.S. business know-how is a vital element of our foreign assistance program, and IESC is the best in the business. It has recently come to my attention, however, that IESC may have unintentionally provided USAID funded assistance to large corporations capable of providing that assistance themselves. Out of a list of several hundred projects, I have identified a handful of projects for companies in which major corporations own large stakes. It is not clear to me why such a company requires assistance from USAID. It seems that it could appeal to its larger, more notable partner for assistance. To deal with this situation I believe USAID should establish some administrative guidelines to ensure that, absent considerations of U.S. technology or economic interests, no unintentional subsidization of large corporations occur in the provision of IESC technical assistance.

Mr. LEAHY. Like the Senator from Arizona, I am a strong supporter of their work. I can tell you that although the vast majority of IESC programs go to support small indigenous companies, there are exceptions. USAID will fund an IESC program for a company such as you have identified as a means of ensuring that these companies use U.S. volunteer executives and U.S. technology. Let me say, however, that I fully understand the Senator's concern. It is possible that out of the many IESC programs, a few have had the effect of subsidizing large corporations. It makes a great deal of sense to see that the money USAID makes available for IESC projects goes to those companies most in need of assistance. With the dwindling foreign aid budget, these sorts of prudent distinctions are a necessity. Encouraging

USAID to establish administrative guidelines, as the Senator suggests, to prevent any unintentional subsidization of large corporations is a good idea.

Mr. McCAIN. When the conference committee convenes, would the Senator be amenable to including report language to that effect.

Mr. LEAHY. I would be glad to seek inclusion of such language. The work of the IESC is too important for there to be any confusion over the nature of its work.

Mr. McCAIN. I agree and I thank the Senator.

Mr. McCONNELL. Mr. President, I rise to discuss a program which I believe deserves special recognition and an area in which I would like to recommend AID funding. Specifically, funding should be considered in support of the recent efforts by U.S. credit unions to initiate a "people-to-people" program.

As part of this program Mr. President, credit union activists carry out volunteer international assignments and host credit union leaders as interns here in the United States for training. The goal of this people-to-people program is to directly involve U.S. credit union personnel in overseas programs. This will enhance the progress of democratization in developing countries, in addition to teaching basic tenets of local savings and sound credit for microenterprises and family needs such as home improvements health care and education.

The internship program has already been highly successful in introducing the concept and democratic principles of credit unions to Eastern Europe and the former Soviet Union. In addition, this program could be timely and effective in the transition to a multiethnic society in South Africa.

Mr. President, I think most will agree that these are precisely the kinds of initiatives that fulfill the mission of AID, and I strongly encourage that the agency consider funding for the people-to-people program that I have described.

NONGOVERNMENTAL ORGANIZATION

Mr. LEAHY. It is my understanding that nongovernmental organizations doing humanitarian work in Azerbaijan are concerned that current law is impeding them from delivering humanitarian aid to the people of Azerbaijan. Specifically, they are concerned that the legal prohibition on aid to the Government of Azerbaijan precludes them from using government facilities, or making incidental repairs to those facilities, in the course of carrying out their humanitarian aid programs. I know of the Senator's deep concern about this issue. Is it the Senator's understanding that section 907 of the Freedom Support Act does not preclude these types of activities?

Mr. DOLE. That is my understanding. I do not construe the language in current law to prohibit an NGO from using government facilities if required in order to carry out the NGO's program. It was not the intention of section 907 to preclude humanitarian aid provided by and through NGO's. In the course of providing such aid, NGO's may find it necessary to use government trucks or warehouses, or to use or to make necessary repairs to government facilities—such as repairs to health clinics, or to housing for displaced people. NGO's may also use government personnel to distribute commodities—such as doctors giving out medicine to civilians in need. As long as the NGO retains control of any commodities or services, I do not view these incidental activities as prohibited by section 907.

HELPING AMERICAN EXPORTERS

Mr. LAUTENBERG. Mr. President, I commend the chairman of the Foreign Operations Subcommittee for his hard work on this bill.

Importantly, the bill the Senate will approve today does more with less money. Under this bill, we will spend $632 million less on foreign aid next year than we did this year. We will provide $632 million less than the administration asked us to spend in its budget request.

Mr. President, this bill includes funding for several programs that help American exporters and create U.S. jobs. Programs like the Export-Import Bank of the United States, the Overseas Private Investment Corporation and the Trade and Development Agency. I ask unanimous consent that a copy of a letter I recently received from a company in my State outlining the importance of funding for the OPIC program, and a letter from the U.S. Trade and Development Agency, be included in the RECORD.

Export assistance programs funded in this bill help American exporters overseas. Because they help to open new markets and provide new opportunities for American businesses, they help to create and sustain jobs in America.

Mr. President, I commend the chairman of the committee for his hard work on this bill. We have cut funding below last year's level, and funded important programs.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

FOSTER WHEELER CORP.,
Clinton NJ, June 8, 1994.

Hon. FRANK R. LAUTENBERG,
U.S. Senator,
Washington, DC.

DEAR SENATOR LAUTENBERG: A number of would economies are rapidly expanding creating a large growth in the demand for electricity. Many of these new overseas power markets will rely upon private power. As a major manufacturer of boilers for power plants we are interested in providing equipment for these markets at a time when the U.S. domestic market is small.

The Overseas Private Investment Corporation direct loans and loan guarantees are important to the development of these markets, therefore, we are very much interested in an increased subsidy appropriation for OPIC in HR 4426; the Foreign Operations Export Financing and Related Programs Appropriations Bill.

Specifically, the House raised OPIC's subsidy appropriation to $23,296,000 from the $11,648,000 requested by the Administration and we recommend that the Senate include the House number.

Second, we ask that the Senate provide sufficient appropriations to administer OPIC's credit programs by appropriating the amount requested by the Administration.

Your assistance in these matters will be gratefully appreciated.

Very truly yours,

FRANK A. KELLEHER,
Director, Government Affairs.

U.S. TRADE AND DEVELOPMENT AGENCY,
Washington, DC, June 15, 1994.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I appreciated the opportunity to testify before the Foreign Operations Subcommittee on May 24. Unfortunately, due to the busy floor schedule that day, there was not sufficient time to discuss in detail the programs of the U.S. Trade and Development Agency [TDA]. As the FY95 Foreign Operations Appropriations bill will be marked up on Thursday, I would like to take this opportunity to inform you more specifically of TDA's involvement with firms in the State of New Jersey.

In the past four years, TDA has awarded 16 feasibility study grants worth $6.7 million to New Jersey firms and provided $1.1 million in funding for 25 other activities by companies in your State. By funding feasibility studies and other project support activities, TDA enables American companies to compete more effectively in a competitive global environment. Several examples highlight how TDA support results in increased exports and often secures a contract for the project. AT&T whose headquarters and much of international work is handled out of New Jersey has used TDA programs successfully. In two significant cases, TDA training grants and feasibility studies led to AT&T's involvement in the final project. The value of AT&T's contract for switching project with China was $9.2 million and the contract for the fibre optic cable project in Columbia was $134 million. In both cases, AT&T's long list of suppliers for the projects included large numbers of small companies. For the China contract, AT&T used more than 20 New Jersey component suppliers, and most were small companies.

A number of other New Jersey companies benefited from TDA's programs. Burns and Rose and Louis Berger, for example, are two New Jersey engineering firms that have won follow on contracts from host countries after completing TDA feasibility studies. In addition, the New Jersey facilities of Ingersoll Rand (Phillipsburg) have benefited from at least two recent TDA feasibility studies. A TDA petrochemical project in Thailand that was done by Stone and Webster produced a contract for a $800,000 B.F.W. pump from Ingersoll. Ingersoll also supplied equipment to a water resources project that TDA assisted in Venezuela with a feasibility study that was done by Harza Engineering.

These activities indicate how TDA helps create jobs here in the U.S. by assisting companies such as those in New Jersey pursue business opportunities overseas. TDA would

like to continue its aggressive approach to helping U.S. companies enter new markets and pursue new export opportunities. I ask for your continued support of TDA and its programs during consideration of the Foreign Operations Appropriations bill for FY95.

Sincerely,

J. JOSEPH GRANDMAISON,
Director.

VOLUNTEER TECH CORPS

Mr. BURNS. Mr. President, I rise today to speak of an amendment agreed to earlier in the consideration of the fiscal year 1995 Foreign Operations appropriations bill. This amendment would allocate funds for a volunteer tech corps of United States citizens which would give technical aid to Russia.

Russia has many needs besides financial assistance. Providing money is only a Band-Aid, covering their problems without getting to the root of them. Financial assistance funds are scarce, and they are getting tighter every year. We need to provide Russia with some of our technical expertise. My bill would create a tech corps, which would provide that knowledge and expertise. These provide useful tools for future growth.

One way we can help Russia is by sending Americans with expertise in specific areas to get to the roof of these problems. A good example is the area of refrigeration. We can send food to Russia, but what good is that food if it isn't edible when it reaches the stores. Russia has lots of rich farmland, giving it the ability to grow food to feed its people. What Russia lacks is adequate preservation of agriculture products, proper distribution facilities, and refrigerated means of transportation. Their agriculture is not of much use if the food isn't properly stored and transported.

The tech corps would send well-seasoned, practical, experts in the design and installation of refrigeration equipment, and service and repair technicians to help train Russians in the area of refrigeration. We need to help the Russians help themselves. And the tech corps would provide the best bang for the buck.

The PRESIDING OFFICER. 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 the third time.

The PRESIDING OFFICER. 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 Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. BOREN] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL], the Senator from Mississippi [Mr. LOTT], and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

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

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

The result was announced—yeas 84, nays 9, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—84

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

NAYS—9

Byrd	Faircloth	Kempthorne
Craig	Helms	Roth
Dole	Hollings	Smith

NOT VOTING—7

Boren	Harkin	Wallop
Campbell	Lott	
Coverdell	Pressler	

So the bill (H.R. 4426), as amended, was passed.

Mr. DORGAN. 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.

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

The title was amended so as to read: "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and for other purposes."

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the chair is authorized to appoint the conferees.

The PRESIDING OFFICER (Mr. MATHEWS) appointed Mr. LEAHY, Mr. INOUYE, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. BYRD, Mr. MCCONNELL, Mr. D'AMATO, Mr. SPECTER, Mr. NICKLES, Mr. MACK, Mr. GRAMM of Texas, and Mr. HATFIELD conferees on the part of the Senate.

Mr. BYRD. Mr. President, while I was unable to vote for the bill, I commend the managers of this bill, Mr. LEAHY, chairman of the Foreign Operations Subcommittee, and Mr. MCCONNELL, ranking member of the Foreign Operations Subcommittee, for their excellent work on this legislation.

This is a difficult bill to administer and the managers have done an excellent job in shepherding it through the Senate, and I express my thanks for a job well done.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to H.R. 4453, the military construction appropriations bill, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

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. 4453

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, 1995, 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, **[$623,511,000]** *$489,076,000,* to remain available until September 30, 1999: *Provided,* That of this amount, not to exceed **[$67,700,000]** *$62,926,000* 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.

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, [$462,701,000] *$340,455,000*, to remain available until September 30, 1999: *Provided*, That of this amount, not to exceed [$47,900,000] *$43,380,000* 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.

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, [$514,977,000] *$525,863,000*, to remain available until September 30, 1999: *Provided*, That of this amount, not to exceed [$55,900,000] *$53,886,000* 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.

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, [$467,169,000] *$561,039,000*, to remain available until September 30, 1999: *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 *or family housing* 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 [$45,960,000] *$51,960,000* 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.

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, [$134,235,000] *$170,479,000*, to remain available until September 30, 1999.

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, [$209,843,000] *$257,825,000*, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, ARMY RESERVE

(TRANSFER OF FUNDS)

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, [$39,121,000] *$40,870,000*, to remain available until September 30, 1999: *Provided, That of the funds appropriated for "Military Construction, Army Reserve, 1992/1996", $1,500,000 shall be transferred to "Military Construction, Army National Guard, 1992/1996" for the same purposes as the appropriation to which transferred.*

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, [$12,348,000] *$18,355,000*, to remain available until September 30, 1999.

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, [$56,378,000] *$45,840,000*, to remain available until September 30, 1999.

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, [$119,000,000] *$219,000,000*, to remain available until expended.

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, [$160,602,000] *$173,502,000*, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, [$1,121,208,000] *$1,065,708,000*; in all [$1,281,810,000] *$1,239,210,000*.

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, [$269,035,000] *$229,295,000*, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, [$853,599,000] *$937,599,000*; in all [$1,122,634,000] *$1,166,894,000*.

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, [$276,482,000] *$273,355,000*, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, [$801,345,000] *$824,845,000* [of which not more than $14,200,000 may be obligated for the acquisition of family housing units at Comiso AB, Italy; in all $1,077,827,000] *$1,098,200,000*.

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, $350,000, to remain available for obligation until September 30, 1999; for Operation and maintenance, $29,031,000; in all $29,381,000.

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), $87,600,000, 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 $66,800,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(INCLUDING TRANSFER OF FUNDS)

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), $265,700,000, to remain available until expended: *Provided*, That not less than $138,700,000 of the funds appropriated herein shall be available solely for environmental restoration: *Provided further*, That, in addition, not to exceed $133,000,000 may be transferred from "Homeowners Assistance Fund, Defense" to "Base Realignment and Closure Account, Part II", to be merged with, and to be available for the same purposes and the same time period as that account.

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), $2,322,858,000, to remain available until expended: *Provided*, That not less than $302,700,000 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.

(TRANSFER OF FUNDS)

SEC. 119. 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. 120. 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.

(TRANSFER OF FUNDS)

SEC. 121. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to 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) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 122. The second paragraph under the heading, "Family Housing, Navy and Marine Corps" in title XI of Public Law 102-368, is amended by inserting "and the August 8, 1993 earthquake in Guam" immediately after "Typhoon Omar".

SEC. 123. (a) Of the budgetary resources available to the Department of Defense for military construction and family housing accounts during fiscal year 1995, $10,421,000 are permanently canceled.

(b) The Secretary of Defense shall allocate the amount of budgetary resources canceled among the Department's military construction and family housing accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

[SEC. 124. 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").]

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 124. In addition to amounts appropriated or otherwise made available by this Act, $25,100,000 is appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard, to remain available until expended, to defray expenses for the consolidation of United States Coast Guard functions in Martinsburg, West Virginia, including planning, acquisition, construction, relocation of personnel and equipment and other associated costs: Provided, That of the funds appropriated for "Military Construction, Naval Reserve" under Public Law 102-136, $25,100,000 are rescinded.

[SEC. 125. 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.]

(RESCISSIONS)

SEC. 125. Of the funds provided in Military Construction Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Defense Agencies, 1992/1996", $30,000,000;

"Military Construction, Defense Agencies, 1993/1997", $1,500,000.

[SEC. 126. 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 ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 126. LAND CONVEYANCE, NAVAL RESERVE CENTER, SEATTLE, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Seattle, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, consisting of approximately 5.09 acres, the location of the Naval Reserve Center, Seattle, Washington.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion of the real property to be conveyed under subsection (a) that is described in paragraph (2).

(2) Paragraph (1) applies to the portion of the parcel of real property referred to in subsection (a) that consists of approximately 3.67 acres and was acquired by the United States from a party other than the City.

(c) CONDITION.—The conveyance authorized by subsection (a) shall be subject to the condition that the City accept the real property in its condition at the time of conveyance.

(d) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not make the conveyance authorized by subsection (a) until the commencement of the use by the Navy of a Naval Reserve Center that is a suitable replacement for the Naval Reserve Center located on the property to be conveyed.

(2) The Secretary may not commence construction of a facility to be the replacement facility under paragraph (1) for the Naval Reserve Center until the Secretary completes an environmental impact statement with respect to the construction and operation of the facility to be the replacement facility.

(e) PAYMENT FOR COMMERCIAL USE.—If at any time after the conveyance under this section the City ceases utilizing the real property conveyed under subsection (a) for public purposes, and uses such real property instead for commercial purposes, the City shall pay to the United States an amount equal to the excess, if any, of—

(1) an amount equal to the fair market value (as determined by the Secretary) of the real property referred to in subsection (b)(2), and any improvements thereon, at the time the City ceases utilizing the real property for public purposes, over

(2) the amount determined by the Secretary under subsection (b)(1).

(f) USE OF PROCEEDS.—Proceeds from the sale shall be deposited in the Treasury of the United States.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—(1) The Navy may scope more than one site.

(2) The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 127. LAND TRANSFER, WOODBRIDGE RESEARCH FACILITY, VIRGINIA.

(a) REQUIREMENT OF TRANSFER.—Notwithstanding any other provision of law, the Secretary of the Army shall transfer, without reimbursement, to the Department of the Interior, a parcel of real estate consisting of approximately 580 acres and comprising the Army Research Laboratory Woodbridge Facility, Virginia, together with any improvements thereon.

(b) USE OF TRANSFERRED PROPERTY.—The Secretary of the Interior shall use appropriate parts of this real property for (1) incorporation into the Mason Neck Wildlife Refuge and (2) work with the local government and the Woodbridge Reuse Committee to plan any additional usage of the property, including an environmental education center: Provided, That the Secretary of the Interior provide appropriate public access to the property.

This Act may be cited as the "Military Construction Appropriations Act, 1995".

The PRESIDING OFFICER. The senior Senator from Tennessee.

Mr. SASSER. Mr. President, I am pleased to bring before the Senate today the military construction appropriations bill for fiscal year 1995, and also the report which will accompany that bill.

Mr. President, this bill was reported out of the full Appropriations Committee just yesterday, and for the sake of time I will briefly summarize the work that was done in the subcommittee and the full committee.

Mr. President, the bill recommended by the full Committee on Appropriations is for $8.837 billion for military construction projects worldwide, including family housing and base-closure activities of the Department of Defense for fiscal year 1995.

This recommendation is $627 million, or 7 percent below the amounts appropriated last year. But it is $491 million over the budget request, and $20 million over the House bill.

I am pleased to report to the Senate that the bill is within the committee's 602(b) budget allocation for both budget authority and outlays and conforms with the recently passed Senate Armed Services bill which was passed here on the floor slightly over 2 weeks ago, Mr. President.

Now, the administration's request for military construction for fiscal year 1995 is a very lean request and reflects what the Department refers to as a "pause" year. The Department claims this pause is necessary because another round of base closures is coming and they do not want to take a chance and request funds for bases that may be closed.

Now, while this appears to be a very well-justified reason for the steep cut in the Department's request in fiscal year 1995 and appears to be a very prudent approach to this problem, the facts are that the cuts that are in this military construction bill this year are simply not evenly distributed across all the services. And the National Guard and the Reserves are hit by far the hardest. For instance, the budget sought a 95-percent cut in the construction program of the Army National Guard, a $9 million request in 1995 compared to $102 million that was provided last year.

Another example of the Department allocation of this cut from last year's level was that only one project for $2.4 million was requested for the Navy Reserve. The Army Reserve did not do much better in the priorities of the Department of Defense. The Department did not request a single military construction project for the Army Reserves for fiscal year 1995.

Now, Mr. President, I believe, and I think the majority of our colleagues here believe, that the administration's request for military construction for fiscal year 1995 was unrealistic as submitted and was unbalanced in assigning its priorities.

We came to this conclusion very early in the year and began to address this problem in the 602(b) process.

Recognizing that the military construction request was underfunding the Guard and Reserve and failed to fund many high priority active projects, the committee allocated an additional $467 million over the President's request to this bill in the 602(b) process.

Now, Mr. President, let me be crystal clear about this for all of my colleagues. What occurred in the Appropriations Committee is that the full committee, in assigning the various allocations of funds to the various subcommittees, all keeping below the budget caps that have been statutorily imposed, decided that the Military Construction Subcommittee should have a slightly larger allocation—the Department of Defense had cut it back too much for fiscal year 1995—and made the determination that the overwhelming majority of these cuts had been made in the National Guard and in the various Reserve construction activities.

The subcommittee disagrees very strongly with the Department of Defense in this regard, as does the full committee. In a time of a shrinking defense establishment, at a time when the defense budget is continuing to shrink, there is a strong view which I hold that the National Guards and the Reserves are our most cost efficient and most effective bang for the buck in many instances in this declining area of the defense dollar.

The various National Guard units, the service units, performed admirably in Operation Desert Storm. The Air Force National Guard units performed admirably in Operation Desert Storm. Indeed, the first kill in that war was by one of these the A–10 Warthogs flown by a USAir pilot, a civilian pilot, who had been activated just a few days before and was flying his National Guard A–10 Warthog and knocked down the first Iraqi aircraft, a helicopter, I believe.

So in a time of shrinking defense spending, it appears to the subcommittee that it is not wise to ask the National Guard and the Reserve components to take the overwhelming majority of the cuts.

Now, Mr. President, there is a great deal of interest in this bill every year by all of our colleagues. Sixty-one Members of the U.S. Senate have contacted the subcommittee and requested over 450 military construction projects in their States that are not on the President's budget, totalling over $2.1 billion. Obviously, we could not honor all of these requests. Some of them could not be fully justified. We would like to have honored all Senators' requests but it simply was not possible, and I think in most instances it would not have been cost effective to do so.

But I can say, Mr. President, that the additional projects the subcommittee is recommending are all well documented, they are militarily justified, and most of the projects the committee added are for the National Guard and the Reserve which, as I explained earlier, were severely underfunded within the Pentagon's budget request.

In the interest of time, I will conclude my remarks by saying, Mr. President, that this is a good military construction appropriations bill. I think it is one that expresses the desires of the Senate to increase funding for National Guard activities, for the various Reserve activities, and for high priority active military construction projects.

It is a bill that continues the downward trend that we see in all of the funding for the Department of Defense. It is the judgment of the committee, however, that too many Guard and Reserve projects were left out of the Department's request and an addition to the Department's priorities was warranted.

Mr. President, the Senate Budget Committee has examined H.R. 4453, the military construction appropriations bill and has found that the bill as reported out of committee does not exceed its 602(b) allocation in either budget authority or outlays.

As the manager of the bill, I would like to compliment the distinguished ranking member of the Military Construction Subcommittee, Senator SLADE GORTON, and the subcommittee staff for their excellent work in bringing this bill to the floor in a timely manner and under its 602(b) allocation.

Mr. President, I have a table prepared by the Budget Committee which displays the official scoring of the military construction appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 4453

[FY 1995 Military Construction Appropriations—Senate-Reported Bill; in million of dollars]

Bill Summary	BA	Outlays
Discretionary totals:		
New spending in bill	8,837	2,209
Outlays from prior years appropriations		6,545
Permanent/advance appropriations	0	0
Supplementals	0	−200
Subtotal, discretionary spending	8,837	8,554
Mandatory totals	0	0
Bill total	8,837	8,554
Senate 602(b) allocation	8,837	8,554
Difference	0	−(*)
Discretionary Totals above (+) or below (−):		
President's request	491	28
House-passed bill	20	0
Senate-reported bill		
Senate-passed bill		
Defense	8,837	8,554
International affairs	0	0
Domestic discretionary	0	0

BILL HISTORY—H.R. 4453

[FY 1995 Military Construction Appropriations; in thousands of dollars]

Bill Summary	President's Request		House-Passed		Senate-Reported		Senate-Passed		Conference	
	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays
Discretionary Totals:										
New spending in bill	8,346,202	2,181,120	8,816,672	2,208,947	8,836,724	2,208,908				
Permanents/advances	0	0	0	0	0	0				
Outlays from prior years		6,544,759		6,544,759		6,544,759				
Supplemental	0	−199,806	0	−199,806	0	−199,806				
Subtotal, discretionary	8,346,202	8,526,073	8,816,672	8,553,900	8,836,724	8,553,861	0	0	0	0
Mandatory Totals:										
Mandatory spending in bill	0	0	0	0	0	0				
Budget resolution adjustment	0	0	0	0	0	0	0	0	0	0
Subtotal, mandatory	0	0	0	0	0	0	0	0	0	0
Bill totals	8,346,202	8,526,073	8,816,672	8,553,900	8,836,724	8,553,861	0	0	0	0
602(b) allocation	8,837,000	8,554,000	8,837,000	8,554,000	8,837,000	8,554,000	0	0	0	0
Difference	−490,798	−27,927	−20,328	−100	−276	−139	0	0	0	0
Defense	8,346,202	8,526,073	8,816,672	8,553,900	8,836,724	8,553,861	0	0	0	0
International Affairs	0	0	0	0	0	0	0	0	0	0
Domestic Discretionary	0	0	0	0	0	0	0	0	0	0

Mr. SASSER. Mr. President, I now would like to yield to my distinguished colleague from Washington, Senator GORTON. But before I do I would first like to say this. It has been a pleasure working with the very distinguished Senator from Washington again this year on the military construction bill.

He serves very diligently, very competently, and very ably as the ranking member of the Military Construction Subcommittee. I am grateful for his very sound judgment and advice as we were bringing this bill to fruition and bringing it to the Senate.

I now yield to Senator GORTON.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, my distinguished friend and colleague from Tennessee has given a detailed outline of the provisions included in this bill. He has also made some very nice personal remarks which certainly deserve to be directed at him.

In the 2 years in which I have served as ranking member of this committee, the process has been constructive, friendly, and I think very much in the best interest of the United States. Certainly the lion's share of the credit for those good results belong to the distinguished senior Senator from Tennessee.

There are a few elements of the bill I would like to outline because I believe

they deserve the attention of the Senate.

First, the committee has agreed with the President's efforts to provide necessary funding for the planning, design, and construction of military facilities for the United States around the world. As we reviewed this budget, however, it became clear that there was not enough planning and design funds for the Reserve component, which the distinguished Senator from Tennessee has already pointed out. We, therefore, included an additional $34 million for the Guard and Reserves. This was in response to calls from all over the country. I hope that this will alleviate some of the problems the Reserve component has experienced. I might also add that these funds help finance the construction and operation of military family housing.

Second, the request by the administration included $219 million for the NATO infrastructure account. I am still concerned over the way in which this money is being spent. The Department is going to have to show me how any of these funds are related to projects that help the United States participate in NATO. If this information continues to be unavailable, then I think this account will suffer in the course of our conference with the House. As I recall, the House has reduced this line by $100 million. We cannot continue to support our NATO allies when we are not adequately funding for our own national security here in the United States.

Third, the administration requested 2.7 billion dollars' worth of base realignment and closure funding. Of that amount $1.4 billion is for specific projects. In past years we have seen that what is appropriated and what is actually accomplished can be very different. We have, therefore, put restrictions on this account so that all base realignment and closure projects will be treated as any other military construction projects. We have also listed each of these projects so that they face the light of day.

While we made every effort, we were not able, obviously, to meet the requests of all Senators. The bill, of course, is not in its final form and will not be until we have met with the House and bring it back to the Senate. I am concerned that while we have come a long way in completing action on this measure, there still remains much that could be done or undone.

The committee's military construction bill is just below our 602(b) budget allocation. We are $20 million over the House appropriation and $627 million under last year's appropriation.

The House has a number of projects that we have not funded. We are not going to be able to fund everything. We will make significant changes to stay within our given allocations. I do ask all Senators to keep this in mind when we return from our conference with the House.

Before I close, Mr. President, I once again want to express my thanks to the chairman, the distinguished senior Senator from Tennessee, and to other members of the subcommittee, and particularly to the subcommittee staff that has labored so long and hard. This includes Jay Kimmitt and Hallie Hastert, as well as Jim Morhard and Dona Pate on this side. I might note that, in addition to his duties on the defense subcommittee, this is Jay Kimmitt's first time as the majority clerk for Milcon. I would say he has started off by doing a great job.

As I indicated, I think that the bill is a fair one, and I urge the support of my colleagues.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that the committee amendments, except the language on page 19, line 22, through page 22, line 8, be agreed to en bloc, provided that no points of order shall be considered as having been waived by reason of this agreement and that the bill, as thus amended, be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Do I hear an objection?

Mr. GLENN. Mr. President, reserving the right to object, it is my understanding that that section that was left out was the section with regard to land conveyance in Seattle that we discussed with Senator GORTON.

Mr. SASSER. I say to the Senator from Ohio, that is correct.

Mr. GLENN. I have no objection.

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

So the committee amendments were considered and agreed to en bloc, except the committee amendment on page 19, line 22, through page 22, line 8.

Mr. SASSER. Mr. President, after conferring with the distinguished ranking member here, it is our view that perhaps the amendment to be offered by the distinguished Senator from Ohio would be the first amendment to be considered.

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

The PRESIDING OFFICER. A quorum has been requested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXCEPTED COMMITTEE AMENDMENT ON PAGE 19, LINE 22, THROUGH PAGE 22, LINE 8

Mr. GORTON. Mr. President, I call up the remaining committee amendment.

The PRESIDING OFFICER. That is the pending question. The clerk will report the amendment.

The legislative clerk read as follows:

On page 19, line 22, insert new language through page 22, line 8.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I would ask clarification from the clerk. Does this amendment restore what was just left out of the committee amendments that were adopted en bloc?

The PRESIDING OFFICER. This language inserts new material on page 19, line 22.

Mr. GLENN. Well, the distinguished floor manager of the bill, Senator SASSER, asked that one portion be excepted from that en bloc agreement a little while ago. What I am asking is, is that the same thing we are restoring with this amendment now? It is my understanding it was. I just want to make sure we are certain we are not going beyond that agreement.

Mr. SASSER. Mr. President, it is my understanding that we are restoring, beginning at line 22, captioned, "Land Conveyance, Naval Reserve Center, Seattle, Washington."

The PRESIDING OFFICER. The Senator is correct.

Mr. SASSER. And it continues through line 8, page 22 with the paragraph ending, "The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States."

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I want to discuss this to give just a bit of background as to why we have a disagreement on this particular provision that was adopted by the Appropriations Military Construction Subcommittee.

I would like to give a little background to lay out just a few minutes of history about what I see as a loophole we are trying to plug in some of the issues surrounding disposal of Federal property. Ordinarily, the Federal Property Act, administered by the General Services Administration, provides very precise methods by which Federal property can be disposed of. Let us say I am in one of the departments of Government and I say we have used a piece of land, or we had a building, for a number of years. Now it is surplus; we do not need it anymore. It is not up to me as a member of that department; it is not up to me as a member of that agency, to just put that land up for sale and put the money back in our bank account for that particular agency. That does not protect the taxpayers of this country.

So what we have done through the years is set up a very precise procedure by which the General Services Administration is permitted to dispose of

public property. The general procedure is as follows. If there is a Federal piece of property and it is surplus, the law requires that the General Services Administration canvass the other agencies and departments of Government to see whether some other department of Government is, indeed, looking for a piece of property just like that. Because it makes very little sense for one department of Government to be selling a piece of property in a certain area where another department of Government may be looking for exactly the same kind of property, or kind of building.

Lest anyone think this is some exercise in futility, it is not just an exercise. Let me give an example. We have a base being closed and there is a hospital on that base. This is an actual case. There is a hospital on that base and someone pointed out to us from that area, a friend of mine from that area, that, lo and behold, on the other side of town, the VA was buying property to build a VA hospital. So here we had one Federal agency closing up a hospital while another Federal agency, who did not know anything about the first hospital, is across town trying to buy another piece of property on which to build a hospital. That is just an example.

Roger Johnson, who is head of the General Services Administration now, when I brought some of these things to his attention he, to his credit, is setting up a procedure now, a computerized system, whereby we now, for the first time in history, will have a computerized rundown on every part of the country where, as property is being sold, we can match it up with requests for new property or buildings, or whatever it is in that part of the country, so we save the taxpayers money. We make sure the taxpayer is made whole and make sure no Federal entity is out trying to buy property in the same place where we are trying to dispose of similar property. That just makes consummate sense, it seems to me.

GSA runs that whole process. I want to make sure we understand another thing concerning the BRAC process, the base closure process. So many facilities were going to be closed that it was decided to give this authority to dispose property—for defense property, strictly defense property—over to the Department of Defense to run their own closure and disposal process, but still complying with the General Services Administration's rules on this. This is a big operation. We are closing up not only hundreds of millions of dollars' worth of bases and Federal property, but in the billions of dollars. What we have tried to do is set up a procedure on the Armed Services Committee that does the authorization of armed services work, to make sure that this new process is indeed followed.

This year on the Armed Services Committee, we established an expedited process for screening specific property in which members had a particular interest.

Senator MCCAIN, my ranking minority member on that committee, and I have worked very, very closely in that area.

If Federal screening is skipped, we cannot be sure that the taxpayers are getting the best value for their dollar. If we do not go through the screening process, if we just permit whatever the local Congressman or Senator says—"I think the best use of the land is so-and-so," if we have worked out an agreement here, however many buildings it is, or whatever it is, it may be to their best advantage and it may be to the best advantage of the Federal Government to do it that way. But what we have insisted on is that at the very least an expedited screening process is followed.

So I am not against anything that is going to make a better relationship between the Federal Government and the local community, or make a disposal of land that is in the best interests of everybody concerned. But I am adamant in one thing, and this is where we have run into a lot of problems with a lot of Members of the Senate and some Members of the House, also, after we passed our bill. Because what we have insisted on is at least let the screening process go forward.

It may sound a little crazy around this place sometimes, but what we are trying to do is save the taxpayers money. We are trying to make sure that Federal property is not disposed of just because a certain Member—and I am not referring to my distinguished colleague from Washington at all—but we are trying to make sure that these things are run through a process that guarantees that every Federal dollar that should come back into the Federal Treasury comes back into the Federal Treasury.

If Federal screening is skipped, we are left open to the possibility that another legitimate Federal need for the surplus DOD property will have to be funded through a new appropriation. And we all know that it is highly likely that acquiring new land or property will result in additional, increased expense for the Federal Government. I can certainly guarantee that requiring the Government to purchase new lands and build new buildings will be a more expensive proposition.

I am not saying that is the case in this issue that we have before us right now. But what I am saying is we should make certain that no bypass is permitted for this process. And this is tough doing this, because I can tell you, Mr. President, Members here and Members over in the House have for many years become accustomed to the idea that they go around and talk to a few of their colleagues and say we get this land disposed of here, we get a few thousand acres, we get whatever it is, and it is disposed of in the local community and that takes care of that.

But it does not guarantee that the Federal Government—and the taxpayer, through a screening process, gets a fair shake. Or that other Federal entities that might want that particular property for a particular purpose—a quite legitimate purpose—are given a fair chance to acquire that property in the best interests of all the taxpayers of this country.

What we provide in the process that we have instituted this year is an expedited screening process to help make sure that any legitimate Federal and State needs are quickly identified. I am more than willing to explore additional ways to improve the process.

But what we have done is require GSA to complete all their screening for this Federal processing and the whole process, the challenges, the offers back and forth—I will not go through each step of it—but it requires they all be completed within 125 days, a few days over 4 months.

Presuming that no entity expresses a compelling need at the Federal level for the property, the Secretary or the GSA, then, in this case—because this is not a BRAC process. This is not land that has been surplused by the Government under the base closure process. This is a proposal worked out by some of the people in Seattle and my distinguished colleague, to transfer lands for other purposes to the city in return for which there would be a reserve facility built.

GSA has the authority to transfer the property. Once the Federal screening is completed, they can transfer the property to a State use, if the State wants the land, and negotiate a fair price for that. Or they can transfer it to a development group, a community reuse or development group at a fair market value, or, if considered in the overall best interest of everyone, they can transfer it at no cost as a public benefit. But that is up to them to work out.

Again, though GSA is supposed to screen surplus properties for Federal use, that screening process takes only 60 days. Assuming the State has no immediate interest, it gets to the local community consideration, and then on an expedited basis, after the Federal screening, there is a short time for State and public entity use. And at this time, the community use group would make their interest officially known. The screening for the homeless occurs in here also, but that is run through HUD, and they administer that part of it.

The purpose for these screening processes is to assure that the most pressing Federal, State, local, or homeless needs are met.

I hope Senator GORTON, my distinguished colleague, will listen to this particular part because I think it is very important. GSA, in all this process, has the authority to bypass any Federal interest in the property if the Federal agency has not demonstrated an overwhelming, compelling need for the property. That is in law now. Or they can bypass any Federal interest if the local public reuse group has developed a reuse plan that is superior to anything they see the Federal agency might want it for. So GSA has authority for land conveyance if it is to be in the real major interest of a local community.

Some people look at that as a loophole. I do not. I think that is just common sense. You still require the screening, but at any point, if GSA can be convinced that this is truly in the major interest of the local community, they can transfer that property. GSA has an open door to community reuse groups, and they are more than willing to work with these groups prior to and after the property in question is surplused in order to help assure that the community reuse plan does meet all the appropriate requirements.

In this particular proposal today there certainly is a question of precedent as well. Making exceptions for community reuse groups, the subcommittee, of course, would be open, as we have seen in the past, to some additional requests in the future.

We are not in a position, because we have taken a strong stand on this and because we think it is in the best interest of the taxpayers, to just automatically make an exception as would be made in this case. If we did that, we would, in fact, be opening up for the same kind of treatment a dozen or more other considerations that have come to our attention or we have been asked about during the process of putting the defense authorization bill through the Senate Armed Services Committee.

Mr. President, I just do not see how we make an exception here. We have a provision in law that says, indeed, that if GSA is convinced that this is the best use for that land, then they have the authority right now to make the exception in this case, but it would be after they made that judgment, not me or not any one Member of the Senate or any Member of the House or by congressional staff. It would be after they made that best judgment in the interest of the community and made sure that everyone had been dealt with fairly.

The National Defense Authorization Act for fiscal year 1995 was passed by the Senate just 2 weeks ago. Just 2 weeks ago, we passed a provision that establishes these expedited procedures, that I mentioned a moment ago, for GSA to review all but one of the specific transfers contained in the bill under which land would be turned over to a non-Federal entity.

GSA will subject these transfers to screening for alternative Federal uses as well as State and local use. The screening process must be concluded within 125 days after enactment of the National Defense Authorization Act for fiscal year 1995.

The new process, I believe, is a very, very important step. It represents a most important model for the future to ensure that conveyances of surplus DOD land and property are made in a way that fully protects the interest of the Federal Government and the taxpayers of this country as a whole and follows the general procedures for disposal of Federal property required of every other department of the Federal Government. I would add that the expedited process also guarantees that the community or interest group will receive the property should no priority agency demonstrate a compelling need for the property.

So I object to the land transfer in this committee amendment because it does not follow the procedures that we set up for land transfers involving DOD property in the National Defense Authorization Act for fiscal year 1995.

The committee of authorization, in this case the Armed Services Committee, set up a procedure in the bill we passed just 2 weeks ago to cover exactly these kinds of land transfers. This is not under the BRAC process—I repeat—it is under GSA, General Services Administration, with all the latitude they have for making the proper decision on whatever piece of land there is.

There have been a number of our colleagues who were not very happy with the procedures we set up because this cut into some of the things that maybe people over in the House and here have become too accustomed to looking to as their prerogatives on disposal of Federal property in their area, something that I think is wrong. I think everything should go through this process that I have described briefly this afternoon.

So we have this amendment that has been proposed. It takes one specific land conveyance and puts it outside of the orderly process we agreed to just 2 weeks ago for seven other land or real property transactions involving excess DOD property.

I say to my friend that I hope we can work together on this; that we let it run through the regular process. I will be more than happy to work with him and the General Services Administration to get as expedited procedures as we can possibly get, because I know how important it is to him. With all that this would open up if we were to accept this, I think it would be a real mistake to go ahead and make exceptions in this particular case.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the distinguished Senator from Ohio lists a process for a wide range of decisions relating to the disposal of excess Federal property which is, by and large, a sound process. It is a process which is designed, as the Senator from Ohio has said on several occasions, to see to it that the taxpayers of the United States of America are duly compensated for such transfers; that they are not inside deals; that the taxpayers of the United States do not have to turn around and buy, at large cost, another piece of property. This would be for the use formerly engaged in by the property in the process of being transferred.

All of this is entirely true and entirely correct, and all of this is irrelevant to the transfer in question in the committee amendment. It is that irrelevance which accounts for the fact that this proposal was adopted unanimously by both the Subcommittee on Military Construction and the full Committee on Appropriations.

Mr. President, the reason we put this provision in the Senate appropriations military construction bill was that it would transfer 5 acres of property currently owned by the Navy to the city of Seattle, and authorize a $10.4 million replacement facility at Fort Lawton for the Navy Reserve.

This provision would ask that the city pay fair market value only for the 3.7 acres that it sold to the Navy. The remaining 1.4 acres—given to the Navy during World War II—would be returned to the city at no charge. The land transfers would not be effective until the Navy Reserve had its replacement facility in 1997 or 1998.

Mr. President, I have pursued this project for the last year and half to help the citizens of Seattle realize a plan called the Seattle Commons. That effort, which has been promoted and funded almost entirely by private citizens, is an attempt to revitalize and beautify the South Lake Union area adjacent to downtown Seattle. The proposal would first create a 75-acre park—the only large green space near downtown Seattle—with open meadows, tree-lined bicycle and walking paths, and a natural beach area. Around the park, the plan would revitalize a 470-acre business and residential neighborhood, including affordable housing, new zoning for business, pedestrian-friendly streets, tree-lined boulevards, and improved public transportation.

This project has received a groundswell of support from Seattlites. 1,300 people have contributed money—including large companies like Boeing, and small contributors like the second-graders at the Epiphany School in Seattle—and 12,000 citizens have signed endorsement cards for the project.

If the Commons is to move forward, however, it needs the 5.1 acres now owned by the Navy. This land is the capstone to the project, and its only access to Lake Union. Since a Federal agency owns this land, Congress must approve its sale.

In the spring of 1993, I worked with the Navy on finding a suitable new location for the Navy Reserve Unit at Lake Union. After looking at a number of sites, including Paine Field in Everett and Puget Sound Naval Station at Sand Point, I am convinced that Fort Lawton, the current home of the Army Reserve, is the best alternative site for the Navy Reserve. As Secretary Dalton recently wrote to me, the Fort Lawton plan "provides an opportunity to co-locate the Navy Reserve Center with an Army Reserve Center, and achieves the many efficiencies of operation inherent in a joint Armed Forces Reserve Center. Additionally, the Fort Lawton site keeps the assigned Navy Reserve Units central to their demographic base." To pursue this project, the fiscal year 1994 Defense authorization bill included $1.9 million for the planning and design of the new facility at Fort Lawton.

As a resident of the Magnolia Community myself, I have closely watched the manner in which the Army planned this new facility. So far, it has done a marvelous job of listening to the concerns of the Magnolia community and in making sure that it will not be negatively impacted by this new facility. It has designed an entrance to the facility that removes military traffic from a residential street in the area, and plans extensive landscaping to ensure that the area's natural beauty is retained.

The Navy and Army Reserve have also worked together to create a training schedule that ensures that at no time will there be more reservists on base than there are today during the busiest weekends. In fact, a couple of hundred fewer reservists will likely be present because the schedule now includes more weekends.

In short, the project will help the city of Seattle receive the land it needs for the Commons project, while giving the Navy Reserve a satisfactory new home that won't hurt the surrounding community.

No general law can cover every single instance and cover it well, and that general law does not cover this particular situation well. No additional property will have to be bought by the Navy if this land transfer goes through, and the taxpayers of the country are fully protected by the proposition that their property will be paid for by the city of Seattle at the full appraised value of that portion of the property which was donated, in the first place, by the city to the Navy for Reserve purposes.

Mr. President, before any of this started, the Army had come to all of us and asked for new construction of a Reserve center and a place in Seattle which is already military property. At the same time, the city of Seattle has perhaps its most ambitious project for park purposes in the course of the 20th century, of which the present Navy Reserve property is the keystone, being the only waterfront.

The Navy has been overwhelmingly cooperative with the city of Seattle and said that it would be happy to transfer this property to the city of Seattle for these park purposes if it had a new Navy Reserve center. The Navy Reserve was very happy to have that joint center with the Army on a plot already planned and in a building already planned. But, of course, that willingness is entirely dependent on the future use of this Navy property for the purposes of being the keystone of a very large park in the city of Seattle.

But, the reason it is not appropriate to follow a valid general rule is, first, there is already the requirement in this bill that the city of Seattle pay the full appraised value of the property to the Navy. This is not a gift. It is the appraised value. It is obviously more than would be paid for by some other Federal agency or some other Government entity which might want to intervene in this process to frustrate the purposes of the city.

No new land purchases are required on the part of the Navy. Therefore, the committee has approved of this project. This is a project that will not cost the taxpayers money, will not cost the Navy money, and is in the great interests of the community concerned. I assume that the GSA might well come out with this answer, but we cannot wait for that answer because what we have here is a deal which is an entire package for all of the elements that are involved. It is for exactly that reason we have agreed we are not going to get a sweetheart price; there is no special deal in this whatsoever. It is a sale at the appropriate and complete value of the property itself.

The law to which the Senator refers was in order to prevent constant transfers for free, without any consideration whatsoever, at a considerable cost to the taxpayers. Since that is not the case here, the use of that process is simply a waste of the taxpayers' money rather than a saving of the taxpayers' money. Nor is it unprecedented even in the bill. The authorization bill which was passed here 2 weeks ago, included just such a transfer in connection with the State of Nebraska. The Senator from Ohio did not object to that provision in this Chamber and did not move to strike it in this Chamber.

This is not going to be something which leads to a large number of transfers like this. It is a unique situation. The taxpayers will be fully compensated for the property, and as taxpayers of the United States they will end up having a better use of that property.

Mr. President, the committee amendment is totally in order and the committee amendment should be accepted.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would first ask unanimous consent that the unanimous consent agreement be modified to vitiate the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Reserving the right to object—Mr. President, I am going to be compelled to object at the present time. Maybe we can take this up a little later after—

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN. Mr. President, the only reason I had done that, I thought that was the wish also of the managers of the bill. But I will be glad to vacate that at this time.

I will be glad to yield to the manager of the bill.

Mr. SASSER. Mr. President, I thank the Senator from Arizona. We did have a conversation that perhaps a rollcall would not be necessary in this instance, and I did acquiesce in the Senator's request. However, I was not aware that on our side apparently a rollcall vote had been requested at the time the Senator and I were conversing.

I will try to run this down and see if those who are requesting the rollcall on final passage are still of the opinion we ought to have one. If not, then we will certainly be agreeable to accede to the Senator's request.

Mr. McCAIN. I thank the Senator.

Mr. President, under the unanimous consent agreement, are rollcalls also ordered on my amendments?

The PRESIDING OFFICER. They are not. The Senator has a right to offer the amendments, but rollcalls have not been ordered.

AMENDMENT NO. 2300

(Purpose: To establish criteria for Senate consideration of military construction projects not included in the annual budget request)

Mr. McCAIN. I thank the Chair.

At this time, Mr. President, I ask unanimous consent to set aside the pending amendment so I may propose my amendment, on which I intend to talk briefly, which I am informed is acceptable to both managers.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2300.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF THE SENATE ON FUNDING FOR MILITARY CONSTRUCTION PROJECTS NOT REQUESTED IN THE PRESIDENT'S ANNUAL BUDGET REQUEST.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that, to the maximum extent practicable, the Senate should consider the appropriation of funds for a military construction project not authorized or included in the annual budget request of the Department of the Defense only if:

(1) the project is consistent with past actions of the Base Realignment and Closure process;

(2) the project is included in the military construction plan of the military department concerned incorporated in the Future Years Defense Program or is authorized;

(3) the project is necessary for reasons of the national security of the United States; and

(4) a contract for construction of the project can be awarded in that fiscal year.

(b) VIEWS OF THE SECRETARY OF DEFENSE.—In considering these criteria, the Senate should obtain the views of the Secretary of Defense. These views should include whether funds for a military construction project not included in the budget request can be offset by funds for other programs, projects, or activities, including military construction projects, in the budget request and, if so, the specific offsetting reductions recommended by the Secretary of Defense.

(c) RULE OF CONSTRUCTION.—Nothing in this provision shall be construed as modifying the provisions of section 2802 of title 10, United States Code.

Mr. MCCAIN. Mr. President, I appreciate the indulgence of both Senators from Washington and the managers of the bill.

I especially wish to thank the managers of the bill for agreeing to this amendment. I will not be seeking a rollcall vote.

The fact is, Mr. President, the hour is late. There are many people who have already had to depart for other reasons, so I do not intend to ask for it. I am appreciative of the agreement of the managers of the bill.

Mr. President, basically, what this amendment does is use exactly the language that was adopted by the Senate as part of the 1995 defense authorization bill and is very similar to the criteria about which I wrote to my colleagues last April.

The amendment states that the Senate should consider approving military construction projects not included in the President's defense budget request only if four criteria are met.

Those criteria are: The project is consistent with the base closing process, known as BRAC; the project is included in the 5-year military construction plan of the military department concerned; the project is necessary for reasons of the national security of the United States; and a contract for construction of the project can be awarded in that fiscal year.

In addition, it requires the Senate to consult with the Secretary of Defense to obtain his views concerning the relative merits of military construction projects not included in the Department of Defense budget request. The Secretary will be asked to comment on the four criteria outlined above and also if funds are required to be offset from other projects.

The Senate will then be able to make an informed decision whether to appropriate funds to any of these unrequested projects.

Mr. President, the amendment addresses the process of evaluating Members' requests for additional funding. I wish to stress I am not condemning every project that is added as unnecessary and wasteful. Many of the unrequested projects recommended may very well be meritorious and militarily necessary.

What I am trying to do, Mr. President, is put some order in the process, and a process which meets certain criteria, no matter in which base, which State, which congressional district these projects happen to be located.

Mr. President, I had planned on giving a long talk about what has happened in the past—for example, in the past 5 years, over $4.4 billion in unrequested military construction projects have been added to the defense budget. This year's budget cut $500 million to start with and then $490 million was transferred in the appropriations process to additional military construction projects.

Mr. President, I strongly disagree with that. There is a problem in the military today, as recently as last week, articulated by Secretary Perry.

The Air Force depot maintenance backlog is currently at $868 million; the Marine Corps is suffering from severe cutbacks in combat training and in sustainability; Navy float inventories have been reduced by 40 percent since 1989; Army aviator training is only funded at 76 percent; cuts in base operations funding; reduced standard of living of our troops; on and on and on.

Mr. President, readiness of the military in the United States today is suffering, and it is suffering badly. And it is suffering from lack of funding while we add more and more military construction projects, period.

In the meantime, Mr. President, because of these continued cuts in defense spending, we now are treated to the sight which graphically demonstrates the problem better than any I know, and that is the *Inchon*, the U.S.S. *Inchon*, which came back from 6 months' deployment off Mogadishu, and was rushed to its home port. Ten days these young people were allowed to be with their wives, husbands, youngsters, and they turned around and had to send them down off Haiti because we do not have enough ships.

Mr. President, we have an All Volunteer Force. We are not going to keep these people in the military. We are not going to keep the high-quality men and women if you do that to them—6 months away from their families sitting on ships off Somalia, come home for 10 days with their families, and then they are sent off again for an unlimited period of time. Why? Because we do not have the ships. But we are spending billions of dollars on military construction projects. You cannot do that.

If I sound angry it is because I am, and I would suggest that this is not going to cure the problem. But this amendment, which I am, I say again, grateful to both managers for, will bring some order in the process.

Also, two additional points. One, you cannot go to any base in America without seeing a military construction project going on.

Second, we are all aware that there is going to be a base-closing commission that is going to report out sometime next year, the biggest base closing in history. I guarantee you that many of these military construction projects that we are approving will be on bases that are being closed. They will be on bases that are being closed, and there will be millions and millions and millions of dollars wasted because the construction projects were already let for contracts, and they have already begun.

That is wrong. We should be cutting down dramatically much more in the military construction this year in anticipation of the largest base closing in the history of this Nation, at least in this century.

Mr. President, I feel very strongly that reductions should be taken in other military construction projects to offset the costs of these new projects. This year, the Senate Armed Services Committee asked the Department of Defense to identify offsetting reductions for the unrequested projects contained in that bill. DOD failed to do so in any but a very few cases. But what incentive does the Department have to offer up cuts in other programs when they know full well that Congress will add the projects anyway? This amendment expresses the Senate's view that DOD should be asked to identify specific offsets for military construction add-ons. I trust DOD will do so in the future.

Mr. President, the criteria in this amendment are essentially the same as those I proposed to my colleagues in April of this year. I realize that this procedure represents a significant change in the Congress' review of the military construction budget. However, I firmly believe that Congress must exercise restraint in adding unrequested military construction projects to ensure that limited defense dollars are spent for high priority military requirements necessary to our ability to fight and win any future conflict.

WHY THE AMENDMENT IS NEEDED

As I said earlier, I doubt that many of my colleagues are fully aware of the magnitude of the congressional add-ons in the military construction budget in recent years. Let me restate some enlightening information.

In the past 5 years, from fiscal year 1990 through 1994, Congress added over $4.4 billion in unrequested military construction projects to the Defense budget. This equates to $880 million every year in special interest projects designated for Members' districts or States. And every dollar added for these pork-barrel projects had to come from some other program—weapons procurement, military research and development, combat training or other high-priority military requirements.

This year, the fiscal year 1995 budget resolution cut $500 million in outlays from the overall discretionary spending account, all of which was taken from the defense bills in the Appropriations Committees' allocations. Then, to compound the problem, the Appropriations Committees cut the allocation for the Defense Subcommittee and increased the allocation to the military construction Subcommittee by $490 million. This transfer was made solely to accommodate Congressional add-ons. Rather than protecting high priority military programs, we are instead protecting our political positions.

True to form, the House of Representatives has already passed both the fiscal year 1995 Defense authorization bill and the fiscal year 1995 military construction appropriations bill, which include $695 million in Member add-ons. The fiscal year 1995 Defense authorization bill which passed the Senate on July 1 includes over $700 million in add-ons requested by Senators. The fiscal year 1995 military construction bill before the Senate today contains $910 million in unrequested projects. The pork barrel is again being filled to the brim.

Mr. President, the nearly one billion dollars in the bill before the Senate does little, in my view, to enhance our national security. It goes a long way, however, to improving the political stature of the projects' proponents in their home States.

OUR OVERALL BUDGET PRIORITIES ARE SERIOUSLY ASKEW

Mr. President, every time we seek to cut the budget, we turn to the Defense Department and end up cutting vital defense-related programs. Yet at the same time we continue, virtually unabated, to fund waste and unnecessary Government programs. I ask, where are our priorities?

When the Senate has been presented with legitimate efforts to eliminate non-Defense programs, the Senate scoffs. Apparently, the Senate believes we need: Full funding for extravagant courthouses and other Federal buildings that cost hundreds of millions of dollars each.

This year, we will spend $733.2 million for construction and acquisition of buildings. Last year, we spent $998 million.

And we wasted this money on projects such as the $218 million Boston Courthouse—which I might add was approved by the President's Supreme Court nominee Judge Breyer—which contains: A six story atrium; 63 private bathrooms; 37 different law libraries; 33 private kitchens; custom designed private staircases; and a $1.5 million dollars floating marina with custom-made park benches.

And the $300 million Foley Square, New York Courthouse original design included 100 percent deluxe wool carpet; operable windows—not normally included in any Federal building—marble lined elevators; mahogany, instead of regular hardwood paneling; custom brass fixtures; and custom designed lighting.

Are these extravagances necessary? I do not think the public believes so. But the Senate believes they are.

We fully funded the Corporation for Public Broadcasting, even though programs like "Barney" are making millions of dollars in profits. Last year, when the Senate had the opportunity to adopt an amendment to cut $28 million from the $320 million budget of the Corporation for Public Broadcasting and fund it at the level requested by the President, it defeated the amendment 25–72. (September 23, 1993.)

The Congress has not yet been able to cut funding for subsidies to wealthy peanut farmers, honey producers, and the like. These give-away programs continue while military readiness declines.

And what does the Senate do when a true, across-the-board budget reduction proposal is raised? One that does not just target defense? It defeats it.

When the Kerry-Brown Budget Cutting Amendment which would cut $98 billion distributed evenly across all programs was offered, it was tabled 65–31. (February 9, 1994.)

MILITARY READINESS IS THE HIGHEST DEFENSE PRIORITY

Let me restate my strong feelings on the high priority of military readiness for scarce defense dollars. I am seriously concerned about the deleterious impact of the rapidly declining defense budget on the readiness of our military forces, as well as on the daily lives of the men and women who serve in our Armed Forces and their families. The practice in Congress of adding unrequested programs and projects to the defense budget only serves to exacerbate the difficulty of stretching scarce defense dollars to fund military requirements. We must exercise restraint in our fiscal practices and instill discipline in our review of Members' requests for approval of unrequested military construction projects.

For the past 10 years, the defense budget has declined every year. Defense budget authority has declined since 1985 by almost 41 percent. At the same time, however, military construction budget authority has been reduced only 29 percent. This mismatch of infrastructure funding with the topline decline in the defense budget accounts for the pork factor of unnecessary military construction projects. Congress' proclivity for adding politically advantageous spending to an already stretched defense budget has contributed greatly to this funding gap. It is time to move forward with the base closure process and to permit DOD to maintain its overall budget priorities.

Additionally, the Congress has developed a proclivity to set aside slush funds to preserve so-called defense industrial bases. This practice started with the *Seawolf* submarine, when Congress provided $540 million to preserve the submarine industrial base. Today, the American taxpayer is burdened with paying for two $5.2 billion submarines, and possibly a third boat, which have no military utility in the post cold war world. This year, industrial base funds have been set up for bombers, tanks, and armored vehicles. and even for meals ready to eat [MREs]. Mr. President, this is an absurd waste of money to prop up faltering industries which may or may not represent vital sectors of American industry necessary for our future defense requirements.

Serious readiness shortfalls are now evident. Earlier this week, Secretary Perry testified as follows:

> * * * I see many trends which make me worry about readiness in the future. * * * things we can do now to protect medium-term readiness are a matter of substantial concern to me * * *.

The nearly $1 billion in Member add-ons for unrequested military construction projects would go a long way toward offsetting the cuts in these vital readiness accounts.

Mr. President, this $1 billion in military construction pork could be applied to the costs of restoring fairness in retirement COLAs between civilian and military retirees. The Senate adopted a provision on the defense authorization bill to restore COLA equity which will cost nearly $400 million—which I am told the appropriators may not have available at this time. We must not break faith with those men and women who served in the military by denying them the same COLA as civilian retirees receive. I suggest to my colleagues that it is far more proper to fund COLA equity than it is to ensure political popularity at home.

Mr. President, there are many pressing military requirements that lack sufficient funding. The Senate should not use scarce defense dollars to fund

unnecessary military construction projects.

HEARINGS ILLUSTRATE MILITARY CONSTRUCTION WASTE

Mr. President, a few weeks ago, the Senate Governmental Affairs Committee held a hearing on the Department of Defense process of budgeting for military construction projects. At that hearing, I asked the Department of Defense Inspector General to comment on the process of congressional add-ons to the military construction budget request. Mr. VanDer Schaaf commented that every military construction project in the Department is suspect and that military construction projects should be minimized until the base realignment and closure process is completed. I fully agree with the Inspector General's comments, and I urge my colleagues to heed his caution.

The 1995 BRAC round will be more extensive than all of the previous rounds combined, in order to balance force structure and infrastructure levels. By adding nearly $1 billion in unrequested programs, the Congress is potentially creating a situation where new construction is slated to begin at a base which is likely to be ordered closed next year. It may even be that Members expect to protect bases in their States by adding these military construction funds.

Mr. VanDer Schaaf pointed out a specific example of wasteful military construction spending. Even when it was apparent to many at DOD, including the inspector general, that the Navy's planned homeport at Staten Island would never become a reality, the Navy refused to limit its contracting to a smaller number of units. Later, the Navy was unable to terminate these contracts for 1,200 new family housing units on Staten Island because it had failed to include standard language allowing the government to terminate for convenience. Mr. VanDer Schaaf stated:

> They went ahead with the whole darn thing and now we have got a mess * * * because we * * * have no use for 1,200 sets of family quarters on Staten Island.

Mr. President, this type of wasteful spending and faulty contracting must be stopped in order to save millions of dollars in unnecessary construction.

As a result of that hearing, I intend to ask, with the concurrence of Senator GLENN, that the General Accounting Office conduct an audit of all military construction projects underway and planned in the Department of Defense 5-year plan to ensure that these projects are being executed in a timely and fiscally responsible fashion. I also will ask the GAO to review the Department's process of reviewing Congressional add-ons to the military construction budget with respect to the criteria established in this amendment. Unfortunately, I believe it is necessary to acquire an independent assessment of DOD's ability to screen out unnecessary projects and to prioritize all projects within the amount of money allocated for military construction each year.

CONCLUSION

Mr. President, I firmly believe that high-priority military requirements, particularly military readiness, must take precedence over military construction pork. I had initially intended to propose an amendment to strike out all of the unrequested military construction projects contained in this bill. However, I am a realist. I fully recognize that the Senate is not currently inclined to put the brakes on its pork barrel spending race. Therefore, I chose instead to propose this amendment, which is virtually identical to the language adopted by the Senate on July 1 as part of the fiscal year 1995 Defense authorization bill. That amendment was cosponsored by Senator GLENN and set forth the criteria we believed to be appropriate for considering unrequested military construction projects.

Mr. President, this amendment requires a comprehensive review, by both the Department of Defense and the Senate, of any military construction project not included in the budget request for which funding is requested by an individual Senator. These reviews will ensure that only the most meritorious and militarily necessary projects are funded.

Let me also clarify that the amendment is not intended in any way to modify the provisions of current law regarding separate authorization and appropriation for military construction projects. Each military construction project for which appropriations are provided must be authorized in an act other than an appropriations act. That is the law, and this amendment in no way alters that arrangement. It merely imposes an additional level of review on the existing process.

It is time to stop the congressional building spree. I urge my colleagues to vote for the amendment.

Mr. SASSER. Mr. President, as Yogi Berra was fond of saying, "This seems like deja vu all over again." The import of the Senator's sense-of-the-Senate amendment on the military construction bill here is essentially identical to the amendment that was placed on the Department of Defense authorization that passed through the Senate about 2 weeks ago.

That amendment establishes criteria for reviewing Senate funding of military construction projects not contained in the President's budget request. It was adopted by the managers of the authorization bill about 2 or 3 weeks ago.

I am not going to oppose the amendment of the distinguished Senator from Arizona as it has been modified. The modification makes it clear that authorized Senate projects can be included even if they are not in the Department's future year defense plan.

I think this is very important because this modification ensures that the sense-of-the-Senate that the Senator is advancing does not undercut the Congress' constitutional responsibility for oversight responsibilities. It allows the Congress to fulfill that responsibility, oversee military spending, and, if necessary, to reprioritize military construction projects if military necessities or fiscal priorities require congressional intervention.

Our Founding Fathers determined over 200 years ago that the final authority on many of these matters, particularly those dealing with appropriations, should reside right here in the Congress. I think that is very, very important. I think when the Department of Defense sends up their request for military construction, certainly it ought to be given great credence. And the burden of proof ought to be on the authorizing committee and the Appropriations Committee, if we overrule them or do not follow their particular prerogatives. But in the final analysis, the last word must be left to the duly elected legislative people, and that is the Congress of the United States.

Let me say to my friend from Arizona that I will, although I am not enthusiastic about his sense-of-the-Senate resolution as he knows, I will in good conscience be steadfast in trying to support it in conference. I will at the same time be monitoring how our colleagues on the Armed Services Committee are faring with this same provision in their conference.

Mr. President, I see the distinguished Senator from Arizona is on the floor at the present time. We have no objection to the sense-of-the-Senate resolution as offered by the distinguished Senator from Arizona.

Mr. MCCAIN. I thank my friend.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. SASSER. Before yielding, Mr. President, could we dispose of this sense-of-the-Senate resolution? It is acceptable on both sides.

The PRESIDING OFFICER. If there is no objection, all time is yielded back.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator from Washington.

Mr. GORTON. Before you do that, I want to agree with the sentiments expressed by the Senator from Tennessee on this amendment. We approve of it.

Mr. SASSER. Before yielding back all time, I think the distinguished Senator from Ohio would like to make a comment on this particular sense-of-the-Senate resolution.

Mr. GLENN. Mr. President, I just want to indicate my support for this. I

will not speak long. I know Senator McCAIN has been on this subject for a long time. So have I. We worked very closely together on the Armed Services Committee on this matter. I think it is a move that is long overdue. It is an effort to get back into responsible budgeting and responsible handling of the military construction projects. I am glad he brought this. I am glad to give it my full support, and I want to be listed as a cosponsor.

The PRESIDING OFFICER. If there is further debate? If not, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2300) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the remaining committee amendments.

AMENDMENT NO. 2301

(Purpose: To provide alternative authority for the land conveyance of the Naval Reserve Center, Seattle, WA)

Mr. GLENN. Mr. President, I send an amendment to the desk in the second degree, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 2301 to the pending committee amendment.

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

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

The amendment is as follows:

In the pending amendment, strike out everything after the section heading all that follows through the end of the amendment, and insert in lieu thereof the following:

(a) IN GENERAL.—(1) Subject to paragraph (2), the Administrator of General Services shall—

(A) transfer jurisdiction over all or a portion of the parcel of real property described in subsection (b)(1) to another executive agency if the Administrator determines under subsection (c) that the transfer of jurisdiction to the agency is appropriate;

(B) convey all or a portion of the parcel to a State or local government or nonprofit organization if the Administrator determines under subsection (d) that the conveyance to the government or organization is appropriate; or

(C) convey all or a portion of the parcel to the entity specified to receive the conveyance under subsection (e) in accordance with that subsection.

(2) The Administrator shall carry out an action referred to in subparagraph (A), (B), or (C) of paragraph (1) only upon direction by the Secretary of Defense. The Secretary shall make the direction, if at all, in accordance with subsection (g).

(3) Upon the direction of the Secretary of Defense, the Secretary of the Navy shall transfer jurisdiction over an appropriate portion of the parcel of real property referred to in paragraph (1) to the Administrator in order to permit the Administrator to carry out the transfer of jurisdiction over or conveyance of the portion of the parcel under this section.

(b) COVERED PROPERTY.—(1) The parcel of real property referred to in subsection (a)(1) is a parcel of real property, together with any improvements thereon, consisting of approximately 5.09 acres, located in Seattle, Washington, the location of the Naval Reserve Center, Seattle, Washington.

(2) The exact acreage and legal description of the real property referred to in paragraph (1) that is transferred or conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary. The transferee or conveyee, if any, of the property under this section shall reimburse the Secretary for the cost borne by the Secretary for the survey of the property.

(c) DETERMINATION OF TRANSFEREES.—(1) Subject to subsection (a)(2), the Administrator shall transfer jurisdiction over all or a portion of the parcel of real property referred to in subsection (b)(1) to an executive agency if the Administrator determines under this subsection that the transfer is appropriate.

(2) Not later than 5 days after the date of the enactment of this Act, the Administrator shall inform the heads of the executive agencies of the availability of the parcel of real property referred to in subsection (b)(1).

(3) The head of an executive agency having an interest in obtaining jurisdiction over any portion of the parcel of real property referred to in paragraph (2) shall notify the Administrator, in writing, of the interest within such time as the Administrator shall specify with respect to the parcel in order to permit the Administrator to determine under paragraph (4) whether the transfer of jurisdiction to the agency is appropriate.

(4)(A) The Administrator shall—

(i) evaluate in accordance with section 202(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)) the notifications of interest, if any, received under paragraph (3) with respect to a parcel of real property; and

(ii) determine in accordance with that section the executive agency, if any, to which the transfer of jurisdiction is appropriate.

(B) The Administrator shall complete the determination under subparagraph (A) with respect to the parcel not later than 30 days after informing the heads of the executive agencies of the availability of the parcel.

(d) DETERMINATION OF CONVEYEES.—(1) Subject to subsection (a)(2), the Administrator shall convey all right, title, and interest of the United States in and to all or a portion of the parcel of real property referred to in paragraph (2) to a government or organization referred to in paragraph (3) if the Administrator determines under this subsection that the conveyance is appropriate.

(2) Paragraph (2) applies to any portion of the parcel of real property referred to in subsection (b)(1)—

(A) for which the Administrator receives no notification of interest from the head of an executive agency under subsection (c); or

(B) with respect to which the Administrator determines under paragraph (4)(B) of that subsection that a transfer of jurisdiction under this section would not be appropriate.

(3)(A) In the case of the property referred to in paragraph (2), the governments and organizations referred to in that paragraph are the following:

(i) The State government of the State in which the property is located.

(ii) Local governments affected (as determined by the Administrator) by operations of the Department of Defense at the property.

(iii) Nonprofit organizations located in the vicinity of the property and eligible under Federal law to be supported through the use of Federal surplus real property.

(B) In this paragraph, the term "nonprofit organizations" means any organization listed in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501) that is exempt from taxation under subsection (a) of that section.

(4) Not later than 5 days after completing the determination under subsection (c)(4)(B), the Administrator shall determine if any portion of the parcel of property referred to in subsection (b)(1) is available for conveyance under this subsection and shall inform the appropriate governments and organizations of the availability of the parcels for conveyance under this section.

(5) A government or organization referred to in paragraph (4) shall notify the Administrator, in writing, of the interest of the government or organization, as the case may be, in the conveyance of all or a portion of the parcel of real property to the government or organization. The government or organization shall notify the Administrator within such time as the Administrator shall specify with respect to the parcel in order to permit the Administrator to determine under paragraph (6) whether the conveyance of the parcel to the government or organization, as the case may be, is appropriate.

(6)(A) The Administrator shall—

(i) evaluate in accordance with section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) the notifications, if any, received under paragraph (5) with respect to a parcel of real property; and

(ii) determine in accordance with that section the government or organization, if any, to which the conveyance is appropriate.

(B) The Administrator shall complete the determination under subparagraph (A) with respect to the parcel not later than 70 days after notifying the governments and organizations concerned of the availability of the parcel for conveyance.

(e) ADDITIONAL CONVEYANCE AUTHORITY.—(1) Subject to subsection (g)(2), the Administrator shall, in lieu of transferring jurisdiction over or conveying the parcel of real property referred to in subsection (b)(1) in accordance with subsections (c) and (d), convey the parcel in accordance with this subsection.

(2) The Administrator may convey to the City of Seattle, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property referred to in subsection (b)(1).

(3)(A) As consideration for the conveyance under this subsection, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion of the real property to be conveyed under this subsection that is described in subparagraph (B).

(B) Subparagraph (A) applies to the portion of the parcel of real property referred to in paragraph (2) that consists of approximately 3.67 acres and was acquired by the United States from a party other than the City.

(4) The conveyance authorized by this subsection shall be subject to the condition that the City accept the real property in its condition at the time of conveyance.

(5)(A) The Administrator may not make the conveyance authorized by this subsection until the commencement of the use by the Navy of a Naval Reserve Center that is a suitable replacement for the Naval Reserve Center located on the property to be conveyed.

(B) The Secretary of the Navy may not commence construction of a facility to be the replacement facility under subparagraph (A) for the Naval Reserve Center until the Secretary completes an environmental impact statement with respect to the construction and operation of the facility to be the replacement facility.

(6) If at any time after the conveyance under this subsection the City ceases utilizing the real property conveyed for public purposes, and uses such real property instead for commercial purposes, the City shall pay to the United States an amount equal to the excess, if any, of—

(A) an amount equal to the fair market value (as determined by the Administrator) of the real property referred to in paragraph (3)(B), and any improvements thereon, at the time the City ceases utilizing the real property for public purposes, over

(B) the amount determined by the Administrator under paragraph (3)(A).

(7)(A) The Administrator shall deposit in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)) the amount received from the City under paragraph (3)(A) and the amount, if any, received from the City under paragraph (6).

(B) Notwithstanding subparagraph (A) of such section 204(h)(2), the Secretary shall use the entire amount deposited in the account referred to in subparagraph (A) of this paragraph for the purposes set forth in subparagraph (B) of such section 204(h)(2).

(8)(A) The Navy may scope more than one site.

(B) The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator considers appropriate to protect the interests of the United States.

(f) REPORT BY ADMINISTRATOR.—Not later than 125 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the activities of the Administrator under this section.

(2) The report shall include with respect to the parcel of real property referred to in subsection (b)(1) the following information:

(A) The interest, if any, for all or a portion of the parcel that was expressed by executive agencies under subsection (c) or by governments or nonprofit organizations under subsection (d).

(B) The use, if any, proposed for the portion of the parcel under each expression of interest.

(C) The determination of the Administrator whether a transfer or conveyance of all or a portion of the parcel, as the case may be, to the agency, government, or organization was appropriate.

(D) The other disposal options, if any, that the Administrator has identified for the parcel.

(E) Any other matters that the Administrator considers appropriate.

(g) DESIGNATION OF AUTHORITY TO BE USED.—(1) If the Administrator submits the report required under subsection (f) within the time specified in that subsection, the Secretary of Defense may direct the Administrator under subsection (a)(2) to carry out the transfer or conveyance under subsection (c) or (d) of all or a portion of the parcel of property referred to in subsection (b)(1) in accordance with the determinations made by the Administrator with respect to the transfer or conveyance of the parcel under subsection (c) or (d), respectively.

(2) If the Administrator does not submit the report required under subsection (f) within the time specified in that subsection, the Secretary may direct the Administrator to carry out the conveyance of the parcel of property that is authorized under subsection (e) in accordance with such subsection (e).

Mr. GLENN. Mr. President, I would hope we can at this late date, late on a Friday afternoon, get agreement on this. It takes all the provisions that are in the amendment by my distinguished colleague, but at the same time protects the taxpayers of the country by running this, as we do with everything else, through an expedited process.

Let me emphasize one thing again. GSA at any point in this process, if this proposal has all the merit that it is purported to have—I do not question that, I have never been to see the property nor have I looked at it myself—GSA has authority to say this really is in everyone's best interests, the whole proposal, and can make that decision.

If they are not willing to make that decision, then I must stand on what the Senate passed just 2 weeks ago that says that this should run through an expedited screening process that protects the taxpayers of this country. We have had eight or ten other proposals brought to us where people decided, OK, they would like to have a direct transfer in legislation, but they were willing to go through this process. I cannot in good conscience break faith with them and break faith with what the Senate passed just 2 weeks ago and say that we will now make an exception in this case.

So the second-degree amendment I hope will be accepted. If it is not, then we will have to ask for the yeas and nays at the appropriate time. I very much hope that it can be accepted as a way that protects the taxpayers of this country, deals fairly with all the other Senators who wish to have separate treatment also, and at the same time makes certain that all interests of the Federal Government and of the people of this country are protected.

This has not been an easy process to institute. I dislike very, very much getting up on the floor and opposing the wishes of some of my colleagues as I did in committee, and as I have done over in the Governmental Affairs Committee, which I chair, where we have instituted some of these GSA processes and worked very hard on this through the years. We did not add that before. But this is not just a matter of the Senate Armed Services Committee with me; it is also the process we have set up for disposal of Federal property all across Government. We worked hard on this in the Governmental Affairs Committee for a number of years. We worked with the GSA [General Services Administration] on the land disposal processes, what is fair for everyone, what protects the taxpayer dollar. I cannot break faith with that and give exception in this case.

So I hope that, with the protections built into the amendment I have proposed, my distinguished colleagues will be willing to accept this.

Mr. GORTON. Mr. President, again, the Senator from Ohio speaks about the taxpayer protection. Again, we point out that the taxpayers are protected by the payment of full market value for the portion of this property that was not originally owned by the city—an identical situation to that which the Senator from Ohio accepted 2 weeks ago in connection with a transfer to the State of Nebraska. The whole point of the process is to see to it that something is not given away which is of value. That is already a part of the committee amendment, that the property will be paid for.

Mr. President, I earnestly request of the Senator from Ohio to allow the committee amendment to be passed unchanged. I have to oppose his amendment. It is inconsistent with the entire process. I mentioned in my earlier speech that there has already been close to $2 million authorized to be spent on the planning for this project, which took place in last year's military construction bill. This is to exalt form over substance. The Senator from Ohio may well be correct; perhaps the substance would be the same if this amendment would be passed. It would simply cost more of the Federal Government's money and more time. It is unnecessary because of the way in which this project has been organized, and the payment which is required in order to meet the requirements of the committee amendment as it stands.

Mr. GLENN. Mr. President, we will not belabor this long. But I will spell out that the fair market value point my colleague makes is valid. This is not a giveaway. His proposal was structured so that there was fair market value.

The point I make in insisting on an orderly process is that I do not know whether any other Federal entity may be out there now looking for land in this same area, and of the same type; I do not know. All we need is a 30-day screening to find out if any other Federal entity is interested in the property. It seems to be so common sense that I do not see why there is objection to it.

At any point along the way, we can work with the General Services Administration, and I would be more than

happy to do that, have them look at the property. And if this appears that it has not been declared surplus, but it may be a better use of the land than we have right now, particularly the addition of a new reserve base, that would be part of this disposal. This was not something declared surplus. The services have not been fighting to get rid of this land.

Is any other Federal entity looking for property like this in this area, or is going to buy new property if we dispose of this in this way? I do not know. This provides a 30-day process to look at that. It is hard to see that that is not the best way to go.

As far as the statement that I accepted a proposal that was similar to this in Nebraska, that is just not true. I fought this in committee, very hard. We had a committee vote, and I flat lost in committee on that particular issue for that committee member. There was some unhappiness over that one. But the committee having spoken, we came to the floor and made that same fight on the floor again with the committee having voted in the other direction. I thought there was little chance of getting reversed. If I had been certain I could get it reversed on the floor, I would have fought it on the floor.

We have established a process I hope we can follow. I do not think there is much more to say about this. We are either going to follow a process like this and make sure the Federal tax dollars are protected—I see this as something we can probably resolve within maybe 60 days after passage of this act, by having GSA go out and make their assessments, a determination of what is best, and perhaps what the Senator is suggesting is the best way to go, and I will be glad to work with him on that.

So I hope that we will have acceptance of this proposal which I made in the second degree.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GLENN. Mr. President, if there is no further debate on this, I ask for the yeas and nays on my second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question occurs on amendment No. 2301.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. CAMPBELL], the Senator from North Dakota [Mr. DORGAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. PELL], and the Senator from Nevada [Mr. REID] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Georgia [Mr. COVERDELL], the Senator from New Hampshire [Mr. GREGG], the Senator from Mississippi [Mr. LOTT], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

The result was announced—yeas 16, nays 72, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—16

Bradley	Kohl	Pryor
Bumpers	Lautenberg	Robb
Feingold	Levin	Simon
Glenn	Metzenbaum	Wellstone
Graham	Moynihan	
Kennedy	Nunn	

NAYS—72

Akaka	Durenberger	Mack
Baucus	Exon	Mathews
Bennett	Faircloth	McConnell
Biden	Feinstein	Mikulski
Bingaman	Ford	Mitchell
Bond	Gorton	Moseley-Braun
Boxer	Gramm	Murkowski
Breaux	Grassley	Murray
Brown	Harkin	Nickles
Bryan	Hatch	Packwood
Burns	Hatfield	Pressler
Byrd	Heflin	Riegle
Coats	Helms	Rockefeller
Cochran	Hollings	Roth
Cohen	Hutchison	Sarbanes
Conrad	Inouye	Sasser
Craig	Jeffords	Shelby
D'Amato	Johnston	Simpson
Danforth	Kassebaum	Smith
Daschle	Kempthorne	Specter
DeConcini	Kerrey	Stevens
Dodd	Kerry	Thurmond
Dole	Leahy	Warner
Domenici	Lugar	Wofford

NOT VOTING—12

Boren	Dorgan	McCain
Campbell	Gregg	Pell
Chafee	Lieberman	Reid
Coverdell	Lott	Wallop

So the amendment (No. 2301) was rejected.

THE FISCAL YEAR 1995 MILITARY CONSTRUCTION APPROPRIATIONS BILL

Mr. DOMENICI. Mr. President, the Senate is now considering H.R. 4453, the fiscal year 1995 military construction appropriations bill.

The bill provides a total of $8.8 billion in budget authority and $2.2 billion in new outlays for the military construction and family housing programs of the Department of Defense for fiscal year 1995.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $8.8 billion in budget authority and $8.6 billion in outlays for fiscal year 1995.

Mr. President, the bill provides $491 million more in budget authority and $28 million more in outlays for military construction activities than requested by the President with nonetheless, according to CBO scoring, the bill falls within the subcommittee's 602(b) allocation.

I want to convey my thanks to the committee for the support given to several priority New Mexico projects. These include several important projects at the Kirtland Air Force Base, and an Army National Guard armory in Taos.

I commend the distinguished subcommittee chairman, the Senator from Tennessee, and the distinguished ranking Republican member, the Senator from Washington, for bringing this bill to the floor within the subcommittee's section 602(b) allocation.

I urge the adoption of this bill.

Mrs. MURRAY. Mr. President, I would like to take this opportunity to clarify my position with regard to a provision contained in the fiscal year 1995 military construction appropriations bill which authorizes a land conveyance of Seattle's Naval Reserve center and further authorizes funds for a military construction project in connection with that conveyance.

The provision transfers 5 acres of Navy Reserve property along Lake Union to the city of Seattle. That land will be used for the Seattle Commons project, which I support. The Commons plan, developed by a nonprofit citizens group, calls for a revitalized mixed-income neighborhood and business community surrounding a park between downtown Seattle and Lake Union.

The most important part of the provision we are considering today is the direct transfer of the land from the Navy to the city of Seattle. This is by far the best approach to take, and the city has agreed to pay fair market value for the land as required by the legislation.

While I am supportive of the Commons project, I do have concerns that not all of the longterm questions associated with this project have been thoroughly considered by the city of Seattle and the communities to be affected. Projects of this magnitude and importance need the participation of all citizens affected and I will continue to facilitate their involvement in the process.

However, there is one part of the provision we are passing today that I simply do not agree with. That section essentially provides that the naval station, once moved, will relocate to Fort Lawton in Discovery Park. I am opposed to this because I strongly believe that a number of sites should be evaluated before the Navy Reserve decides on its future home. There are several other sites that I believe may serve

both the Navy and the community better in the long run than Discovery Park. I do not want to see us serve one good purpose—relocating the Navy station to make way for the commons—at the expense of another.

Thus, I would have clearly preferred that the provision be written more broadly with regard to the relocation of Seattle's Naval Reserve center, so that the Navy would be required to review more than one site when considering the future location for the Naval Reserve station. The way the provision is written in this bill, the Navy has the option to consider more than one site when assessing where to relocate, but they are not required to do so.

I want the Navy and all involved to understand that as we move through this process, I shall be meeting with the Navy and members of the community to ensure that two or more possible relocation sites are identified and evaluated during the scoping of the environmental impact statement, which is required to be completed before the navy can move.

Mr. DOLE. Mr. President, as we turn to consideration of the military construction appropriations act for fiscal year 1995, I want to commend the distinguished chairman, Senator SASSER, and the distinguished ranking Republican, Senator GORTON for their hard work in crafting this bill and their efficient management of the legislation while on the floor. I also want to thank Mr. Jim Morhard, a member of the Appropriations Committee staff, who has been very helpful to me and whose expertise and professionalism are a real asset to the committee.

The bill before us appropriates $8.8 billion in the coming fiscal year for military construction, the NATO infrastructure program, and base closures and realignments. Now, I know that there are some who feel that we're spending too much on defense. But defense spending has made its contribution to deficit reduction. This year's bill is $627 million less than last year's spending level.

While the Congress and the administration continue to slash away at the defense budget, we still have a responsibility to ensure that our defense infrastructure remains the best in the world. I am especially pleased that the committee saw fit to add a number of projects for the Guard and Reserve. The administration's original request for Guard and Reserve projects was unreasonable, and I hope that next year's budget request more accurately reflects the needs of our Guard and Reserve forces.

Whether its an operations center for a bomber squadron, a runway for the Air National Guard, or housing for the families of our military personnel, each is critical to the ability of our Armed Forces to fulfill their mission. That being the case, the Congress has the responsibility of ensuring that our Armed Forces have the best facilities possible. This legislation goes a long way toward meeting that responsibility.

Mr. BYRD. Mr. President, I congratulate the chairman of the Military Construction Subcommittee, Mr. SASSER, and the ranking member, Mr. GORTON, for their expeditious and outstanding work on this bill.

As always, Senator SASSER's depth of understanding of this bill is evident. He has demonstrated his dedication to duty, and has done so in a cooperative and cheerful manner.

I urge all Senators to vote for the adoption of this bill.

(Mrs. MURRAY assumed the chair.)

Mr. SASSER. Madam 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.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, just a couple of words on the last vote.

We have worked a long time on setting up the Federal screening processes. I know it is not customary to continue the debate after the vote, but I just want to make a couple of comments on it because I would hate for this to be used as a precedent of the Senate's nonacceptance of this principle into the future. I think it is very, very important.

I have probably had 12 or 15 people come to me and say, "You are right on principle but * * *" and then vote in the other direction. I only got 16 votes, and that is not a very sterling performance. There are a lot of things cooking here as to why people vote the way they do, and I understand that. But we have in place right now screening processes that save this country billions upon billions of dollars. I may have lost by only getting 17 votes, but I tell you I am proud of the fact and proud of those who stood with me on this, because in principle I do not have any doubt we are right.

We cannot continue taking Federal property—although the merits of this case have been decided now by a vote of the Senate —but we have set up a process where we screen Federal property to make sure the taxpayers of this country get back a fair dollar value and are fairly dealt with in a screening process, not only through the BRAC process, the base closure, but through the other means of disposal of Federal property. We have a system set up at GSA where we are matching Federal property—trying to match closing facilities with facilities we want to open. That is new. It is taking effect. We stopped the building of a new veterans hospital because across town, in one place, there was a hospital on a base that was being closed. So we saved how much, $75 million, $100 million, $200 million, just in that?

So what we are trying to do in this process here, in spite of this last vote, I believe, is absolutely correct. I just hope Senators do not get themselves locked into where it is customary that on something like this, for friendships or whatever, we bring something to the floor and say, "Just for me, it is just a little land transfer." We are trying to set up a process that is absolutely right for the people of this country.

So we will have more votes like this. I hope as people look at the wisdom of this thing, they will see we should send it through this GSA process and the BRAC process—the base closure process—that follows that same GSA process.

So I am optimistic enough that I do not accept this vote as an expression of the will of the Senate for this principle. We will revisit this. We worked on it very hard in the Governmental Affairs Committee over several years. We worked on it very hard in the Armed Services Committee. I think it is right. I understand the loyalties of committee and the managers of the bill and so on, coming out of the Appropriations Committee together. But I just hope we can consider this thing in fairness. And next year when some of these proposals come up again they are going to be subjected to this same process. This vote should not be taken as a refutation of that whole process, as much as it was just an expression on this particular vote. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. I yield all time and I urge the underlying committee amendments.

The PRESIDING OFFICER. The question occurs on the committee amendments.

The committee amendments were agreed to.

Mr. SASSER. Madam 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.

Mr. SASSER. Madam President, this is all the amendments to be offered on this bill. I urge we go to third reading.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill 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 Oklahoma [Mr. BOREN], the

Senator from Colorado [Mr. CAMPBELL], the Senator from North Dakota [Mr. DORGAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. PELL], and the Senator from Nevada [Mr. REID] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Georgia [Mr. COVERDELL], the Senator from New Hampshire [Mr. GREGG], the Senator from Mississippi [Mr. LOTT], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business. I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

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

The result was announced—yeas 84, nays 2, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—84

Akaka	Feingold	Mack
Baucus	Feinstein	Mathews
Bennett	Ford	McConnell
Biden	Glenn	Metzenbaum
Bingaman	Gorton	Mikulski
Bond	Graham	Mitchell
Boxer	Gramm	Moseley-Braun
Bradley	Grassley	Moynihan
Breaux	Harkin	Murray
Bryan	Hatch	Nickles
Bumpers	Hatfield	Nunn
Burns	Heflin	Packwood
Byrd	Helms	Pressler
Coats	Hollings	Pryor
Cochran	Hutchison	Riegle
Cohen	Inouye	Robb
Conrad	Jeffords	Rockefeller
Craig	Johnston	Sarbanes
D'Amato	Kassebaum	Sasser
Danforth	Kempthorne	Shelby
Daschle	Kennedy	Simon
DeConcini	Kerrey	Simpson
Dodd	Kerry	Smith
Dole	Kohl	Specter
Domenici	Lautenberg	Stevens
Durenberger	Leahy	Thurmond
Exon	Levin	Wellstone
Faircloth	Lugar	Wofford

NAYS—2

Brown	Roth

NOT VOTING—14

Boren	Gregg	Pell
Campbell	Lieberman	Reid
Chafee	Lott	Wallop
Coverdell	McCain	Warner
Dorgan	Murkowski	

So the bill (H.R. 4453), as amended, was passed.

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.

Mr. SASSER. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mrs. MURRAY) 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. MCCAIN. Mr. President, I was necessarily absent at the time the Senate voted on the fiscal year 1995 Military Construction Appropriations Act. I oppose the bill for two reasons.

First, this bill contains $910 million in military construction projects which were not included in the budget requests. These programs were included in the bill because individual Senators requested them. These projects were not requested by the Department of Defense because they did not meet the standards and priorities established by the Services. However, the Senate voted to approve nearly $1 billion in Congressional add-ons. I cannot support that action.

Second, total funding in the bill is $490 million more than the budget request for military construction—nearly half a billion dollars which was taken from high-priority military requirements, like readiness, modernization, training, and quality of life for military personnel. Military readiness is declining as the Congress continues to fund pork barrel spending. I cannot support this dangerous narrow approach to allocating Federal taxpayer dollars.

The bill does contain a number of excellent provisions, including a provision adopted unanimously to establish criteria for reviewing members' requests for add-ons to the military construction budget. However, overall, the bill represents another spending spree on Members' special interests, and I oppose the bill.

Mr. SASSER. Madam President, I express my appreciation for the work done on this bill by Jay Kimmitt, the staff director of the Military Construction Appropriations subcommittee, Hallie Hastert, for there excellent work, and Jim Morhard, of the minority staff. All have done a terrific job in bringing this military construction appropriations bill to us this afternoon.

Mr. GORTON. Madam President, I join with the distinguished Senator from Tennessee in those thanks and once again thank him for all his advice and support.

MORNING BUSINESS

Mr. FORD. Madam President, I ask unanimous consent there now be a period for morning business with Senators allowed to speak for 10 minutes therein.

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

THE LONG PUBLIC SERVICE OF SENATOR TED KENNEDY

Mr. MITCHELL. Madam President, I want to extend my congratulations today to my colleague, the senior Senator from Massachusetts, TED KENNEDY, as his tenure in the Senate makes him, today, the longest serving U.S. Senator in the history of the Commonwealth of Massachusetts.

In a time when too many chart their political views by the winds of partisan advantage, where programs and policies are attacked and defended, not on their merits but on the political identity of their author, TED KENNEDY is a man who has remained true to the values of economic justice and equality before the law throughout his entire career.

As an early lonely voice championing the need for National Health Insurance more than 20 years ago, as the skillful negotiator who helped produce the landmark Americans with Disabilities Act 4 years ago, TED KENNEDY has never lost sight of the economic and security needs of working Americans and their families. He has never lost his compassion and concern for those who depend upon the good will of their fellow man for a fair chance in life.

The victims of AIDS in our Nation owe to TED KENNEDY the passage of the Ryan White Comprehensive AIDS Care Acts. The victims of racial discrimination owe him a debt of gratitude for the difficult, uphill but ultimately successful fight that produced the Civil Rights Act of 1991. His work and efforts were instrumental in the compromise minimum wage bill of 1990.

He has made himself the champion of those who have no wealthy or powerful voices speaking on their behalf. His focus has not shifted with each short-term political fashion; he has stood for the same principles and the same values, whether they were universally popular or not.

TED KENNEDY's career is a lesson in tenacity and consistency. The values of economic justice and fairness are as real in his work today as they have ever been. That, I believe, is the reason he has now become the longest-serving Senator in the history of his State. I congratulate my colleague and friend, TED KENNEDY, on this milestone.

THE COMMISSIONING OF THE U.S.S. JOHN S. MCCAIN (DDG–56)

Mr. THURMOND. Madam President, on July 2, 1994, overshadowed by the pressing business of the Senate and the Fourth of July festivities, was the commissioning of the Navy's newest *Arleigh Burke* class destroyer, the U.S.S. *John S. McCain* (DDG–56). I want to take a moment of the Senate's time to bring this event to the Members' attention for two reasons: First, the ship is named after two great naval officers, Adm. John S. McCain, Sr., and Adm.

John S. McCain, Jr. The second reason is that their grandson and son is our colleague from Arizona, Senator JOHN S. MCCAIN.

Our Nation has been blessed with many great military families and the McCains of Mississippi can be listed as among the very best. The McCain name is on the roster of George Washington's staff; a McCain lost his life in the Civil War; a McCain was the Adjutant General of the Army during World War I, while another McCain fought with General Pershing in Mexico and also rose to the rank of general. Although the accomplishments of any of these McCain men would have been enough to have a ship named after them, it took the father-son team of John Sidney McCain, Sr. and John S. McCain, Jr. to achieve that distinction.

Adm. John S. McCain Sr., the grandfather, graduated from the Naval Academy in 1906. He began his career by sailing around the world with President Roosevelt's Great White Fleet. His subsequent assignments took him to all parts of the globe in peace and war, including a tour as director of Machinist Mates School in Charleston, SC. In 1936 at the prime age of 52, he became a naval aviator—a record that still stands. During World War II he served with great distinction throughout the Pacific theater and won the Navy Cross. He was among the distinguished group of officers who witnessed the signing of the Japanese surrender on the deck of the U.S.S. *Missouri*. A comrade-in-arms said of him: "I think he was the finest man I ever met. We would have done anything for him."

John S. McCain, Jr., the father of Senator MCCAIN, followed in his father's footsteps and graduated from the Naval Academy in 1931. Unable to get into flight school because of a medical condition, he became a submariner. He commanded three submarines during World War II and was awarded the Silver Star for his exploits. We all remember him as the commander-in-chief, Pacific during the height of the Vietnam conflict from 1968 to 1972. More importantly than the litany of command and promotions was Jack McCain—the thinker, the speaker, and the naval leader. In a superb biographical sketch of the McCain family, the Senator's brother Joe attributed the following quote which best describes the philosophy of his father: "Life is run by poker players, not the systems analyst."

In the same loving tribute to his forbears, which is contained in the commissioning program for the U.S.S *John S. McCain*, Joe McCain makes the following statement about the two admirals:

> If the two warriors could gaze upon this great new man-of-war—and perhaps they can—they would be very honored. Honored, but humbled. For they were always not a little embarrassed at honors given them. They just wanted to get the job done.

What higher tribute can be given to any man?

Madam President, in further recognition of the lives of Adm. John S. McCain, Sr., and Adm. John S. McCain, Jr., President Bush was the commissioning speaker and our colleagues' lovely wife, Cindy McCain, is the sponsor for the U.S.S. *John S. McCain*.

Madam President, I know my colleagues join me in congratulating our colleague and good friend, JOHN MCCAIN, for this well deserved honor that our Nation has bestowed on his family. We wish both him and the U.S.S. *John S. McCain* the best.

ANOTHER STEP TOWARD PEACE IN THE MIDDLE EAST

Mr. PELL. Madam President, as many of my colleagues just learned, Jordan's King Hussein and Israel's Prime Minister Yitzhak Rabin have accepted an invitation from President Clinton to meet at the White House on July 25, 1994.

Although King Hussein is reported to have met occasionally in secret with Israeli leaders for more than 30 years, the upcoming event will be the first-ever public meeting. As such, it will send an unmistakable signal of Israel's increasing acceptance by its neighbors. The meeting, and the inevitable handshake between the Prime Minister and the King, will also bring an enormous amount of goodwill to the continuing peace negotiations between Jordan and Israel.

As one of Israel's traditional friends and supporters, I am extraordinarily pleased by today's news. The meeting will help to remind Israeli citizens that Prime Minister Rabin's courageous efforts for peace are not without reward. It will also help to underscore that the peace agreement between Israel and the PLO was but a first step in what will be a much larger endeavor.

I would like to reflect a moment on my appreciation for King Hussein's acceptance of President Clinton's invitation. I know that the United States has had its differences with Jordan, and many Members of Congress would have wished that the King had taken greater risks for peace during past years. But we should never lose sight of the fact that King Hussein has been a stalwart force for moderation in the Middle East peace process, and that his cautious, steady approach has brought an element of stability to an otherwise volatile region.

I remember just a few weeks ago, when King Hussein and Queen Noor visited with members of the Foreign Relations Committee, the King assured me that he planned to hold a public meeting with Prime Minister Rabin soon. The King's decision to do so on July 25 reaffirms what I have known all along: that the King is a leader of courage and dignity who stands by his word.

President Clinton's announcement represents another substantial acheivement—in fact a milestone—in the effort to establish a comprehensive Middle East peace settlement. I want to emphasize that President Clinton and his team, particularly Secretary of State Warren Christopher and Ambassador Dennis Ross, deserve great credit for this development. I am delighted to congratulate the President, as well as Prime Minister Rabin and King Hussein, and I extend my sincerest wishes for a successful meeting in Washington.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Madam President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Thursday, July 14, the Federal debt stood—down to the penny—at $4,624,995,772,750.82. This means that every man, woman, and child in America owes $17,739.93, computed on a per capita basis.

Madam President, to answer the question—how many million in a trillion?—there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

STATEMENT ON THE NOMINATION OF DR. MORTON HALPERIN

Mr. THURMOND. Madam President, over 200 years ago, the founders of this great Nation of ours made a very wise decision. They decided that certain appointments to high political office would be made by the President but the power to do so was subject to the approval of the Senate. Our Founding Fathers placed in article II section 2 of the Constitution the 10 words, "* * * by and with the Advice and Consent of the Senate * * *." Those words make it the responsibility of the Senate to examine the fitness of Presidential appointments to certain positions within the Federal Government. Mr. President, we on the Armed Services Committee take that responsibility very seriously.

President Clinton has made some interesting Department of Defense appointments since taking office. I have not objected to any of his choices, except one. I did not always agree with them, but I voted for them because I believe a President should have the people he wants serving in his administration unless they are incompetent or dangerous. Mr. President, Morton Halperin is dangerous. I want to make it clear that I am not here to restate a

hearing that did not go well for Dr. Halperin. That record has been made and can be read by anyone who so desires. What I want to state today is that the Senate Armed Services Committee is extremely serious about its constitutional responsibilities. We are required to fully examine the background of all nominees that come before the committee for confirmation hearings.

The Department of Defense and the White House hired Dr. Halperin as a consultant in January 1993 but did not send his name to the Senate for our advice and consent until August, 8 months later. He admitted to being quite active during this period and also admitted that knowingly and in violation of DOD rules and regulations he performed a number of functions that presumed our advice and consent. In so doing, Dr. Halperin appeared to take our constitutional responsibilities a lot less seriously than we did.

Madam President, this was not an unknown person. Dr. Halperin has published more than a dozen books and more than 100 articles over the years. He has made some of the most outrageous statements I have ever read. Both in writing and at his hearing, he attempted to explain them away or deny that they meant precisely what a clear reading of them indicates. Some excerpts from Dr. Halperin's November 1993 confirmation testimony before the Senate Armed Services Committee were recently introduced into the CONGRESSIONAL RECORD. One statement was:

> I have been accused of believing that the United States should subordinate its interests to the United Nations, never using force without its consent and putting American forces at its disposal. That is false.

Madam President, Dr. Halperin may say in November 1993 this was false but earlier that same year, Dr. Halperin wrote in a publication entitled "Foreign Policy":

> The United States should explicitly surrender the right to intervene unilaterally in the internal affairs of other countries by overt military means or by covert operations. Such self restraint would bar interventions like those in Grenada and Panama, unless the United States first gained the explicit consent of the international community acting through the Security Council or a regional organization.

Madam President, if Members of this body will review those remarks, I think they will see a serious conflict, at least one that is worth discussing with a person who is being considered for an Assistant Secretary of Defense.

As I stated earlier, the Senate has the responsibility to advise and consent. We would be negligent in our duties if we did not attempt to figure out what Dr. Halperin really believed. As you can see, he says different things at different times. This is but one example and I would like to introduce for the record a number of quotes from Dr. Halperin that give me concern as to his fitness to serve in the Department of Defense or anywhere in the Federal Government. I have given a citation for each of these quotes so that Members can read them for themselves to determine if they are taken out of context. Let me read just two more to give the Senate a feel for the task the Senate Armed Services Committee faced in holding hearings to decide whether Dr. Halperin should be recommended to the Senate.

In the past, Dr. Halperin has tried to assure us that the Soviet Union was of no danger to us. In his "Defense Strategies for the Seventies," Dr. Halperin wrote:

> The Soviet Union apparently never even contemplated the overt use of military force against Western Europe. * * * The Soviet posture toward Western Europe has been, and continues to be, a defense and deterrent one.

Revelations since the fall of the Warsaw Pact have shown how much in error this statement was. His opinion of intelligence operations was expressed in a book entitled "The Lawless State," as follows:

> Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients. The intent is therapeutic, but in the long run the cure is more deadly than the disease.

Why he made this statement or how much he believed this to be true is of concern to the Armed Services Committee and to all Senators, I should think. Mr. President, I would also like to insert in the RECORD after my remarks a document that was prepared by Mr. Francis J. McNamara and given to the committee concerning Dr. Halperin. It chronicles for the committee Dr. Halperin's involvement with the Pentagon Papers, a renegade CIA agent named Phillip Agee and his early association with a convicted Vietnamese spy named David Truong. To have ignored information such as this would have been totally irresponsible. Dr. Halperin may have had an unpleasant experience before the Armed Services Committee and may have requested his name be withdrawn for that or any number of other reasons. What I don't want the Senate to think is that, because the hearings were terminated, all the areas that he was questioned on, both in writing and at the hearing, are therefore not true. Dr. Halperin—no one else—made the statements he was questioned about. He addressed them by attempting to explain that he either no longer held those views or that they were taken out of context or that he may not have written them as artfully as he could have. Most explanations were totally unacceptable to this Senator and others I have been told.

Many members of the committee had significant problems with Dr. Halperin. I still do, and I believe from what I have read and heard, that he should not be allowed to deal in military matters, security matters or international relations. The President has placed him in another sensitive position at the National Security Council, and I believe the country will pay a price for that. This time, he chose to place him where the Senate could not give its advice and consent. I can fully understand why the President would choose to do this, if he did not want Dr. Halperin to be rejected by the Senate.

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

SELECTED PUBLICATION TITLES BY MORTON HALPERIN CONCERNING THE U.S. INTELLIGENCE COMMUNITY

"Led Astray by the CIA," The New Republic, June 28, 1975.

"The Most Secret Agents," The New Republic, July 26, 1975.

"CIA: Denying What's Not in Writing," The New Republic, October 4, 1975.

"The Cult of Incompetence," The New Republic, November 8, 1975.

"The Lawless State: The Crimes of the U.S. Intelligence Agencies," with Jerry J. Berman, Robert L. Borosage and Christine M. Marwick, Center for National Security Studies, Washington, 1976.

"Secrecy and the Right to Know," with Daniel N. Hoffman, Law and Contemporary Problems, Summer 1976.

"Freedom Versus National Security," with Daniel N. Hoffman, Chelsea House Publishers, New York, 1977.

"Top Secret: National Security and the Right to Know," with Daniel N. Hoffman, New Republic Books, Washington 1977.

"Oversight is Irrelevant if CIA Director Can Waive the Rules," The Center [for National Security Studies] Magazine, March/April 1979.

"The CIA's Distemper," The New Republic, February 9, 1980.

"Secrecy and National Security," Bulletin of the Atomic Scientists, August 1985.

"The Case Against Covert Action," The Nation, March 2, 1987.

SELECTED QUOTATIONS ATTRIBUTED TO MORTON HALPERIN

The achievement in which I take the greatest pride is the largely behind-the-scenes efforts of the ACLU to defend the First Amendment by defeating the flag-burning constitutional amendment in both houses of Congress.—Washington Post, 8 September 1992.

The constitutional rights of Americans have also been major casualties in the "war on drugs * * * Gross invasions of privacy such as urine testing, excessive property forfeitures and seizures without due process of law, the circulation of extensive government files on suspected drug offenders, and border patrols and checkpoints that inhibit free travel, all are among the draconian actions deemed necessary to wage the war on drugs.—"Ending The Cold War at Home," Foreign Policy, Winter 1990–91 (with Jeanne Wood).

(Morton Halperin's criticism of scientists who refuse to help lawyers representing The Progressive and its editors oppose government efforts to halt the magazine's publication of detailed information about the design and manufacturing of nuclear weapons:)

They failed to understand that the question of whether publishing the "secret of the H-bomb" would help or hinder non-proliferation efforts was beside the point. The real

question was whether the government had the right to decide what information should be published. If the government could stop publication of [this] article, it could, in theory, prevent publication of any other material that it thought would stimulate proliferation.—"Secrecy and National Security," The Bulletin of the Atomic Scientists, August 1985, p. 116.

It is clearly a violation of the rights of free speech and association to bar American citizens from acting as agents seeking to advance the political ideology of any organization, even if that organization is based abroad. Notwithstanding criminal acts in which the PLO may have been involved, a ban on advocacy of all components of the PLO's efforts will not withstand constitutional scrutiny.—The Nation, October 10, 1987.

Having had administrative responsibility for the production of the [Pentagon] Papers, I knew they contained nothing which would cause serious injury to national security. I watched with amazement as the Justice Department, without knowing what was in the study, sought to persuade court after court that they should be suppressed.—"Where I'm At," First Principles, September 1975, p. 16.

International terrorism is rapidly supplanting the communist threat as the primary justification for wholesale deprivations of civil liberties and distortions of the democratic process.—"Ending The Cold War At Home," Foreign Policy, Winter 1990–91 (with Jeanne Wood).

Standard Form 86 (questionnaire for applicants to sensitive or critical government positions) asks intrusive and irrelevant questions regarding Communist party membership, prior arrests (whether or not they resulted in a conviction), drug and alcohol abuse, and private medical information, including mental health history.—"Ending The Cold War At Home," Foreign Policy, Winter 1990–91 (with Jeanne Wood).

(Morton Halperin on classification of materials:)

The first category [of documents that should be automatically released] includes information necessary to congressional exercise of its constitutional powers to declare war, to raise armies, to regulate the armed forces, to ratify treaties, and to approve official appointments.—Top Secret: National Security and the Right to Know, 1977.

(Morton Halperin on the Freedom of Information Act:)

Release under the FOIA have provided valuable background information on already exposed CIA covert action * * * The FOIA has not been a primary tool in uncovering previously undisclosed CIA covert action. Explicit exemptions under the Act for Information that could harm "national security" have prevented such revelations.—"The CIA and Covert Action," published by the Campaign for Political Rights of which Halperin was a Steering Committee member, June 1982.

(Morton Halperin on the Freedom of Information Act:)

More recently, through the Project on National Security and Civil Liberties, I have been involved in an effort to use the Freedom of Information Act to pry "secrets" from the national security bureaucracy.—"Where I'm At," commentary by Morton Halperin, First Principles, September 1975.

* * * I suggest * * * that the United States be prohibited from being the first to use nuclear weapons. In my judgement, there are no circumstances that would justify the United States using nuclear weapons, unless those weapons were used first by an opposing power.—"American Military Intervention: Is It Ever Justified?" p. 670, June 9, 1979, The Nation.

* * * Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law. The Cubans have come in only when invited by a government and have remained only at their request. * * * The American public needs to understand that Soviet conduct in Africa violates no Soviet-American agreements nor any accepted principles of international behavior. It reflects simply a different Soviet estimate of what should happen in the African continent and a genuine conflict between the United States and the Soviet Union.—"American Military Intervention: Is It Ever Justified?", The Nation, June 9, 1979, p. 668.

One of the great disappointments of the Carter Administration is that it has failed to give any systematic reconsideration to the security commitments of the United States. [For example, President Carter's] decision to withdraw [U.S. ground forces from Korea] was accompanied by a commitment to keep air and naval units in and around Korea—a strong reaffirmation by the United States of its security commitment to Korea. This action prevented a careful consideration of whether the United States wished to remain committed to the security of Korea * * *. Even if a commitment is maintained, a request for American military intervention should not be routinely honored.—The Nation, June 9, 1979, p. 670.

The United States should explicitly surrender the right to intervene unilaterally in the internal affairs of other countries by overt military means or by covert operations. Such self restraint would bar interventions like those in Grenada and Panama, unless the United States first gained the explicit consent of the international community acting through the Security Council or a regional organization. The United States would, however, retain the right granted under Article 51 of the U.N. Charter to act unilaterally if necessary to meet threats to international peace and security involving aggression across borders (such as those in Kuwait and in Bosnia-Herzegovina.)—Guaranteeing Democracy, Summer 1993 Foreign Policy, p. 120.

The only way to stop this pattern [of abuse] is to impose an absolute requirement of public approval to bar paramilitary operations that are covert.—"Lawful Wars," Foreign Policy, Fall 1988.

(Morton Halperin's position on legislation to set heavy criminal penalties for Americans who deliberately identify undercover U.S. intelligence agents:)

[Such legislation] will chill public debate on important intelligence issues and is unconstitutional * * *. What we have is a bill which is merely symbolic in its protection of agents but which does violence to the principles of the First Amendment.—UPI, April 8, 1981.

(1971, Defense strategies for the seventies:)

The Soviet Union apparently never even contemplated the overt use of military force against Western Europe. The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one.

(Concerning the espionage trial of Truong and Humphries:)

Morton Halperin, told the news conference that the American Civil-Liberties Union will file a friend-of-the-Court brief challenging the conviction of the two men.

He (Halperin) said it will challenge the theory that theft of any informaiton developed by the government is a crime, that espionage can be alleged without proving intent to injure the United States, and that the President has inherent approval to authorize searches and electronic surveillance without a court warrant.—1978, Associated Press.

(Concerning the espionage trial of Truong and Humphries)

In my judgement there is nothing in those documents relating to national defense * * * There is nothing in those documents which might reasonably be expected to have threatened United States foreign policy or benefitted another nation.

Halperin said that, "I have closely examined seven cables cited in the indictment and concluded that they had been improperly classified as confidential or secret, and in one case Top Secret."—1978, Associated Press.

In the name of protecting liberty from communism, a massive undemocratic national security structure was erected during the Cold War, which continues to exist even though the Cold War is over. Now, with the Gulf War having commenced, we are seeing further unjustified limitations of constitutional rights using the powers granted to the executive branch during the Cold War.—United Press International, January 28, 1991.

Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients. The intent is therapeutic, but in the long run the cure is more deadly than the disease. Secret intelligence agencies are designed to act routinely in ways that violate the laws or standards of society.—The Lawless State: The Crimes of the U.S. Intelligence Agencies, 1976, p. 5.

You can never preclude abuses by intelligence agencies and, therefore, that is a risk that you run if you decide to have intelligence agencies. I think there is a very real tension between a clandestine intelligence agency and a free society. I think we accepted it for the first time during the Cold War period and I think in light of the end of the Cold War we need to assess a variety of things at home, including secret intelligence agencies, and make sure that we end the Cold War at home as we end it abroad.—MacNeil/Lehrer Newshour, July 23, 1991.

[T]he primary function of the [intelligence] agencies is to undertake disreputable activities that presidents do not wish to reveal to the public or expose to congressional debate.—The Lawless State, 1976, p. 221.

* * * The intelligence [service's] * * * monastic training prepared officials not for saintliness, but for crime, for acts transgressing the limits of accepted law and morality * * * The abuses of the intelligence agencies are one of the symptoms of the amassing of power in the postwar presidency; the only way to safeguard against future crimes is to alter that balance of power.

Clandestine government means that Americans give up something for nothing—they give up their right to participation in the political process and to informed consent in exchange for grave assaults on basic rights and a long record of serious policy failures abroad.—The Lawless State: The Crimes of the U.S. Intelligence Agencies, 1976 pp. 222–57.

Spies and covert action are counterproductive as tools in international relations. The costs are too high; the returns too meager. Covert action and spies should be banned and the CIA's Clandestine Services Branch disbanded.—The Lawless State, 1976, p. 263.

Secrecy * * * does not serve national security * * * Covert operations are incompatible with constitutional government and should be abolished.—"Just Say No: The Case Against Covert Action," The Nation, March 21, 1987, p. 363.

* * * Covert intervention, whether through the CIA or any other agency, should be absolutely prohibited * * *.—"American Military Intervention: Is It Ever Justified?" The Nation, 9 June 1979, p. 670.

The budgets of most intelligence agencies remain secret. Such secrecy is not part of any legitimate national security purpose * * * The CIA should be limited to collating and evaluating intelligence information, and its only activities in the United States should be openly acknowledged actions in support of this mission. The agency's clandestine service should be abolished.—"Controlling the Intelligence Agencies," First Principles, October 1975, p. 16.

It may be true that other nations have, and will continue to engage in covert action. But this is far from proper justification for its use by the U.S. Indeed, few nations in the world have used covert action as aggressively and comprehensively as the U.S. And in no other country does the use of covert action conflict so violently with the guiding principles of a nation's constitution and the desires of its people * * * Covert action violates international law.—"The CIA and Covert Action," June 1982 report produced by the Campaign for Political Rights.

The ACLU believes, and I believe that the United States should not conduct covert operations * * * The record now before this committee and the nation demonstrate that covert operations are fundamentally incompatible with a democratic society.—Testimony provided by Halperin before the House Select Committee on Intelligence regarding Prior Notice of Covert Actions to the Congress, April 1 and 8, 1987 and June 10, 1987, pp. 90 and 96 of the hearing record.

The FBI should be limited to the investigation of crime; it should be prohibited from conducting 'intelligence' investigations on groups or individuals or individuals not suspected of crimes.—"Controlling the Intelligence Agencies," First Principles, October 1975.

The only way to stop all of this is to dissolve the CIA covert career service and to bar the CIA from at least developing and allied nations.—Morton Halperin's review of Philip Agee's book Inside the Company; CIA Diary wherein no mention is made of the fact that the book contained some thirty pages of names of U.S. covert operatives overseas. Review found in First Principles, September 1975, p. 13.

In the wake of Vietnam and Watergate, the question must be faced: Should the U.S. government continue to engage in clandestine operations? We at the Center for National Security Studies believe that the answer is 'No'; that the CIA's covert action programs should be ended immediately. The risks and costs of maintaining a clandestine underworld are too great, and covert action cannot be justified on either pragmatic or moral grounds.—"CIA Covert Action: Threat to the Constitution," Pamphlet published by the Center for National Security Studies, 1976. Morton Halperin is listed as a "participant" and at the time was Chief Editorial Writer for the CNSS' publication, First Principles.

Defenders of the CIA argue that the Agency's covert actions protect the 'national security.' Yet historically, covert action has had little, if anything, to do with the reasonable defense of the country * * * Morton Halperin * * * has stated that he knows of no program of covert action which was necessary to the national security.—"CIA Covert Action: Threat to the Constitution," Pamphlet published by the Center for National Security Studies, 1976. Morton Halperin is listed as a "participant" and at the time was Chief Editorial Writer for the CNSS' publication, First Principles.

A bureaucracy trained in the nefarious tactics of espionage and of covert action is a constant threat in an open society.—"CIA Covert Action: Threat to the Constitution," Pamphlet published by the Center for National Security Studies, 1976. Morton Halperin is listed as a "participant" and at the time was Chief Editorial Writer for the CNSS' publication, First Principles.

A bureaucracy skilled in deceit is suspect in any government, but it is particularly destructive to a republic.—"CIA Covert Action: Threat to the Constitution," Pamphlet published by the Center for National Security Studies, 1976. Morton Halperin is listed as a "participant" and at the time was Chief Editorial Writer for the CNSS' publication, First Principles.

Covert operations involved breaking the laws of other nations, and those who conduct them come to believe that they can also break U.S. law and get away with it * * * Covert operations breed a disrespect for the truth.—"Just Say No: The Case Against Covert Action" The Nation, March 21, 1987.

* * * even if covert action is not 'misused,' it still corrodes our constitutional order.—"CIA Covert Action: Threat to the Constitution," Pamphlet published by the Center for National Security Studies, 1976. Morton Halperin is listed as a "participant" and at the time was Chief Editorial Writer for the CNSS' publication, First Principles.

(Morton Halperin on Philip Agee's exposure of CIA agents using State Department documents)

It is difficult to condemn people who do that.—Testimony before the House Intelligence Committee by Morton Halperin, January 4, 1978.

MORTON H. HALPERIN AND NATIONAL SECURITY ISSUES—A PARTIAL RECORD

HALPERIN AND PHILIP AGEE

No country can be secure without good intelligence. Good intelligence cannot be obtained unless the confidentiality of a nation's operatives is maintained.

No single individual has done as much harm to the CIA—and thus in certain respects to the security of the U.S. and all its people—as has Philip Agee, the renegade CIA officer who resigned from the Agency at its request in 1968 and has since devoted himself to exposing its covert personnel and friends wherever and whoever they are.

Agee has not achieved his success in this area alone. He could not have inflicted the damage he has on this Country without the help of his colleagues at CounterSpy and the Covert Action Information Bulletin (CAIB), his two major exposure instruments, and others who in various ways have aided, abetted, publicized, defended and supported them and him.

Agee's first book, "Inside The Company: CIA Diary" published in 1975, included an appendix that listed the names of over 425 individuals and organizations (unions, publications, corporations, banks, institutes, etc.) he claimed were secretly employees, agents, or fronts for the CIA. The book eventually was translated into "at least 16 foreign languages," according to press accounts.

His next book, "Dirty Work: The CIA in Western Europe," released in 1978, contained a list of over 700 alleged CIA officers, agents, assets, informants, contacts and sources.

Following this in 1980, came "Dirty Work II: The CIA in Africa," with its 238 page list of those supposedly performing the same functions in that part of the world and, in 1982, "White Paper? Whitewash!," Agee's attack on the State Department's "White Paper" on El Salvador.

These books were supplemented by ongoing lists of "agents" published in CounterSpy and Covert Action Information Bulletin and by Agee's and his supporters' press conferences, speeches and articles. By the end of 1981, Agee's CAIBers were boasting that they had exposed over 2000 U.S. covert intelligence personnel.

The vital intelligence loss to this country was incalculable. Their usefulness destroyed, CIA personnel had to be taken out of clandestine activities in the locales in which they were serving, or transferred (usually with their families) to new locations where they faced likely foreign language problems, lack of contacts, new cultures to adjust to and other problems limiting their effectiveness. The same applied, of course, to those dispatched to replace them when personnel with appropriate skills were available. The dollar cost of these shifts ran to millions.

The CIA station chief in Athens, Richard Welch, was murdered by terrorists after two or three listings in CounterSpy and then being identified in a local paper (which checked with the magazine to confirm his identity). After Agee visited Managua in 1981 and a pro-Sandinista newspaper published a list of alleged CIA personnel in the U.S. Embassy there, some received death threats. A number, fearful for the lives of their wives and children, sent them out of the country.

These continuing exposures had extensive adverse effect on CIA morale. Officers everywhere—and all their contacts, too—lived in constant fear of being named next. The effect on foreign sources, assets and agents, some of them cooperative friends of the U.S. for decades, was particularly devastating. They did not have the luxury of being able to relocate themselves and their families to safer places. With their parents, wives and children they had to stay in place, in danger, no matter how sensitive and perilous their positions. Sources began to dry up everywhere.

CIA General Counsel Daniel Silver told the 1980 American Bar Association convention in Chicago the exposures were "a devastating problem" for the Agency. Deputy CIA Director Frank Carlucci told the '80 convention of the Association of Former Intelligence Officers (AFIO) "There is no subject on which people in the Agency feel more strongly, nor on which I feel more strongly. We must do something to solve this problem." He had asked Congress, he said, "What more do you need to act, another dead body?"

Following is at least part of the public record of Morton Halperin's actions relative to CounterSpy, the Covert Action Information Bulletin and Philip Agee:

CounterSpy's publisher, the Organizing Committee for a Fifth Estate (OC 5), according to its 1975 annual report, "had been instrumental in organizing several other organizations" that year, one of which was "The Public Education Project on the Intelligence Community (PEPIC) * * * a year long effort.

Morton Halperin, the report continued, was a member of PEPIC's speakers bureau, all of whose members "will be donating their time, energy and fees to PEPIC to ensure its survival."

The Senate Internal Security subcommittee, in its 1977 annual report, identified

PEPIC as one of the "several fronts" set up by Agee's OC-5 to accomplish its objective of finding "those individuals with research or organizing abilities to join the Counter-Spy Team."

Halperin was Director of the Project on National Security and Civil Liberties, jointly funded by the ACLU Foundation and the Center for National Security Studies (CNSS) of the Fund for Peace, which Halperin also directed. The Project began publishing "First Principles", usually on a monthly basis, in September, 1975 with Halperin its chief editorial ("Point of View") writer.

CounterSpy describes itself as "The Quarterly Journal of the Organizing Committee for a Fifth Estate". In addition to publishing OC-5's 1975 annual report in its Winter '76 issue, it included what it termed its "Resource List" of groups working in "the areas of national security and civil liberties", with the literature available from each. It listed: Project on National Security and Civil Liberties [Address and telephone number]; First Principles (newsletter published monthly except July and August); Led Astray by the CIA by Morton Halperin; The Abuses of the Intelligence Agencies, ed. by Jerry Berman and Morton H. Halperin; and

Center for National Security Studies [address and telephone number same as above Project] [six items listed]; The Abuses of the Intelligence Agencies by Jerry Berman and Morton Halperin.

CounterSpy's editors seemed to like the Berman-Halperin "Abuses work. Of the many items listed as available from its resource list of 10 organizations, it was the only one mentioned twice. Interestingly, however, they did not note that Halperin was director of both the "Project" and the "Center" on their resource list.

One other item in the Winter '76 CounterSpy is worth noting. The contents page, beneath the names of its editorial board members and coordinators, printed this boxed item: CounterSpy sends special thanks to: Morton Halperin [21 others were also named, with nine other names, like Halperin's being in bold type].

Agee's CounterSpy did not say what its "special thanks" to Halperin were for. Perhaps he made many well-paid speeches and gave all his fees, as pledged, to PEPIC, OC-5's front; perhaps it was for his favorable review of Agee's "Inside The Company" in "First Principles" (see following paragraphs); it could have been for any number of things he might have done for CounterSpy.

Halperin favorably reviewed Agee's "Inside The Company: CIA Diary" in the very first issue of "First Principles." Moreover, he managed to do so without even metioning the fact that in his introduction Agee thanked the Cuban Communist Party and Cuban government agencies for the "important encouragement" and "special assistance" they had given him in writing the book. Halperin also failed to mention the fact that the book contained the names and identities of over 425 people in all parts of the world Agee claimed were officers, agents and cooperators with the CIA.

Giving full credence to Agee's allegations of horrendous CIA wrongdoing, Halperin wrote: "The only way to stop all of this is to dissolve the CIA covert career service * * *.

Halperin next wrote an article, "CIA News Management," published in the Washington Post (1/23/77) in which he absolved Agee and CounterSpy of all blame for the assassination of Richard Welch, the CIA Athens station chief, placing responsibility for the killing on Welch himself and the CIA.

The following month, Halperin traveled to England to help Agee who was fighting deportation from that country for "regular contacts * * * with foreign intelligence agents," disseminating information "harmful to the security of the United Kingdom," and aiding and counseling others in "obtaining information" which, if published, "could be harmful" to the United Kingdom's security.

Agee was deported from England despite Halperin's efforts in his behalf.

Halperin testified before the House Intelligence Committee on January 4, 1978, rehashing his Washington Post accusations against Welch himself and the CIA for Welch's death and again cleansing Agee and CounterSpy of all blame.

Referring to the exposure of covert CIA personnel by Agee and others on the basis of information gleaned from State Department documents, Halperin asserted: "it is difficult to condemn people who do that."

(Others have different views. In a 1980 Senate hearing on an agent identities protection bill, former Senator Jake Garn said Agee's actions "border on treason" and Senator John Chafee stated it was his opinion that "this willful disclosure of the names of persons who are unlawfully engaged in intelligence work for this Nation falls in the same category * * * as an act of treason.")

The January 1978 issue of Halperin's "First Principles" featured a page-one article by him, "The CIA and Manipulation of the American Press," in which he once more played his tired refrain about Agee and CounterSpy being blameless—and Welch and the CIA being the opposite—for the station chief's death (he threw in some other items as well to bolster his ongoing, basic theme of undemocratic CIA operations).

With Halperin's permission, his "CIA News Management" column was republished in Agee's 1978 book, "Dirty Work: The CIA in Western Europe." Publisher Lyle Stuart proclaimed in a newspaper ad for the book that it contained "a list of more than 700 CIA agents currently working in Western Europe. It completely blows their cover." He then added: "But 'Dirty Work' is more than that. A comprehensive picture of the CIA emerges in 'Dirty Work.' [two other contributors] * * * and Morton Halperin have all shown considerable courage in informing America about the seamy side of American espionage * * *"

There is no indication that Halperin was displeased by this pat on the back from Agee's publisher.

Halperin was chairperson of the Campaign to Stop Government Spying (CSGS) which emerged from a Conference on Government Spying he had addressed in Chicago in January 1977. Arranged by the cited Communist front, the National Lawyers Guild (NLG), the conference's co-conveners included the ACLU, with Halperin director of its Washington office; the Center for National Security Studies (CNSS), which Halperin directed; the National Emergency Civil Liberties Committee, another cited front for the Communist Party; the National Conference of Black Lawyers, affiliated with the Soviet Union's then international attorneys' front, the International Association of Democratic Lawyers, and the Political Rights Defense Fund, a front of the Trotskyist Communist organization, the Socialist Workers Party (SWP). The conference's steering committee included the SWP, ACLU, CNSS, NLG, Institute for Policy Studies, and Agee's OC-5.

Halperin's CSGS was an "anti-U.S. intelligence" conglomerate composed of about 80 organizations. Listed on its letterhead as a member of its steering committee was Agee's CounterSpy.

Halperin's CSGS changed its name the following year to the more politically acceptable Campaign for Political Rights (CPR), with Halperin still its chairperson. Its new letterhead listed not only CounterSpy as a member of the CPR steering committee, but also its successor, Agee's Covert Action Information Bulletin (CAIB). Both publications were heavily into the "naming CIA names" game.[1]

As chairperson of both the CSGS and CPR, Halperin must have had some say about just which groups would be invited to join, and which would be selected for leadership positions in, his organization.

There is no record that he ever opposed, or indicated unhappiness about either U.S.-security-destroying publication being in the organization's leadership.

In late 1978, Halperin's CPR published a "Materials List" to assist its members in their agit-prop work against American intelligence agencies. Agee's "Inside the Company" was included in it under the category "Memoirs by Former Employees" and his Covert Action Information Bulletin under "Sources of Information."

"Organizing Notes" ("O.N."), according to its masthead, was "published by the Campaign for Political Rights." Released eight times a year, it was designed—like "First Principles," which it closely resembled—to keep its readers abreast of current developments related to the CPR's basic mission. Like "First Principles," it had an "Update" feature which it said was "a combined effort of 'First Principles' and 'Organizing Notes'." ("First Principles" had regularly featured an "Update" section).

Halperin's name did not appear on the masthead of "Organizing Notes," but, as chairperson of the CPR he had to be responsible for its contents, just as he was for the contents of the CPR's "Materials List."

"Organizing Notes" routinely promoted both Agee's CAIB and CounterSpy as containing worthwhile information of value to its readers.

CAIB received promotional boosts in the following issues of "ON": 1-2/79 p. 3; 4-5/79 pp. 8 & 19; 7-8/80 pp. 12 & 14; 7-8/81 p. 14.

CounterSpy received the same treatment in these issues: 1-2/79 pp. 5 & 13; 4-5/79 p. 6: 8-9/80.

This tabulation is based on a check of scattered issues of "ON." A thorough check of all issues would undoubtedly reveal a considerably greater number of positive mentions. It is interesting, too, to note what Halperin's "ON" considered interesting in various issues:

CounterSpy 12/78: "lists numerous CIA agents now overseas."

CAIB 1/79: "reprints a top secret U.S. army memo on infiltrating and subverting allies—

[1]The original CounterSpy with which Agee was affiliated began publication with its March 1973 issue; it ceased publishing after its November 1976 issue—until publication was resumed under new management in December 1978.

Agee was not affiliated with the new CounterSpy, he and two others formerly associated with it having announced publication of its successor, the Covert Action Information Bulletin (CAIB), while attending the Soviet-controlled eleventh World Festival of Youth and Students in Havana on July 28, 1978, the opening day of the festival. Free copies of the first issue of CAIB, dated July 1978, were distributed to those at the festival. Agee and his associates said the CAIB was intended to be: "a permanent weapon in the fight against the CIA, the FBI, military intelligence and all the other instruments of U.S. imperialist oppression."

although the Army continues to deny it was an official document."

[Fact: the Army did more than deny it was "an official document." The alleged "army memo" ["F. M. 30-31B"] was exposed as a KGB forgery. See House Permanent Select Committee on Intelligence, hearing, "Soviet Covert Action (The Forgery Offensive)," February 1980, pp. 12, 13 and Appendix: "CIA Study: Soviet Covert Action and Propaganda," pp. 66 and 67; 176-185.]

It should be noted that, at the same time, Halperin's "First Principles" promoted Halperin's "Organizing Notes." The following appeared in the former's May '77 issue: Campaign To Stop Government Spying. The Campaign is now publishing a monthly newsletter, Organizing Notes. It is available free to people organizing around the issue of government spying. Contact them at [address and telephone number] if you would like to be included on their mailing list.

Importantly, Halperin's "First Principles", like "ON", also routinely gave favorable notice to the contents of current issues of both CounterSpy and the Covert Action Information Bulletin. In the period July-August '80 to September-October '83, for example, at least eight issues of CounterSpy were promoted in the pages of Halperin's "First Principles", along with a fair number of the CAIB. The following is one item that appeared in "First Principles" regular "In the Literature" section, subsection "News-letters, Journals, Etc": "Covert Action Information Bulletin, Oct. 1981. In anticipation of Congressional passage of the agents identities bill, CAIB publishes its last naming names column, and indexes all previous identifications (sic)."

And Halperin says he does not approve of "naming names"!

If "ON" gave frequent favorable notice to Agee's CAIB, it is also true that the CAIB returned the favor by drawing favorable attention to Halperin's CPR. Examples:

Agee's CAIB editorialized on pending CIA legislative charter proposals in its June 1980 issue. In a subsection of the editorial, "The Work of the Left," it noted: "Throughout this Congressional debate, considerable and effective pressure was brought to bear by the organized opposition to government spying. The Campaign for Political Rights (to which CAIB belongs), the Center for National Security Studies, the American Civil Liberties Union [in all of which Halperin played a leading role] all gathered support against the charter . . . The struggle, to the surprise of many, began to have results. By April, the charter was 'dead.'"

Agee's CAIB, like all Communist-left publications and organizations, was disturbed by the fact that Executive Order 12036 governing the intelligence community and signed by President Carter on January 4, 1978, might be amended by the Reagan Administration in such a way as to restore some of the capabilities the Carter decree had denied the community.

Commenting on the March 10, 1981 leak of the contents of a new draft Reagan order, CAIB made the following statement in its April 1981 issue: "The proposal contains many . . . authorizations for intrusive spying and manipulation by the FBI and other intelligence agencies, even if all the references to the CIA are removed. This proposal . . . also 4/81 pp. 3 & 51 must be opposed. Persons wishing further information should write to: The Campaign for Political Rights, [address]."

The thinking of Agee's CAIB and Halperin's CPR on the contents of executive orders governing the intelligence community was obviously very similar.

Under "Other Publications of Interest" in the July-August issue of Agee's CAIB (p. 51), the following item appeared: "Bugs, Taps and Infiltrators: What to do About Political Spying," 6-page leaflet free (contribution welcome); from the Campaign for Political Rights: [address given]. A brief outline of how to look for and what to do about infiltrators."

[The "Naming Names" section of this CAIB issue identified alleged CIA "infiltrators" in Canada, Central African Republic, Ghana, Greece, Liberia, Malaysia, Mauritius, Nigeria, Senegal, South Africa, Sudan and Switzerland.]

Halperin's "Organizing Notes" for 11/12/80 (p.10) reported that on October 3, Judge Gerhard Gesell had ruled that per the secrecy agreement signed by all CIA personnel Agee could not publish any writing about the CIA in the future without first submitting it to the Agency for review. He threatened to cite Agee for contempt if he violated the order.

At the same time, however, Gesell refused to grant the government's request that he confiscate the profits Agee had made from the two books he had already written in violation of his agreement.

Why did he so rule? Halperin's "Organizing Notes" reported: "The Judge based his refusal on evidence presented by the American Civil Liberties Union's Project on National Security [chaired by Halperin] which supported Agee's claim that the government selectively prosecuted only its critics for violating CIA secrecy agreements."

The July-August '81 issue of Halperin's "ON" featured a page one attack on the Supreme Court for upholding the right of the Secretary of State to withdraw Agee's passport.

Halperin's CPR staged a forum in Washington on May 27, 1982, entitled: "Covert Operations Against Nicaragua." A publisher's order form for Agee's "dirty Work" and "White Paper? Whitewash!" was included in each press kit distributed at the forum.

Finally, Halperin campaigned hard against all bills introduced to criminalize exposures of the identities of intelligence personnel, though the Supreme Court had held (in its Agee passport decision) that such activities "are clearly not protected by the Constitution."

Halperin not only testified against the bills but induced others to protest their enactment. "ON" for 7-8/81, for example, noted that his CPR had "coordinated" a letter signed by 110 law professors addressed to members of the House Intelligence Committee and Senate Judiciary Committee urging the amendment of H.R. 4, the intelligence agent identities protection bill that eventually became law, in a manner desired by Halperin (i.e., to make it ineffective) and, the previous September, had coordinated a similar letter signed by 50 professors.

What one newspaper described as "a festive outdoor ceremony" was held at CIA headquarters in Langley, Virginia, on June 23, 1982 where President Reagan signed into law the Intelligence Agent Identities Protection Act (H.R. 4), which provides for fines and prison terms for those who deliberately disclose the identities of U.S. intelligence personnel. The President praised CIA employees on the occasion as "heroes of a grim twilight struggle." The last two paragraphs of the news account read as follows:

"The American Civil Liberties Union has criticized the law as a "clearly unconstitutional infringement on the right of free speech."

"Morton H. Halperin, Director of the ACLU's Center for National Security Studies, said the organization would provide legal assistance to "those whose ability to speak or write is threatened by this legislation or effort to enforce it by the Justice Department." (Washington Post, June 24, 1982)

In June 1981, upholding the right of the Secretary of State to lift Agee's passport, the Supreme Court reviewed some of the well-publicized facts about him that should be kept in mind as Halperin's generosity toward Agee and his apparat is considered:

At a 1974 London press conference, Agee announced his "campaign to fight the United States CIA wherever it is operating" and his intention "to expose CIA officers and agents and * * * drive them out of the countries where they are operating" while, in the U.S., he worked "to have the CIA abolished" (Agee's words).

A Federal District Court had found on Agee's part "a clear intention to reveal classified information and to bring harm to the agency and its personnel."

Agee's exposures "have been followed by * * * violence against the persons and organizations identified." In 1974, prior to the Welch murder, Agee's chief collaborator exposed CIA personnel in Jamaica at a press conference there. Within a few days, the home of the CIA station chief was raked with automatic gunfire and gunfire also erupted when police challenged men approaching the home of another identified CIA officer.

Reviewing these and other facts, the Supreme Court found that Agee's activities not only presented "a serious danger to American officials abroad and serious danger to the national security," but also "endangered the interests of countries other than the United States—thereby creating serious problems for American foreign relations and foreign policy."

As noted earlier, Agee did not do his damage to the U.S. alone. No single person could do that. He needed his co-workers and colleagues at CounterSpy and Covert Action Information Bulletin to help him. He needed more than that—the assistance of every other person who aided him in any way. The Supreme Court's findings thus apply not only to Agee, but also every worker for those two publications and, it would seem to many, to others who did not support him quite so directly, but who nevertheless helped him in very real and important ways—people like Morton Halperin.

Speaking through others, Halperin has flatly denied that he has ever aided or abetter Philip Agee in any way.

But what are the facts?

Agee wanted support for the various fronts setup by the Organizing Committee for a Fifth Estate, CounterSpy's publisher, to promote both OC-5 and the magazine. Halperin gave him that by serving on the speakers bureau of PEPIC. More than that—presuming he lived up to his affidavit of the time—Halperin gave every penny he earned from his speeches to PEPIC.

Agee wanted favorable reviews of his first book. Halperin gave him one in the very first issue of "First Principles."

Agee wanted favorable notice given to both of his principal agent exposure instruments—CounterSpy and the Covert Action Information Bulletin. Halperin gave him that repeatedly in both "First Principles" and his "Organizing Notes."

Agee wanted someone to represent him in his court fight to retain the ill-gotten profits

from his first two books. Halperin gave him that through his Project on National Security and Civil Liberties.

Agee wanted someone to absolve him of blame for the terrorist assassination of CIA station chief Richard Welch. Halperin gave him that over and over again—in speeches, testimony and writing.

Agee wanted someone to dispute the statements of many present and former CIA officials that he and CounterSpy rather than the CIA and Welch himself were responsible for Welch's death. Halperin gave him that repeatedly.

Agee wanted some testimony that would help him fight deportation from Great Britain and Halperin gave him that as well.

HALPERIN AND THE VIETNAMESE COMMUNIST SPY

David Truong (Truong Dinh Hung) and Ronald L. Humphrey were arrested in January 1978 on charges of espionage, theft of U.S. government documents and conspiracy to injure the defense of the Unite States.

Humphrey, United States Information Agency communications watch officer (a position giving him daily access to sensitive cable traffic), had been taking classified government documents, the indictment said, and turning them over to Truong who, through couriers, had been delivering them to North Vietnamese officials in Paris. Hanoi's Ambassador to the UN and several other North Vietnamese officials were named as unindicted co-conspirators, asked to leave this country—and eventually did so.

Truong, son of a wealthy lawyer and "peace" politician in Saigon (later retired in comfort in Hanoi), came to the U.S. in 1965 to study at Stanford. After getting his degree, he moved East, first to Cambridge and then to Washington where he became active in the "anti-war" movement, established a U.S.-Vietnamese "reconciliation" front, lobbied "peace" Members of Congress and their staffs (as Halperin did) and gained considerable influence on the Hill.

Truong and Humphrey were tried in May 1978, convicted, sentenced to 15 years in prison, and began serving their terms in January 1982 after an appellate court and the Supreme Court rejected appeals from the trial jury's guilty verdict.

Their unsuccessful defense claim was that the documents Humphrey gave Truong were not really sensitive, contained no more than diplomatic chit-chat and could not harm the United States.

Halperin supported their claims, testifying in their defense at the trial on May 10. He doubted that some of the cables had been properly classified; others, he claimed, were in no way related to the national defense, and he said "no information" in any of the cables the pair had given the Communists "could injure the United States or be advantageous to the Vietnamese."

He took this position despite the fact that on March 2, 1978, a week earlier, the court had taken a completely contrary position, issuing a strict protective order "to prevent the disclosure or dissemination of the documents listed in Appendices A and B, attached thereto * * * or any portion thereof * * * or of the information contained therein.

In addition, a string of U.S. diplomatic and intelligence officials contradicted Halperin's testimony.

Halperin was eager to aid Truong and he did not wait until May 10, the day he testified, to begin his assistance. In his "Point of View" for the April 1978 "First Principles", he attacked the Carter Administration Justice Department for bringing the indictment (though the trial had not yet begun and he could not have known the essential elements of the case) and with tortured legal argument assailed the presiding judge for his pretrial rulings in favor of the government. Keep in mind, Mr. Halperin is not a lawyer.

Next, in another "Point of View" in the June 1978 "First Principles", Halperin assailed both the jury for its guilty verdict and the Carter Administration, saying the case "raised some very serious questions" about whether it "understands what it is doing."

Finally, in the September '78 "First Principles" he featured a "Guest Point of View" which also assailed their conviction. It was written by Daniel Hoffman, Halperin's co-author of "Top Secret: National Security and the Right to Know," who compared the Humphrey-Truong trial to that of the dissident Scharansky in the Soviet Union.

Later, in its June 1981 issue, Halperin's "First Principles" initiated a Letters to the Editor column. The one and only person who had a letter published in the first column was David Truong who, of course, attacked the US justice system, writing of "the government's evident misbehavior" and the "glaring denial of due process" in his trial.

"Organizing Notes" of Halperin's CPR was as assiduous in trying to help Truong as was Halperin himself in "First Principles." The issue of January-February 1979, for example, reported that Truong's attorneys had filed an appeal brief listing 14 reasons why the guilty verdict should be set aside and that it would be argued before the appellate court sometime in the spring; "Contact Vietnam Trial Support Committee," it said and gave the address and telephone number of the group that had been set up in Washington to raise funds for, and otherwise assist, Truong fight his case.

The July-August '80 issue of "Organizing Notes" reported that on July 17 a panel of the Court of Appeals for the Fourth Circuit had declined to review the lower court verdict and that Truong's lawyers would move for a rehearing before the full court: "For further information: Vietnam Trial Support Committee," again followed by the group's Washington address.

The July-August '81 issue of "Organizing Notes," the periodical published by Halperin's CPR, reported that to raise funds for Truong's defense, limited edition silkscreen posters, each one signed and numbered by the artist, were available for $15 each in quantities up to 100, and $10 each for 101 to 405 copies (plus $1.50 each for postage and handling): "Vietnam Trial Support Committee, followed by the committee's address and telephone number.

"Truong Case Raises Important Physical Search Issues" a January-February '82 issue article headline in "Organizing Notes" announced. The article ended with an ironic paragraph: "As we go to press * * * The Supreme Court on January 11 denied David Truong's petition for a writ of certiorari, thereby precluding the possibility of further review of the case. As such, Truong's 1978 conviction will stand."

Not only the Court of Appeals, but in effect the Supreme Court, had rejected Halperin's specious arguments in defense of Truong.

A final note: Truong was free on $250,000 bail pending the outcome of his appeal from conviction when, in February 1979, Halperin's CPR held a party in Washington to celebrate the release the "The Intelligence Network," a propaganda film directed against the CIA, FBI and other US intelligence agencies. David Truong showed up at the celebration. Halperin, smiling, posed with him for a press photo.

HALPERIN AND THE PENTAGON PAPERS CASE

The so-called "Pentagon Papers" were a 47-volume, 2½ million word collection of government documents relating to the Vietnam War assembled per a June 1967 directive of Secretary of Defense Robert McNamara by a team of about three dozen Defense Department employees, including Halperin, then a deputy assistant secretary. Completed in 1969, its contents were classified TOP SECRET-SENSITIVE by Leslie H. Gelb, who directed the project, Halperin and two McNamara military assistants.

Two former Defense and Rand Corporation employees, Daniel Ellsberg and Anthony Russo leaked copies of 43 volumes of the compilation some time later with the result that in mid-June 1971, while the U.S. was still fighting in Vietnam, the New York Times, Washington Post, and Boston Globe began publishing excerpts from them.

Former President Lyndon Johnson termed the leak "close to treason." General Hyman Lemnitzer, Chairman of the Joint Chiefs of Staff early in the war and later Supreme Commander of NATO, denounced it as "a traitorous act."

The Nixon Administration had twice denied requests from Senator Fulbright (D-Ark) for copies of the Papers on the basis of Defense Department reviews which concluded that "the material, in our judgment, was of such a high degree of sensitivity that it should not be transmitted outside the executive branch." The DOD review of Fulbright's second request was continuing just a week before the Times began publication on June 13.

The government immediately asked for a court injunction, saying further publication would pose "a grave and immediate danger to the security of the United States." A temporary stay was granted on June 27, but the Supreme Court reversed it three days later, ruling 6-3 that, in light of First Amendment rights, the government had not met the "heavy burden" of justifying prior restraint.

Ellsberg and Russo, the admitted purloiners of the Pentagon Papers, were indicated on 15 counts involving violations of the Espionage Act, stealing government property, and interfering with the control of classified information.

Halperin traveled to Los Angeles where the trial was held and remained for five months, reportedly as leader of a team of about 35 left-wing activists and lawyers assembled to work for their acquittal (Ellsberg's chief defense counsel was the late Leonard Boudin, a leading member of the National Lawyers Guild and, according to a Federal court exhibit, a former member of the Communist Party's National Committee; also, of course, the father of Kathy Boudin, convicted in the 1981 terrorist Weatherman Nyack, N.Y. Brinks robbery-murders.

Halperin also testified as a defense witness for the pair, making the fantastic claims that, in his view, the Pentagon Papers were not government documents but the personal property of himself, Gelb and former Assistant Secretary Paul Warnke; that they had been improperly classified, and contained no information that would benefit an enemy of the U.S.

He was flatly contradicted on every point by other witnesses. Gelb, for example, testified, "I did not regard the documents as my personal property." FBI agent Earl C. Revels testified that when he first interviewed Halperin about the leak, Halperin had told him that he, Warnke and Gelb had delivered a 38-volume set of the papers to the Washington office of Rand as agents of the U.S. government; also that he had twice refused to

grant Ellsberg access to the study, but had finally done so though he feared Ellsberg might be "indiscreet" in handling it. In addition, several high-ranking military officers pointed out how hostile powers could benefit from information in the Papers.

The chief prosecutor, David Nissen, charged during Halperin's March 23, 1973 testimony that Halperin had himself violated security regulations by taking classified documents when he left government service—a charge later affirmed in the brief submitted to a Washington court by the Carter Administration in 1978.

The question of Ellsberg-Russo's guilt or innocence was not settled by the court. A number of factors developed which convinced the trial judge that separating legitimate from illegitimate evidence was "well-nigh impossible." He therefore dismissed the case.

One of the complications was that Ellsberg, a guest in Halperin's home for a time during the period a warrantless national security wiretap was in place on Halperin's phone (May 1969–February 1971), had been overheard on the tap 15 times and the government took the position that, for national security reasons, the contents of the taps could not be disclosed.

The previously-mentioned Supreme Court decision denying the government request for a ban on further publication of the Pentagon Papers provided telling commentary on Halperin's testimony in the Ellsberg-Russo trial. Appended are excerpts from that decision which clearly indicate that a majority of the justices were convinced that—contrary to his testimony—the Papers contained sensitive information the release of which would warrant prosecution under security statutes.

NEW YORK TIMES CO. V. UNITED STATES 403 U.S. 713(1971)

EXCERPTS FROM THE DECISION

Justice Stewart (one of the majority), with Justice White (also of the majority) concurring, noted that the Court has been asked to prevent publication of material the Executive Branch "insists should not, in the national interest, be published." He wrote: "I am confident that the Executive is correct with respect to some of the documents involved. But I cannot say that disclosure of any of them will surely result in direct, immediate and irreparable damage to our Nation or its people," so he had to join the majority in denying an injunction.

Justice White, with Stewart concurring, said that after examining the materials the government said were "the most sensitive and destructive" he could not deny that revelation of them "will do substantial damage to public interest. Indeed, I am confident that their disclosure will have that result * * * because the material poses substantial dangers to national interests and because of the hazards of criminal sanctions, a responsible press may choose never to publish the more sensitive materials * * * a substantial part of the threatened damage has already occurred. The fact of a massive breakdown in security is known, access to the documents by many unauthorized people is undeniable."

Termination of the ban on publication by this Court, White continued in a blunt warning, "does not mean that the law either requires or invites newspapers or others to publish them or that they will be immune from criminal action if they do * * * failure by the Government to justify prior restraints does not measure its constitutional entitlement to a conviction for criminal publication."

"The Criminal Code contains numerous provisions potentially relevant to these cases * * * I would have no difficulty in sustaining convictions under these sections."

Justice Marshall: "At least one of the many statutes in this area [control of sensitive information] seems relevant to these cases."

Chief Justice Burger, a dissenter, deplored the haste with which all proceedings in the case had been held: "We do not know the facts of the cases. No District Judge knew all the facts. No Court of Appeals Judge knew all the facts. No member of this Court knows all the facts * * * because these cases have been conducted in unseemly haste * * *"

"To me it is hardly believable that a newspaper long regarded as a great institution in American life (the New York Times) would fail to perform one of the basic and simple duties of every citizen with respect to the discovery or possession of stolen property or secret government documents. That duty, I had thought—perhaps naively—was to report forthwith to responsible public officers. This duty rests on taxi drivers, Justices, and the New York Times. The course followed by the Times, whether so calculated or not, removed any possibility of orderly litigation of the issues * * *"

"The consequence of all this melancholy series of events is that we literally do not know what we are acting on * * * the result is a parody of the judicial system * * *"

"I should add that I am in general agreement with much of what Mr. Justice White has expressed with respect to penal sanctions concerning communication or retention of documents or information relating to the national defense."

Justice Harlan, also dissenting, with the Chief Justice and Justice Blackmun joining, cited chapter and verse of the haste mentioned by the Chief Justice and said: "With all respect, I consider that the Court has been almost irresponsibly feverish in dealing with these cases."

Justice Blackmun, the third dissenter, said he, too, was in "substantial accord" with what Justice White had said about criminal prosecution. He added: "I strongly urge, and sincerely hope, that these two newspapers [the New York Times and the Washington Post] will be fully aware of their ultimate responsibilities to the United States of America * * * I, for one, have now been able to give at least some cursory study not only to the affidavits, but to the material itself. I regret to say that from this examination I fear that Judge Wilkey's statements [expressed in his Washington Post decision] "have possible foundation. I therefore share his concern. I hope that damage has not already been done. If, however, damage has been done and if, with the Court's action today, these newspapers proceed to publish the critical documents and there results therefrom what Wilkey feared as possible, 'the death of soldiers, the destruction of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate,' to which list I might add the factors of prolongation of the war and of further delay in the freeing of United States prisoners, then the Nation's people will know where the responsibility for these sad consequences rests."

SOUTH DAKOTA LANDSLIDE VICTIMS NEED ASSISTANCE NOW

Mr. PRESSLER. Madam President, several natural disasters have been in the news lately. Devastation caused by floods in Georgia and forest fires in the Rockies have gained the attention of the national media. These disasters also have gained the attention of the President who quickly offered Federal assistance.

Last week, I toured another very serious disaster. A landslide in Lead, SD, already has claimed numerous homes and businesses and continues to threaten the residents of this small mining town. Despite the urging of South Dakota's entire congressional delegation, the Governor, and local officials, the President has failed to act upon this crisis.

The disaster in Lead is most unusual. Most disasters strike suddenly, leaving immediate evidence of physical damage. The landslide in Lead, on the other hand, is occurring slowly—a so-called creeping landslide. Slow, Mr. President, but with devastating results. An influx of ground water caused by heavy snowfall in the winter and continued precipitation in the spring destabilized a section of a hillside and it began to move, taking buildings with it. With the assistance of the Homestake Mining Co., the city drained excess ground water, thereby slowing the movement of this creeping landslide. Unfortunately, these efforts have not resolved the situation.

Local, state, and Federal officials have developed a long-term solution to this slow-moving landslide. Such an effort to mediate the landslide, however, would require an estimated $3.05 million. Madam President, this creeping landslide poses an imminent and serious danger to the business community of the entire Lead area. The Twin City Shopping Mall was forced to close its doors on May 27, 1994, placing 125 jobs, $400,000 in State tax revenues, and $100,000 in municipal tax revenues at risk. In an effort to continue providing their vital services to the community, some of the businesses have relocated to municipal buildings and other public facilities. Others, such as Lead's only grocery store, remain closed.

The landslide also damaged many homes. Twenty-five hours are located within the slide area, and numerous occupants have been forced to evacuate until the slide stops. During my recent visit to the site, I toured the home of Don Papousek. The house has sustained severe damage from both interior and exterior stress fractures. The slide actually split the floor of his garage into two separate levels. I also recently received a letter from Marilyn and Howard Bridenstine of Lead. In the letter, the Bridenstines said, "It is very scary and sickening at night when it's quiet and dark and you can hear your house slowly being torn apart." This disaster clearly is threatening the safety of these families.

Though this disaster occurred in a community of 3,600 people, economic shock waves will be felt far beyond the Lead city limits. Everyone within a 6-

county area surrounding Lead is experiencing the impact of the 10 businesses and 25 homes struck by this disaster. Without question, this disaster warrants a Presidential declaration.

State and local governments already have committed hundreds of thousands of dollars to repairing structural damages, including broken gas and water lines. However, unless Federal assistance is made available, construction to stop the landslide itself may not begin. The citizens of Lead are not asking for a long-term bailout. They simply need assistance to halt this ongoing disaster.

Lead needs assistance now. I have sent this message to the President and Federal Emergency Management Agency [FEMA] Director James Lee Witt several times. I first contacted Mr. Witt by letter on May 27, 1994, urging his support of South Dakota Governor Walter D. Miller's June 6 request for Federal assistance. That same day, I also asked the administrator of the Small Business Administration [SBA] Erskine Bowles for SBA disaster assistance. I then spoke with Mr. Witt on June 30 and July 1 and followed up with a second letter to FEMA on June 30. Madam President, I ask unanimous consent these letters regarding the Lead disaster be included in the RECORD immediately following my remarks.

To Administrator Bowle's credit, the SBA quickly granted the greater Lead area an SBA disaster declaration on June 9, 1994. Shortly after the declaration, the SBA set up a temporary disaster assistance office offering much needed low-interest home and business loans. To date, the SBA has approved 10 home loans and is processing 9 business loans. Unfortunately, loans to repair damaged homes and businesses provide only temporary cures.

This helpful assistance is greatly appreciated, but it acts only as a Band-Aid when a tourniquet should be applied. Such stopgap measures will not save Lead from future landslides. These home and business owners should have the assurance that their refurbished buildings will not again fall victim to this ongoing destruction. The people of Lead and officials from the State of South Dakota, as well as FEMA, understand the source of the problem and how it can be fixed. Assistance provided by the SBA and State and local sources can make superficial improvements to the affected homes and businesses. Federal contributions, however, must be committed to finance mediative construction necessary to stop the slide and prevent it from recurring.

State and local officials have cooperated with FEMA to help hasten the declaration process. Each time I have contacted FEMA Director Witt I have explained how desperately the people of Lead need Federal assistance. As a result, FEMA sent a second inspection team to the area. I understand that inspection went very well and that a report is now being prepared. FEMA has been very helpful in this process. Their efforts are much appreciated by the citizens and officials of Lead and I commend FEMA for its hard work. That work now awaits Presidential action.

Upon returning from my tour of the disaster area, I contacted President Clinton. In my letter I stressed the importance of an immediate disaster declaration and I ask unanimous consent that letter also be included in the RECORD at the conclusion of my remarks. South Dakota has an extremely short construction season. Each day that passes without Federal assistance is a day of construction lost. Until the landslide is stopped, repairs will not and should not be made of the homes. In order to receive necessary Federal assistance to stop the slide, the President must act now.

Within hours of the Northridge, CA, earthquake, hoards of national media flocked to every disaster site and every potential disaster site in highly populated southern California. The President and members of his Cabinet, naturally, followed the media to California and its 54 electoral votes. President Clinton declared the area a disaster, freeing billions of dollars in Federal assistance almost immediately. Lead, SD, on the other hand, has been waiting for a declaration since June 6. Forty days have passed since tragedy struck.

Politics should not determine whether the Federal Government offers disaster relief. I am concerned the administration sees little political gain in offering assistance to Lead, SD. At the same time, I realize the unique nature of this slow-moving landslide has not made assessments simple. Nonetheless, the people of Lead and the surrounding area have waited long enough for word from Washington. The future of family homes and a major portion of a small city's economy hang in the balance. The President should make a declaration immediately so that no more precious time is lost and the city of Lead can begin to rebuild.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 5, 1994.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Governor of the State of South Dakota submitted a disaster declaration on behalf of the city of Lead to the Federal Emergency Management Agency on June 6, 1994. A creeping landslide has devastated the town. The only grocery store and pharmacy have been destroyed. The landslide is a continuing crisis. Just last week, three water lines burst due to continuing underground earth movement.

I have just toured the Lead landslide area, and can assure you that the town is unable to begin remediation until the creeping landslide is stopped. Homes have been wrecked, an entire shopping mall is closed and damage continues to occur. It will take Federal, State and local resources to repair the damage. Approval of South Dakota's request for a disaster declaration is critical to the town's recovery.

FEMA Director James Lee Witt has assured me that he will send a FEMA representative back out to Lead this week to do one additional assessment of the situation. It is my hope that FEMA's reassessment will result in the prompt approval of assistance for Lead. I urge that you approve this disaster request. Almost one month has passed since the Governor requested assistance. The city of Lead has projected that 125 jobs, $400,000 in state tax revenue and $100,000 in municipal tax revenue could be lost because of this disaster.

Thank you for your consideration of this request.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S. SENATE,
Washington, DC, June 30, 1994.

Mr. JAMES LEE WITT,
Director, Federal Emergency Management Agency, Washington, DC.

DEAR JAMES: Thank you for returning my call this morning. I appreciated the opportunity to visit with you about the emergency situation in Lead, South Dakota.

As you know, Governor Walter D. Miller requested a presidential declaration for a creeping landslide on June 6, 1994. The gradual landslide caused gas and water lines to break and an entire shopping mall to break away from its foundation. While several businesses in the Twin City Mall have relocated temporarily, the two largest stores remain closed. Since May 27th, this community of 3,600 has had to function without its only grocery store or pharmacy. The situation is serious.

Although the landslide appears to have subsided at this time, the problem is not solved, and an emergency still exists. The city of Lead and the state of South Dakota already have pledged $350,000 to help alleviate immediate damages. Likewise, the Small Business Administration (SBA) has offered assistance in the form of physical and economic injury loans. Mitigation efforts to prevent further damages, however, appear to be the real solution to this crisis and will require additional funds. In his request, the governor estimates such an effort would cost approximately $2.6 million. I also understand that a preliminary damage assessment conducted by FEMA determined that if the President makes a declaration, this expense could be covered by federal, state and local contributions.

The situation in Lead truly is unique. Unlike last year's mudslides in California, the residents in Lead are not watching their homes suddenly fall down the side of a hill. Instead, they must wait patiently, either for their home to be condemned or for outside assistance to correct the situation. A great deal of damage already has occurred. Further precipitation this summer will create an even more dire situation for the people of Lead. Meanwhile, fear of similar conditions next spring prevent homeowners and businesses from rebuilding damaged structures. The area's abbreviated construction season and typically wet spring months require immediate action if mitigation efforts are to succeed.

The city of Lead and Lawrence County desperately need federal assistance. These people have been waiting 24 days for a decision to be made on their request for relief. I would appreciate anything you can do to urge the President to declare this area a disaster.

Thanks again, Mr. Witt, for your assistance. I look forward from hearing from you soon.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S.SENATE,
Washington, DC, May 27, 1994.

Mr. JAMES LEE WITT,
Director, Federal Emergency Management Agency, Washington, DC.

DEAR MR. WITT: I am writing to request that you immediately approve disaster assistance for a landslide that has struck Lead, South Dakota. This disaster is unprecedented and assistance is desperately needed.

I understand South Dakota Governor Walter Dale Miller already has contacted you requesting disaster assistance. I know that a damage assessment team is in Lead today and your prompt response to damage assessments of this area are much appreciated. I urge you to complete the assessment as quickly as possible.

Some effects of this disaster already are known. It is estimated that one hundred twenty-five jobs, $100,000 in municipal sales tax, and $400,000 in state sales tax will be lost as a result of an affected shopping mall's closing. Additionally, the stability of twenty-five homes remains in jeopardy as a result of this creeping land slide. For a community of 3,600 people, these numbers are devastating.

Immediate response and assistance from the Federal Emergency Management Agency is vital. Providing assistance the moment it is requested from the State will help greatly those experiencing losses.

I look forward to your prompt response.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S. SENATE,
Washington, DC, May 27, 1994.

Mr. ERSKINE BOWLES,
Administrator, Small Business Administration, Washington, DC.

DEAR MR. BOWLES: I am writing to request that you immediately approve disaster assistance for a landslide that has struck Lead, South Dakota. This disaster is unprecedented and assistance is desperately needed.

I know South Dakota Governor Walter Dale Miller already has contacted you requesting disaster assistance. Damage assessments currently are being conducted by the Federal Emergency Management Agency (FEMA) and the Governor is expected to seek additional federal assistance once they are completed.

Some effects of this disaster, however, already are known. It is estimated that one hundred twenty-five jobs, $100,000 in municipal sales tax, and $400,000 in state sales tax will be lost as a result of an affected shopping mall's closing. Additionally, the stability of twenty-five homes remains in jeopardy as a result of this creeping land slide. For a community of 3,600 people, these numbers are devastating.

It is my hope that immediate response and assistance from the Small Business Administration can be provided. Providing assistance the moment it is requested from the State will greatly help those experiencing losses.

I look forward to your prompt response.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Madam President, I rise again today to put a human face on the health care crisis in this country. Today, I want to tell you about Jim Teichert of my hometown of Flint, MI. Jim and his wife Phyllis, both age 61, are life-long residents of the Flint area. They have raised four children, and have three grandchildren. Jim is a framing carpenter by trade.

In January 1980, the building company Jim worked for went out of business, as did many other businesses in Flint at that time. After he lost his job, Jim was stunned to discover that the company had already stopped paying the premiums for his employee health insurance, so he no longer had access to group coverage. Because of the poor economy, jobs were scarce. Jim decided to start his own contracting business, so he sold his house in the small town of Davidson and moved to Flint, and got his builder's license. He also looked into health insurance coverage and obtained a plan for himself and his wife at a cost of $198 per month. The price was low because the plan only covered 80 percent of major medical expenses and did not include a deductible.

Doctor's visits and prescriptions were not covered. But because they remained in good health, Jim and Phyllis were basically satisfied with their coverage. Phyllis did require some surgical procedures over the dozen years that they had the policy, including some major abdominal surgery, but they kept their out-of-pocket expenses to a minimum.

The past 4 years have been difficult for the Teicherts, since the economy in Flint has not fully recovered from the recession of the 1980's. In 1993, the Teichert's net income was less than $19,000. And although Jim had just signed contracts on two big jobs, he and Phyllis were forced to cut back on their expenses, including health insurance coverage.

The premium had risen to a costly $308 per month, and so they decided to suspend their policy. Because the insurance company required 2, and then 3, months payment at a time, they just did not have the cash flow necessary to maintain coverage. Jim expected to reinstate their health coverage once he was paid for the jobs he had lined up.

On March 4, 1994, just 6 months after canceling their health insurance, Jim suffered a heart attack while out on a job. Incredibly, he managed to drive himself the short distance to his doctor's office. He was immediately taken by ambulance to a hospital where he spent 6 days, at a cost of $14,000. On March 23, the day before he was scheduled for triple bypass surgery, Jim suffered another heart attack. The bypass surgery was performed on March 25. Jim's medical charges now stand at a whopping $56,824. His ongoing needs include an $86 per month prescription medication to lower his cholesterol level, and costly periodic follow up visits.

Although he is recovering, Jim's doctor advised him that he should not return to his remodeling and home repair business for at least 12 months because the work is too strenuous and stressful.

Since his heart attack and surgery, Jim has had to cancel two important jobs—essentially he has gone out of business. Phyllis has no income. Although she used to work at a department store, for the last 6 years she has cared for her granddaughter in her home so that her daughter can work. The couple are now living on $600 a month from a disability insurance policy Jim purchased and paid off over 30 years ago. They also now receive food stamps. Jim is trying to work out a payment plan with the hospital, but without earnings or other assistance he does not have any means to offer reimbursement. Just after his first heart attack, hospital officials recommended that Jim apply for Medicaid. But his $600 a month disability policy makes his income too high for assistance.

He has applied for Social Security Disability, and his case is still being considered. He has also applied for cash assistance from the Veteran's Administration. As a Korean war veteran, Jim would be able to go to a VA facility for any planned hospitalization he may require in the future. But he does not want to leave the care of his current doctor and cardiologist.

For the past 44 years Jim Teichert has been a hard and honest worker, and a supportive and responsible spouse and father. Hard economic times forced him to gamble on going without coverage. He lost that gamble, and now he has not only lost his livelihood but he and his wife are overwhelmed by debt. They do not see how they can ever recover financially. Phyllis and Jim now live in fear of losing their house and everything they own.

And the hospital is forced to charge more to their other patients, just to recover the cost of caring for Jim without payment.

Madam President, we need to pass comprehensive health reform legislation that provides affordable health insurance coverage to struggling small business people and their families. We need to control the rising costs of health care so that coverage remains affordable, so that couples like Jim and Phyllis are not forced to choose between maintaining their coverage and paying other urgent expenses. I will continue to work with my colleagues

in the Senate to pass comprehensive health legislation this year.

ABSENCE OF SENATOR COVERDELL

Mr. DOLE. Madam President, our colleague from Georgia, Senator COVERDELL, is unable to be with us in the Senate Chamber today. He has returned to his State on official business, to be with his constituents who have been impacted by the heavy rain and severe flooding as a result of tropical storm Alberto.

This 10-day-old disaster has already taken 31 lives, forced 40,000 people from their homes, placed 43 counties under emergency declaration, resulting in the loss of water to 400,000 residences and impacted over 6,000 bridges. Early damage estimates exceed $60 million. While the waters are starting to recede, the long cleanup and rebuilding process has only just begun.

Before leaving the Chamber last evening, Senator COVERDELL shared with me the horrendous devastation he witnessed when touring the disaster area with President Clinton on Wednesday.

On his behalf, I wish to clarify for the record his necessary absence from the Senate both today and last Wednesday when he was unable to be here for the second cloture vote on the striker replacement bill. His absence did not affect the outcome of the vote and his position on this measure is reflected in the first cloture vote we cast a day earlier.

Many of our colleagues have personally experienced the horror of natural disasters of this proportion. On behalf of myself and all of my colleagues, I wish to extend our support to Senator COVERDELL and our deepest sympathies to the families and friends who lost their loved ones during this disaster, and to all of those who have suffered during this disaster, and to all the voluntary organizations that are there aiding and assisting the people of Georgia and other areas hard hit by this particular disaster.

I think everyone would agree that when a disaster like this strikes, obviously, we understand the necessary absence of any of our colleagues. I wanted to reflect that on behalf of Senator COVERDELL.

FACTFINDING COMMISSION TO HAITI

Mr. DOLE. Madam President, I wanted to set the record straight on an amendment voted on yesterday concerning a factfinding commission to Haiti. Some of the rhetoric got a little heated, and that happens from time to time in the Senate. I think we are all probably guilty of it from time to time. Some of it got a little ridiculous. I was not on the floor when one Senator said Republicans ought to be "ashamed" for supporting a factfinding commission for Haiti.

I do not quite understand why we ought to be ashamed for wanting the facts, but maybe there is something wrong with wanting the facts.

Some questioned the motives behind the amendment aimed at getting answers, not limiting options.

I do not question the motives of those who disagree with me but my motives are clear: Avoiding another disastrous nation-building exercise in Haiti. I am not ashamed of urging a step back from a policy of saber rattling and ill-considered military intervention.

If I offer an amendment urging a look before we leap into invasion, some term it "partisan politics."

We heard a lot yesterday about the need for bipartisan in foreign policy. Where were these voices when freedom fighters in Nicaraugua needed support, or when the Democratic Government of El Salvador was under attack, or when President Bush came to Congress before Operation Desert Storm? Where were the champions of bipartisanship when amendments tying the President's hands on arms control were offered, antisatellite testing prohibitions, comprehensive test bans, and many others when sensitive negotiations with our adversaries were underway.

Much of this expressed desire for bipartisanship in foreign policy is a newfound wish. Bipartisanship in foreign policy is a worthy goal. I understand that, and the President of the United States, whoever he or she may be and whatever party we have—if we can all possibly have the responsibility to support our President, that is what I think most of us hope to do. But I want to remind our colleagues, who suddenly found this bipartisanship and have not discovered it in the last decade, that it is a two-way street. The administration cannot ignore our concerns, and then accuse us of partisanship when we offer ideas.

We have not had any consultation on Haiti, nor any consultation on Bosnia, nor any consultation on North Korea.

It was also stated yesterday that it would be unwise to take the invasion option off the table—from some of the same people who did all they could to take it off the table in the 1980's. We had no serious invasion option in Nicaragua—we had Boland amendments and congressional restrictions every step of the way. We had no military deployment option in El Salvador. We had a 55-man limit, and annual certification.

Talk about tying the hands of the executive, and talking about restraints and restrictions. We learned a lot about those in the 1980's.

Several Members mentioned that General Cedras in Haiti made positive comments about my proposal. Let me again state what I said yesterday: I do not solicit or want the support of the thugs running Haiti for any initiative I offer. I have never spoken to the illegal military regime in control of Haiti. My staff has never spoken to the military regime. Unlike the administration which appears to be willing to allow an exiled Haitian politician call the shots, I make my own decisions.

Let us review the record. I first proposed a fact finding commission on May 5, 1994. On May 6, I wrote to the President and offered to work with him. After Bill Gray was named special representative, I met with him on May 17 and urged him to consider the proposal. This commission could have completed its work by now. However, after hearing nothing for weeks, I decided to offer an amendment. I did not travel to Port-au-Prince. I did not meet with sworn enemies of the United States. I did not bring back a dictator's disinformation and call it a peace plan.

And I might say that happened with Mr. Ortega and some of our colleagues.

But that is exactly what happened in April 1985. Two Senators traveled to Managua, met with the Communist Dictator Daniel Ortega, accepted his propaganda at face value, and brought back a so-called peace plan. One of them said it presented "a wonderful opening." The Secretary of State George Shultz said, "I'm sure it's quite a problem for us when Senators run around and start dealing with the Communists themselves."

We all understand—most of us understand—that there are limits on what we can do. We do not run around the world trying to make deals with some of our enemies or some of our adversaries.

A few days later, Ortega got his way and Contra aid was defeated after a partisan debate. That was the kind of bipartisanship in foreign policy some Senators pursued when a Republican was in the White House.

So let the record show Republicans supported a simple amendment to look at the facts for 45 days.

We did not say that the President's hands were tied during that 45 days. That is how the media reported it because they just took at face value what one of my colleagues on the other side said.

We did not conduct diplomacy on our own. My amendment would not have tied the President's hands—it did not even mention the President or the executive branch.

I ask consent that two articles on the 1985 trip be printed in the RECORD.

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

[From the Washington Post, April 22, 1985]

TALKS SET ON 'CONTRA' AID RESCUE; PRESIDENT TO MEET KEY SENATORS TODAY ON A COMPROMISE

(By Lou Cannon and Rick Atkinson)

With time running out, President Reagan's top foreign policy advisers struggled yesterday to find a formula that would avert almost certain rejection in Congress of the administration's long efforts to resume aid to the rebels opposing the leftist government of Nicaragua.

"Our hope now is the Senate Democrats," said one White House official, who said Reagan would meet today with Senate Minority Leader Robert C. Byrd (D-W.Va.) and other Senate leaders in a final bid to find a bipartisan compromise that would provide $14 million in "humanitarian aid" for the rebels, known as "contras."

"We don't have much of a fallback position because we've already fallen back considerably," the official said.

Because of what both congressional and administration sources said were problems of timing, a meeting between Reagan and Senate leaders scheduled for yesterday was postponed until today.

Byrd met for three hours in the Capitol yesterday afternoon with 10 other Senate Democrats, including John Kerry (Mass.) and Tom Harkin (Iowa), who described a three-page peace proposal given to them by Nicaraguan President Daniel Ortega during talks in Managua over the weekend.

White House Deputy press secretary Robert Sims said the proposal, which had not been made formally to the U.S. Embassy, contained "nothing new" and did not provide for "a dialogue of reconciliation." He said its main purpose appeared to be aimed at influencing a vote against the aid proposal, which is scheduled to come up for a vote in both chambers on Tuesday.

Secretary of State George P. Shultz, leaving a White House meeting on the aid issue, was asked his opinion of the Ortega plan and flashed a thumbs-down signal.

The meeting chaired by Byrd was the third among key Senate Democrats in the last four days in an effort to find common ground on the issue of aiding the contras. According to a source close to the discussions, Byrd told Reagan after the first meeting Thursday that if the White House could reach a compromise with Senate leaders before the Tuesday vote the minority leader would find an "alternative legislative and procedural approach to the contra aid issue."

Administration sources, aware that some compromise in the Senate is their only hope for sustaining Reagan's hard-fought effort to provide at least a semblance of aid for the rebels, said they were willing to compromise on all procedural issues. These sources said that the administration's remaining goal was to provide the $14 million in aid, which could be used for food but not for arms, until the next fiscal year, and that Congress could determine the mechanism provided that it is an official agency of the government.

One source suggested that the likely mechanism would be not the Central Intelligence Agency but "an interagency group" that would be subject to close review by Congress to see that the money was not funneled indirectly into military aid.

A Democratic source said that, during yesterday's meeting chaired by Byrd, "one senator who has generally supported aid to the contras made a proposal, the general consensus of which the group was able to agree on. Whether they can agree on the particulars remains to be seen."

Reagan is focusing on the Senate because administration officials privately concede that they have almost no chance of winning an acceptable version of the aid request in the House.

They expect passage instead of a Democratic alternative that would provide $10 million for Nicaraguan refugees distributed by the International Red Cross or the United Nations and $4 million to Mexico, Colombia, Panama and Venezuela to administer any peace plan these countries—known as the Contadora group—might be able to produce.

In his Saturday radio speech, Reagan termed this plan a "shameful surrender" to the Sandinista government of Nicaragua. But administration officials said that, if the Senate passes a plan acceptable to Reagan, it may be possible to work out a compromise in a conference committee between the two chambers.

Appearing on NBC's "Meet the Press," Senate Majority Leader Robert J. Dole (R-Kan.) expressed some optimism, saying, "we think we can resolve this issue on Tuesday with pretty broad bipartisan support."

Instead of conferring with the Democrats yesterday, Reagan's leading policy advisers met among themselves. Shultz, national security affairs adviser Robert C. McFarlane, Defense Secretary Caspar W. Weinberger and CIA Director William J. Casey convened at the White House to assess prospects for a compromise.

The administration brushed off the Kerry and Harkin report that Ortega had offered a new proposal that would call for an immediate cease-fire, restore freedom of the press and make other conciliatory gestures if the United States halts support for the rebels.

Kerry said Ortega's offer contained "approximately six new elements" and provided "a wonderful opening" to resolve the conflict "without having to militarize the region." He and Harkin outlined the plan in a three-page memo, which was made available to the administration.

According to the memo, Ortega called upon the United States to discontinue direct and indirect support to the rebels and to enter immediately into new conversations with Nicaragua. He went on to guarantee access to these talks to congressional observers and to solicit U.N. and Red Cross assistance for the resettlement and repatriation of any citizen who wishes to live in Nicaragua or any neighboring country.

The memo said that Ortega pledged to "guarantee full freedom of the press and reaffirm political pluralism and fundamental freedoms" as well as "unconditional amnesty for any member of the contras who surrenders his weapons to representatives of the governments of Nicaragua, Honduras or Costa Rica."

A State Department spokesman said last night of the Ortega proposal: "We see this as mainly a restatement of old positions. There appear to be only two new points—the conditional promise of cease-fire and the restructuring of the composition of the bilateral talks."

Including congressional participants in the talks does not appear to be workable, he said, because "they're dictating who will speak for the United States, or attempting to."

Former secretary of state Henry A. Kissinger, appearing on CBS' "Face the Nation," criticized Kerry and Harkin for sidestepping normal diplomatic channels.

"If the Nicaraguans want to make an offer, they ought to make it in diplomatic channels," Kissinger said. "We can't be negotiating with our own congressmen and Nicaragua simultaneously."

[From the Christian Science Monitor, April 23, 1985]

11TH-HOUR FIGHT FOR AID TO CONTRAS

(By Julia Malone)

Reagan administration officials and senators staged marathon last-minute talks Monday to try to reach a compromise on President Reagan's request for $14 million for rebel fighters in Nicaragua.

Although Mr. Reagan has managed to forge 11th-hour agreements during earlier critical votes, he faced a possible clear defeat on the Central America question. Both houses of Congress are scheduled to vote on the aid request today. As of this writing, lawmakers and the administration had not reached an accord.

White House spokesman Larry Speakes conceded early Monday that prospects were not bright for a Reagan plan to aid the contras, who are fighting the Marxist Sandinista government of Nicaragua. Even in the GOP-controlled Senate, the "vote looks very close," said Mr. Speakes. "In the House we've always been a bit farther behind."

The presidential spokesman held out some hope that Reagan could pull off a last-minute victory. "I think there's a rush to underestimate our strength in both houses," he said, adding that the administration was "making progress" on Capitol Hill.

As he spoke, a band of protesters perched outside the White House gates, blocking two entrances and waving white handkerchiefs as they chanted, "No contra aid," and "Hey, hey, Uncle Sam. We remember Vietnam."

Dressed in "hippie" fashion, the youthful demonstrators were reminiscent of the antiwar movement of the 1960s.

Inside the White House, Senate majority leader Robert Dole (R) of Kansas, minority leader Robert C. Byrd (D) of West Virginia, and other lawmakers worked on a possible alternative plan for aiding contras that might attract a majority on Capitol Hill.

Current law requires the approval of both houses to release the $14 million in contra aid.

Congressional opposition last week forced the President to switch his request from military aid to "humanitarian" aid—help such as food, uniforms, and medicine. But leading Democrats have opposed even that proposal, especially if the aid is distributed by the US Central Intelligence Agency.

Many lawmakers have balked at helping rebels overthrow a government that has diplomatic relations with the United States. Also, while lawmakers are growing increasingly critical of the Sandinista government, many are also lambasting the contras as "terrorists."

The Reagan administration on Monday continued to turn thumbs down on a peace plan that Nicaraguan President Daniel Ortega offered two Democratic senators last weekend.

US Secretary of State George P. Shultz, on NBC-TV's "Today" show, called the offer a "fraud" that was "designed to distract attention" just before Congress votes on contra aid. As presented to Sens. John Kerry of Massachusetts and Tom Harkin of Iowa during a visit to Nicaragua last weekend, the plan calls for a cease-fire and restoration of some civil rights if the US stops helping the contras.

Speakes repeated some of Mr. Shultz's charges, saying, "We regard it as mostly a smoke screen in order to try to influence the congressional vote."

He also said that the plan was "meaningless and amounts to a call for (the contras) to surrender."

Mr. Shultz meanwhile criticized the Democratic senators for making the trip to Nicaragua.

"I'm sure it's quite a problem for us when senators run around and start dealing with the communists themselves," he said.

The White House also released a text of a letter sent April 4 to the presidents of four Latin American countries describing the Reagan peace plan for Central America. While pointing to progress in El Salvador and Guatemala, Reagan said in the letter, "Only in Nicaragua have we seen efforts to promote national reconciliation frustrated by the government's negative response."

Mr. DOLE. Madam President, I would just say that I think most Americans are concerned about our Haitian policy. I do not think most Americans want intervention, invasion, call it what you will. I am not certain many Americans have focused on it. Maybe they think the President has and the administration has, or that maybe even Congress has. I think most Americans though expect those of us in the U.S. Senate and the House of Representatives to exert some effort to express views that may be in accord, or may not be in accord, with any administration views.

For the life of me, I do not understand why we had almost a straight partyline vote on a factfinding commission. In 1984, we had a factfinding commission. It was bipartisan. It was headed by former Secretary of State Henry Kissinger, and a good friend of many of us, former Democrat National Chairman, Bob Strauss; bipartisan. I do not know how many Members were on the commission. They looked at a number of areas in Central America and made a number of good recommendations that the Congress and President Reagan supported later on.

So it is not without precedent to have a bipartisan commission to go down and look at the facts. In this case, there was a mixed commission in 1984. They had Members of Congress, and also civilian representatives.

The amendment I offered was simply Members of Congress, Members of the Senate in this case. I believe we have that right. We do not need a resolution. If the majority leader and the minority leader would agree we ought to send somebody to take a look at it, we can do that without any vote.

I hope that we continue to concern ourselves with Haiti and wonder what is going to happen in Haiti next, because it looks to many of us that a gun is aimed at Haiti and somebody is going to pull the trigger.

There may be a time when that may be the appropriate thing to do. If American lives are threatened, which is not the case today, but some are trying to figure out and get it all set up here so that the more people that get on boats, the more that means we ought to invade to stop that.

In my view, it is sort of self-fulfilling. It is a bad policy that is causing the poorest people in this hemisphere, for the right reasons, to flee Haiti; because they are hungry, and they are starving, they want to get their families out of there. But I am not certain that is reason to intervene, and the reason to use military force.

But I want the record to reflect—because some of my colleagues took the liberty of suggesting that we were somehow doing the work of the military, Republicans are somehow in bed with General Cedras—that is not the case. It will not be the case. And I can say I am not going to travel down to Haiti and visit with Cedras, as some did in 1985 when they went down to visit with Mr. Ortega and came back with a wonderful peace plan.

That is not my intention. But it is my intention, and I believe we have a responsibility on both sides of the aisle, to state our views and to offer amendments when we think we should have a discussion on something that may affect foreign policy, may affect trade policy, may affect domestic policy. And certainly there is a great concern about the poor Haitian people.

I hope that we can relax the sanctions, have some airdrops, make certain people have food, and keep them out of these terrible boats they are in. There already have been lives lost in the past 30 days, probably unnecessarily. I hope that we might find some bipartisan resolution. If we cannot have that, unless we have consultation—we had a briefing a couple of days ago. That is not consultation.

So I hope my colleagues on the other side of the aisle, if they want to debate who has been tying the President's hands, who has been offering amendments with restrictions, who has been saying we can only have so many men in El Salvador—you talk about restrictions, I can give you a bookful that we voted on in this Senate at the time Ronald Reagan and George Bush were Presidents of the United States. I do not intend to follow that course here.

If President Clinton is right, as he was in Somalia, he will have our support. I hope that he will have our support in Haiti, when we know precisely what he has in mind.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

BARNEY QUILTER

Mr. METZENBAUM. Madam President, I rise today to honor a man that truly deserves recognition. He is the Speaker pro tempore of the Ohio House of Representatives, Barney Quilter.

Barney Quilter is retiring at the end of this year after serving 28 years in the Ohio House, 24 continuous years in legislative leadership positions. This is a historic record in Ohio that will probably never be broken. Also, remarkably, he has served the last 20 years as Speaker pro tempore.

Barney Quilter is a long-time friend of mine. He is a gentleman in every sense of the word. He is courageous fighter for those issues in which he believes, and, if he does not believe, he fights equally as hard against them.

The quality of his leadership in service has been equally impressive. Representative Quilter has been instrumental in much of the progress that has been achieved in Ohio during his legislative career; progress in senior citizen legislation, ongoing education funding, a civilian conservation corps, and Alzheimer's legislation.

Barney has long been a courageous fighter in the ongoing battle against the ravages of Alzheimer's. An ongoing battle not only in the Ohio Legislature and here in the Halls of Congress, but also in his own home and at the Little Sisters of the Poor at the side of his wife, Mary. His devotion to Mary and his attention to her needs during this illness has been nothing short of heroic. Barney, I know, sees it differently. He views it as simply a husband's love for his life's partner. What a magnificent human being and what a magnificent husband Barney has been.

That he could continue to effectively serve at his post is a measure of Barney's selflessness and dedication to the welfare of Ohio and the citizens of the Toledo area. Twenty years of that dedication resulted in the gems of the Ohio park system, Maumee Bay State Park, easily among one of the finest State parks in the Nation. The College of Law at the University of Toledo has a new addition and law library due to Representative Quilter's successful efforts to obtain State funding. Barney has been equally productive for his hometown in bringing about the Medical College of Ohio, the Center of Science and Industry on the Maumee River, the Seagate Convention Centre, and the restoration of the Valentine Theater. He obtained grants and loans for Toledo Jeep, Rossford Libbey-Owens-Ford, and the Toledo-Lucas County Port Authority among others.

As momentous as those accomplishments are, they are not more so than Barney's consistent demonstration of exemplary character. There are few other government servants who have been more receptive to those who needed help. Barney always attempted to respond effectively and cheerfully to those in need. He is a source of ongoing inspiration to all who have had the honor of knowing him.

For all his influence and effectiveness, Barney Quilter has remained an honorable and humble man. As the Toledo Blade recently said in an editorial, Barney "is as universally admired and respected as it is possible for a partisan

public servant to get.'' What a magnificent tribute to this wonderful human being.

So admired that his community's leaders have established a scholarship fund in his name at the University of Toledo to encourage political science students to pursue public service careers and to inspire them to follow in his footsteps.

Public servants such as Barney Quilter stand as beacons to all who would help their community, State, and country, showing the way to serve both effectively and ethically. Barney has done just that for 28 years. I ask my colleagues to join me in expressing our admiration and appreciation, and in recognizing him, his wife, Mary, and their family as an example we should all strive to emulate.

I am sorry that I cannot be there tonight with Barney Quilter and his many friends, but I know of no public servant that deserves the respect and honor that is accorded him this evening.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 1041, 1042, 1043, 1044, 1045, 1046 through 1088, and all nominations placed on the secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, a motion to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations, considered and confirmed, en bloc, are as follows:

THE JUDICIARY

Judith Bartnoff, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Zoe Bush, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Rhonda Reid Winston, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of fifteen years.

EXECUTIVE OFFICE OF THE PRESIDENT

John A. Koskinen, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget.

FEDERAL LABOR RELATIONS AUTHORITY

Phyllis Nichamoff Segal, of Massachusetts, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 1999.

AIR FORCE

The following named officers for appointment in the United States Air Force to the grade of brigadier general under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. James E. Andrews, [redacted] Regular Air Force.

Col. David E. Baker, [redacted] Regular Air Force.

Col. James R. Beale, [redacted] Regular Air Force.

Col. Robert J. Boots [redacted] Regular Air Force.

Col. William C. Brooks, [redacted] Regular Air Force.

Col. Richard E. Brown III, [redacted] Regular Air Force.

Col. Robert J. Courter, Jr [redacted] Regular Air Force.

Col. John R. Dallager, [redacted] Regular Air Force.

Col. Curtis H. Emery II, [redacted] Regular Air Force.

Col. Thomas O. Fleming, Jr. [redacted] Regular Air Force.

Col. Robert H. Foglesong, [redacted] Regular Air Force.

Col. Dennis G. Haines, [redacted] Regular Air Force.

Col. Bryan G. Hawley, [redacted] Regular Air Force.

Col. Kenneth W. Hess, [redacted] Regular Air Force.

Col. Paul V. Hester [redacted] Regular Air Force.

Col. William T. Hobbins [redacted] Regular Air Force.

Col. John D. Hopper, Jr. [redacted] Regular Air Force.

Col. Silas R. Johnson, Jr [redacted] Regular Air Force.

Col. Rodney P. Kelly [redacted] Regular Air Force.

Col. Leslie F. Kenne [redacted] Regular Air Force.

Col. Ronald E. Keys [redacted] Regular Air Force.

Col. Timothy A. Kinnan [redacted] Regular Air Force.

Col. Michael C. Kostelnik [redacted] Regular Air Force.

Col. Donald A. Lamontagne [redacted] Regular Air Force.

Col. Robert E. Larned [redacted] Regular Air Force.

Col. David R. Love, [redacted] Regular Air Force.

Col. Timothy P. Malishenko [redacted] Regular Air Force.

Col. Robert T. Newell III [redacted] Regular Air Force.

Col. Robert T. Osterthale [redacted] Regular Air Force.

Col. Susan L. Pamerleau [redacted] Regular Air Force.

Col. Andrew J. Pelak, Jr. [redacted] Regular Air Force.

Col. Steven R. Polk, [redacted] Regular Air Force.

Col. Roger R. Radcliff, [redacted] Regular Air Force.

Col. Antonio J. Ramos, [redacted] Regular Air Force.

Col. Berwyn A. Reiter, [redacted] Regular Air Force.

Col. Pedro N. Rivera, [redacted] Regular Air Force.

Col. Gary M. Rubus, [redacted] Regular Air Force.

Col. John W. Rutledge, [redacted] Regular Air Force.

Col. Dennis R. Samie, [redacted] Regular Air Force.

Col. James E. Sandstrom [redacted] Regular Air Force.

Col. Terryl J. Schwalier [redacted] Regular Air Force.

Col. Donald A. Streater [redacted] Regular Air Force.

Col. Thomas C. Waskow, [redacted] Regular Air Force.

Col. Charles J. Wax, [redacted] Regular Air Force.

Col. George N. Williams, [redacted] Regular Air Force.

Col. Leon A. Wilson, Jr., [redacted] Regular Air Force.

Col. John L. Woodward, Jr. [redacted] Regular Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Joseph W. Ralston [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Lawrence E. Boese, [redacted] United States Air Force.

The following named officer for appointment in the United States Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. Charles H. Roadman, II, [redacted], regular Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. John P. Jumper, [redacted] United States Air Force.

The following named officer for appointment as Vice Chief of Staff, United States Air Force and appointment to the grade of general under the provisions of Title 10, United States Code, section 601 and section 8034:

TO BE VICE CHIEF OF STAFF, UNITED STATES AIR FORCE

To be general

Lt. Gen. Thomas S. Moorman, Jr. [redacted], United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be lieutenant general

Maj Gen. Patrick P. Caruana, [redacted] United States Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be lieutenant general

Lt. Gen. Walter Kross, [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be lieutenant general

Maj. Gen. Bruce L. Fister [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be general

Lt. Gen. James L. Jamerson [redacted] United States Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be lieutenant general

Lt. Gen. Albert J. Edmonds [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be lieutenant general

Maj. Gen. Thomas R. Griffith [redacted] United States Air Force.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be general

Lt. Gen. Joseph W. Ashy, [redacted] United States Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10 United States Code, Section 601:

To be lieutenant general

Lt. Gen. James A. Fain, Jr [redacted] United States Air Force.

ARMY

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Steven L. Arnold [redacted] United States Army.

The following named officer for appointment to the grade of major general while assigned to a position of importance and responsibility under Title 10, United States Code, section 3039(b):

TO BE ASSISTANT SURGEON GENERAL/CHIEF OF DENTAL CORPS

To be major general

Brig. Gen. John J. Cuddy [redacted] United States Army.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Sections 601(a) and 3034:

To be general

Lt. Gen. John H. Tilelli, Jr. [redacted] United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Paul E. Blackwell, [redacted] United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Jay M. Garner, [redacted] United States Army.

The following named officer for appointment to the grade of major general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 3036(b):

TO BE CHIEF OF CHAPLAINS

To be major general

Brig. Gen. Donald W. Shea, [redacted] United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Caryl G. Marsh [redacted] United States Army.

NAVY

The following named officer for reappointment to the grade of admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be admiral

Adm. Charles R. Larson, [redacted] U.S. Navy.

The following named officer for appointment to the grade of Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be admiral

Vice Adm. Ronald J. Zlatoper [redacted] U.S. Navy.

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Sections 601 and 5141:

TO BE CHIEF OF NAVAL PERSONNEL

To be vice admiral

Rear Adm. (Selectee) Frank L. Bowman, U.S. Navy, [redacted]

The following named officer for reappointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Vice Adm. Joseph P. Reason, U.S. Navy, [redacted].

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. Conrad C. Lautenbacher, U.S. Navy, [redacted].

The following named officer for appointment to the grade of Vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. Philip M. Quat, U.S. Navy, [redacted].

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. John S. Redd, U.S. Navy, [redacted].

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. (Selectee) Archie R. Clemins, U.S. Navy [redacted].

The following named officer for appointment as Chief of Chaplains and appointment to the grade of Rear Admiral under Title 10, United States Code, Section 5142:

To be Chief of Chaplains

To be rear admiral

Rear Adm. (lh) Donald K. Muchow, Chaplain Corps, U.S. Navy [redacted].

The following named officer for reappointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Vice Adm. Douglas J. Katz [redacted] U.S. Navy.

The following named officer for reappointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Vice Adm. Timothy W. Wright, U.S. Navy, [redacted]

The following named officer for reappointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. William A. Earner, Jr., U.S. Navy, [redacted]

The following named officer for reappointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be admiral

Vice Adm. Richard C. Macke [redacted] U.S. Navy.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be vice admiral

Vice Adm. Michael P. Kalleres [redacted] U.S. Navy.

MARINE CORPS

The following named officer under the provisions of Title 10, United States Code, section 5044, for assignment to a position of importance and responsibility as follows:

To be general

Lt. Gen. Richard D. Hearney [redacted] USMC.

The following named officer under the provisions of Title 10, United States Code, section 601, for reassignment to a position of importance and responsibility as follows:

To be lieutenant general

Lt. Gen. George R. Christmas, [redacted] USMC.

The following named officer under the provisions of Title 10, United States Code, section 601, for reassignment to a position of importance and responsibility as follows:

To be lieutenant general

Lt. Gen. Robert B. Johnston [redacted] USMC.

The following named officer under the provisions of Title 10, United States Code, section 601, for reassignment to a position of importance and responsibility as follows:

To be lieutenant general

Lt. Gen. Charles C. Krulak [redacted] USMC.

The following named officer, under the provisions of title 10, United Stats Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Arthur C. Blades [redacted] USMC.

The following named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Harry W. Blot [redacted] USMC.

The following named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. James A. Brabham, Jr. [redacted] USMC.

The following named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Charles E. Wilhelm, [redacted] U.S. Marine Corps.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning David C. Allred, Jr., and ending James C. Wiggins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1994.

Air Force nominations beginning Jerry J. Foster, and ending Sandra D. Gatlin, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 17, 1994.

Air Force nominations beginning George B. Barnett, and ending Arthur P. Zapolski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Air Force nominations beginning Todd E. Combs, and ending Jennifer A. Mendel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Air Force nominations beginning Thomas F. Astaldi, and ending George W. Siebert III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Air Force nominations beginning Major Hunter E. Blackmon, [redacted] and ending Major Eric C. Schlanser, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 14, 1994.

Air Force nominations beginning Frankie L. Griffin, and ending Robert C. Hall, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Air Force nominations beginning Norma J.C. Correa, and ending Laszlo Varju, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Air Force nominations beginning Mel P. Simon, and ending Terry A. Higbee, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Air Force nominations beginning Major Dale R. Anderson, [redacted] and ending Major Brian J. Browne, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning Terrence R. Brand, and ending George A. Yanthis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Army nominations beginning William D. Bertolio, and ending Thaddeus Zebrowsky, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Army nominations beginning Peter M. Abbruzzese, and ending Richard Wrona, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Army nomination of Col. Anthony E. Hartle, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 14, 1994.

Army nominations beginning Victor Gutierrez-Fulladosa, and ending Carl M. Warvarovsky, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning Joe C. Crain, and ending Leopolodo A. Rivas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning John M. Riggs, and ending Scott Rutherford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nomination of Charles C. Franz, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning Stanley H. Unser, and ending Russell J. Otto, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning Jill Wruble, and ending Therese L. Galloucis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning Samuel J. Boone, and ending Dennis Westbrooks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1994.

Army nominations beginning Robert B. Abernathy, and ending 4264x, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1994.

Army nominations beginning Robert F. Anderson II, and ending Robert H. Spell, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 27, 1994.

Army nominations beginning Michael J. Bacino, and ending Gary P. Waters, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 27, 1994.

Marine Corps nominations beginning John B. Atkinson, and ending John F. Wirtz, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 17, 1994.

Marine Corps nominations beginning Geoffrey H. Barker, and ending Todd C. Yant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Marine Corps nomination of Capt. John C. Burlingame, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 14, 1994.

Marine Corps nominations beginning Ned M. Beihl, and ending Ernest E. Robinson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 1, 1994.

Navy nomination of Christopher Reddin Meehan, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 3, 1994.

Navy nominations beginning Martin E. Bacon, and ending Julia Campo Washington, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 3, 1994.

Navy nominations beginning Dale C. Hoover, and ending Scott M. Balderston, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 17, 1994.

Navy nomination of Douglas Jay Law, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 19, 1994.

Navy nominations beginning Donald Michael Abrashoff, and ending William Dale Zbaeren, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 19, 1994.

Navy nominations beginning Jeffery R. Abel, and ending Arthur Kelso Dunn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Navy nominations beginning Charles Francis Adams, and ending Aubrey Eugene Lane, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 14, 1994.

Navy nominations beginning Louis W. Bremer, and ending John P. Ternes, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate from Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:12 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to House Resolution 479 stating that the Senate amendment No. 104 to the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill with the Senate amendments thereto be respectfully returned to the Senate with a message communicating this resolution.

The message also announced that the House has agreed to the following bill, in which it requests the concurrence of the Senate:

H.R. 4600. An Act to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 4600. An Act to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

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-3059. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3060. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of cigarette sales and advertising expenditures data for calendar year 1992; to the Committee on Commerce, Science, and Transportation.

EC-3061. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Collision Avoidance Systems"; to the Committee on Commerce, Science, and Transportation.

EC-3062. A communication from the Administrator of the Federal Railroad Administration, transmitting, pursuant to law, the report entitled "Railroad Communications and Train Control"; to the Committee on Commerce, Science, and Transportation.

EC-3063. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the notice of leasing systems (sale 150); to the Committee on Energy and Natural Resources.

EC-3064. A communication from the Secretary of Energy, transmitting, pursuant to law, notice relative to a study to evaluate the safety of shipments of plutonium by sea; to the Committee on Environment and Public Works.

EC-3065. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the financial audit of the Congressional Award Foundation's financial statements for calendar years 1990, 1991, and 1992; to the Committee on Governmental Affairs.

EC-3066. A communication from the Assistant Secretary of Education (Vocational and Adult Education), transmitting, pursuant to law, a notice of final priorities relative to the Cooperative Demonstration Program (Correctional Education); to the Committee on Labor and Human Resources.

EC-3067. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the mid-session review of the budget for fiscal year 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-599. A petition from citizens of the District of Columbia relative to the proposed Violence Against Women Act; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs:

Special Report entitled "Indian Education Amendments" (Rept. No. 103-314).

By Mr. GLENN, from the Committee on Governmental Affairs, with amendments:

S. 1413. A bill to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics for eight years and for other purposes (Rept. No. 315).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Daniel C. Dotson, of Utah, to be United States Marshal for the District of Utah for the term of four years, and

Guido Calabresi, of Connecticut, to be United States Circuit Judge for the Second Circuit.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GREGG:

S. 2288. A bill to amend the Internal Revenue Code of 1986 to provide that a foster care provider and a qualified foster individual may share the same home; to the Committee on Finance.

By Mr. D'AMATO:

S. 2289. A bill to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH:

S. 2290. A bill to repeal the increase in withholding from supplemental wage payments included in the Revenue Reconciliation Act of 1993; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 2289. A bill to authorize the Export-Import bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes; to the Committee on Banking, Housing, and Urban Affairs.

NONLETHAL DEFENSE ARTICLES AND DEFENSE SERVICES ACT

Mr. D'AMATO. Mr. President, I introduce a bill to authorize the Export-Import Bank to provide financing for the export of nonlethal defense articles and defense services for which the primary end use will be for civilian purposes. The Export-Import Bank's jurisdiction should be expanded in this limited way, in order to maintain the U.S. defense industrial base that is so crucial to America's well-being.

With the end of the cold war, changes in the defense industry are warranted. Overall, though, the defense industrial base must remain strong. The United States must continue to occupy a position of leadership in an era in which the health of our economy is paramount.

The defense budget has been cut substantially. Due to this decline in the monetary resources available, the country must find innovative ways to keep the defense industry strong. One way is through the development of dual-use technologies—technologies that may be used for both civilian and

military purposes. This move to dual-use is a very important part of a defense conversion plan. However, at this time, the Export-Import Bank may not participate in transactions that involve even the slightest defense application. Export sales financing is always an important factor in trade opportunities. However, it is crucial in sales to developing Third-World countries which is an ever-increasing market.

The defense industry needs the assistance that would be provided for dual-use products by this legislation. The Export-Import Bank should be authorized to provide financing for the export of such articles and services when the primary end use is civilian. I urge my colleagues to support this legislation which has already been introduced by Representative BEREUTER, and is making its way through the House.

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. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES AND DEFENSE SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended by adding at the end the following:

"(I)(i) Subparagraph (A) shall not apply to a sale of defense articles or services if—

"(I) the Bank determines that—

"(aa) the defense articles or services are nonlethal; and

"(bb) the primary end use of the defense articles or services will be for civilian purposes; and

"(II) not less than 15 calendar days before the date on which the Board of Directors of the Bank gives final approval to Bank participation in the transaction, the Bank provides notice of the transaction to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate.

"(ii) Not more than 10 percent of the loan, guarantee, and insurance authority available to the Bank for a fiscal year may be used by the Bank to support the sale of defense articles or services to which subparagraph (A) does not apply by reason of clause (i) of this subparagraph.

"(iii) Not later than September 1 of each fiscal year, the Comptroller General of the United States, in consultation with the Bank, shall submit to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate, a report on the end uses of any defense articles or services described in clause (i) with respect to which the Bank provided support during the fiscal year ending 1 year before that September 1.

"(iv) The provisions of clause (i) shall not apply after September 30, 1997.".

SEC. 2. REPORT TO THE CONGRESS.

The first sentence of section 2(b)(6)(H) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(H)) is amended by inserting before the period ", or any sale of defense articles or services as described in subparagraph (I)(i)".

SEC. 3. PROMOTION OF EXPORTS OF ENVIRONMENTALLY BENEFICIAL GOODS AND SERVICES.

(a) IN GENERAL.—Section 11(b) of the Export-Import Bank Act of 1945, the first place it appears (12 U.S.C. 635i-5(b)), is amended—

(1) by striking "The Bank" and inserting the following:

"(1) IN GENERAL.—The Bank";

(2) in the first sentence, by inserting before the period "(such as by encouraging environmentally sustainable development, promoting efficient use of resources, and promoting energy efficiency)"; and

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

"(2) AUTHORIZATION OF FUNDS.—In addition to other funds available to support the export of goods and services described in paragraph (1), there are authorized to be appropriated to the Bank not more than $35,000,000 for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of supporting such exports.".

(b) TECHNICAL CORRECTION.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by redesignating section 11, the second place it appears (12 U.S.C. 635i-8), as section 14.●

By Mr. HATCH:

S. 2290. A bill to repeal the increase in withholding from supplemental wage payments included in the Revenue Reconciliation Act of 1993; to the Committee on Finance.

THE 20-PERCENT WITHHOLDING RATE REINSTATEMENT ACT OF 1994

Mr. HATCH. Mr. President, I rise today to introduce legislation to correct a tax provision that is causing undue and unintended hardship to many Americans. This provision is the 28-percent withholding rate on supplemental wages that Congress passed last year as part of the Omnibus Budget Reconciliation Act [OBRA] of 1993.

Supplemental wages are any payments made by employers to employees that are not connected with a regular pay period, such as bonuses, commissions, and certain sick pay. OBRA 1993 increased the withholding rate on supplemental wages from 20 to 28 percent—a 40-percent increase in the withholding rate. My bill would simply repeal this increase and return the law to a 20-percent rate.

The ostensible purpose for last year's change was to bring the supplemental wage withholding rate more closely in line with the top individual tax bracket, which last year's tax bill raised to 39.6 percent. In other words, the provision was intended to force employers to withhold more income tax from bonuses and other payments to wealthy Americans in tax brackets higher than 20 percent.

As so often happens, in an effort to increase taxes on the rich, this misguided provision created an undue hardship for taxpayers in the lowest tax bracket and has had little or no effect on taxpayers in the higher tax brackets.

Mr. President, I would like to explain how this increase in the supplemental wage withholding rate is an unfair seizure of taxpayers' money, a hidden tax on the lower and middle-income classes, and a manipulation of Federal revenues. To do this, I will share with you the stories of two Utah taxpayers, Brian Neilson and Deborah Young.

Brian Neilson of Sandy, UT, is a father of five and a salesman whose compensation is comprised of both salary and commissions. Although he expects to earn slightly more this year than last year, he noticed this year's paychecks have not covered the same expenses they had covered last year. After researching this situation, he discovered the withholding rate on his commission checks had increased from 20 to 28 percent.

Neilson, whose taxable income generally falls into the lowest tax bracket because of the size of his family, projects his tax liability for 1994 to be approximately $5,000. By the end of the year, he will have had appoximately $12,400 withheld from his paychecks. This translates into an overwithholding of $7,400, which is 148 percent more than is necessary. In other words, Brian is unwillingly providing a $7,400 interest-free loan to Uncle Sam. This is an unjust, irresponsible provision. In essence, the Government is confiscating his income.

Deborah Young of West Valley City, UT, is the mother of three children, one of whom is a newborn. When she first contacted my office several weeks ago, she was in desperate straits. Complications with her pregnancy had forced her to go on sick leave. Even though her sick pay, which the IRS considers a supplemental wage, would just cover her living and medical expenses, she believed she would be able to survive. After receiving her first sick pay check, however, she found that 28 percent of her money—she did not owe it in taxes—was being seized by the Government at the point in her life when she needed it most.

Mr. President, the increase in the withholding rate on supplemental wages was aimed at the commissions and bonuses of taxpayers with high income levels. But look at who is being hurt by this law: people like Brian Neilson and Deborah Young. Brian is in the lowest tax bracket. Deborah does not owe any taxes. And, while the $7,400 excess withheld from Brian Neilson's income or the money withheld from Deborah Young's sick pay may seem like chicken feed to some here in Washingon, it is real money in Utah.

As I stated earlier, supplemental wages are any wages or salary paid that are not connected with a regular

pay period. Obviously, supplemental wages are not restricted to the rich. Bonuses, commissions, and sick pay apply to wage-earners from all walks of life. The 28 percent withholding provision assumes that everyone receiving these kinds of payments is in the highest tax brackets. This is absurd.

Moreover, the tax law already has a provision in place to ensure that taxpayers make proper payments on their tax obligations throughout the year. Taxpayers must pay 90 percent of their projected tax or 100 percent of the previous year's tax in four estimated tax installments throughout the year or they are assessed a penalty. Because of this estimated tax requirement, the increase in the withholding rate is not necessary to ensure proper tax collections for taxpayers whose tax rates are 28 percent of greater.

The effect of this provision is that only those taxpayers in the 15 percent tax bracket, or those who will owe no tax at all, will experience an increase in the amount of taxes paid during the year. These are the same taxpayers for whom the 20 percent withholding rate was already too high.

Ironically, the Clinton administration continues to claim that taxes were raised last year on only the richest 1.2 percent of Americans. It can be argued that an increase in withholding is not an increase in tax. But, in reality, what else can it be? Money is being confiscated from citizens that they do not owe in taxes and is subsequently used to fund Government spending. The only difference between this provision and a raw tax increase is the taxpayer eventually gets his or her money back, without interest.

Moreover, the provision to raise the supplemental wage withholding rate was scored to raise $228 million over 5 years with $188 million of that revenue coming in the first year. If increasing the withholding rate isn't an increase in tax, where did the $228 million in revenue come from? The fact that this is an increase in tax on the lower and middle-income classes is clearly demonstrated in Brian Neilson's and Deborah Young's cases.

Finally, I would like to discuss the misleading nature of the $228 million raised by the increase in the withholding rate. This increase is actually just an artificial windfall created by forcing individuals to pay tax they don't necessarily owe to the IRS earlier than it is due. The fact that 83 percent of this revenue is raised in this first year is further evidence of its misleading nature. Counting improperly withheld money toward deficit reduction is just smoke-and-mirrors accounting. Congress has reached either new heights of creativity or new depths of deceit in its never-ending effort to collect more and more taxes from the American people. Collecting and spending citizens' unowed tax money is unjust and irresponsible.

Mr. President, I urge the Senate to take immediate action to correct this injustice. The Government should not be allowed to confiscate and spend taxpayers' unowed money. We must attempt to understand the hopelessness these taxpayers fell when money they do not owe in taxes is seized by the Government and there is nothing they can do except wait until the next tax return is filed so they can claim a refund. Restoring the supplemental wage wihholding rate to 20 percent will bring the withholding rate closer into line with actual tax liability.

I urge my colleagues to support this bill.

ADDITIONAL COSPONSORS

S. 1495

At the request of Mr. INOUYE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1495, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1539

At the request of Mr. INOUYE, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1539, a bill to require the Secretary of the Treasury to mint coins in commemoration of Franklin Delano Roosevelt on the occasion of the 50th anniversary of the death of President Roosevelt.

S. 1887

At the request of Mr. BAUCUS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1923

At the request of Mr. REID, the names of the Senator from Nebraska [Mr. EXON], the Senator from Delaware [Mr. ROTH], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1923, a bill to amend the Immigration and Nationality Act 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. 1962

At the request of Mr. DODD, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1962, a bill to provide for demonstration projects in 6 States to establish or improve a system of assured minimum child support payments.

S. 2074

At the request of Mr. MCCAIN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2074, a bill to increase the special assessment for felonies and improve the enforcement of sentences imposing criminal fines, and for other purposes.

S. 2127

At the request of Mrs. KASSEBAUM, her name was added as a cosponsor of S. 2127, a bill to improve railroad safety at grade crossings, and for other purposes.

S. 2141

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 2141, a bill to provide a grant program to award grants to certain rural communities that provide emergency medical services for Federal-aid highways, and for other purposes.

S. 2247

At the request of Mr. GORTON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2247, a bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes.

S. 2257

At the request of Mr. BAUCUS, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2257, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes.

S. 2264

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2264, a bill to provide for certain protections in the sale of a short line railroad, and for other purposes.

SENATE JOINT RESOLUTION 169

At the request of Mr. WARNER, the names of the Senator from Georgia [Mr. NUNN], the Senator from Missouri [Mr. BOND], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Delaware [Mr. ROTH], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate July 27 of each year as "National Korean War Veterans Armistice Day."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KOHL], the Senator from Montana [Mr. BURNS], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. THURMOND, the name of the Senator from Florida [Mr.

MACK] was added as a cosponsor of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week."

SENATE JOINT RESOLUTION 191

At the request of Mr. BURNS, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. MCCAIN], the Senator from Nevada [Mr. REID], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 191, a joint resolution to designate Sunday, October 9, 1994, as "National Clergy Appreciation Day."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Kansas [Mr. DOLE], the Senator from Oklahoma [Mr. BOREN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Florida [Mr. MACK], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating 1995 as the "Year of the Grandparent."

AMENDMENT NO. 2257

At the request of Mr. MCCAIN, his name was added as a cosponsor of amendment No. 2257 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENT NO. 2273

At the request of Mr. MURKOWSKI, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of amendment No. 2273 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENT NO. 2275

At the request of Mr. NICKLES, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of amendment No. 2275 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

At the request of Mr. DECONCINI, his name was added as a cosponsor of amendment No. 2275 proposed to H.R. 4426, supra.

AMENDMENT NO. 2284

At the request of Mr. DOMENICI, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of amendment No. 2284 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS APPROPRIATIONS ACT, FISCAL YEAR 1995

BROWN AMENDMENT NO. 2299

Mr. MCCONNELL (for Mr. BROWN) proposed an amendment to the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; as follows:

At the end of the bill insert the following:

SEC. 576. LIMITATION ON USE OF FUNDS FOR CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY.

(a) LIMITATION.—Not more than $20,000,000 of the amount appropriated under Title I under the heading "CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND" shall be available until the Bipartisan Commission described in subsection (b) submits the report described in subsection (c).

(b) BIPARTISAN COMMISSION.—There shall be established a bipartisan Commission whose members shall be appointed within two months of enactment of this Act to conduct a complete review of the salaries and benefits of World Bank and International Monetary Fund employees and their families. The Commission shall be composed of:

(i) 1 member appointed by the President;

(ii) 1 member appointed by the Speaker of the House of Representatives;

(iii) 1 member appointed by the Minority Leader of the House of Representatives;

(iv) 1 member appointed by the Majority Leader of the Senate;

(v) 1 member appointed by the Minority Leader of the Senate;

(vi) Salaries and expenses—The salaries and expenses of the Commission and the Commission's staff may be paid out of funds made available under this Act.

(c) COVERED REPORT.—Within six months after appointment the Commission shall submit a report to the President, the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee which includes the following:

(i) a review of the existing salary paid and benefits received by the employees of the World Bank and the IMF;

(ii) a review of all benefits paid by the World Bank and the IMF to family members and dependents of the employees of the World Bank and the IMF;

(iii) a review of all salary and benefits paid to employees and dependents of the World Bank and the IMF as compared to all salary and benefits paid to comparable positions for employees of U.S. banks.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1995

MCCAIN AMENDMENT NO. 2300

Mr. MCCAIN proposed an amendment to the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF THE SENATE ON FUNDING FOR MILITARY CONSTRUCTION PROJECTS NOT REQUESTED IN THE PRESIDENT'S ANNUAL BUDGET REQUEST.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that, to the maximum extent practicable, the Senate should consider the appropriation of funds for a military construction project not authorized or included in the annual budget request of the Department of Defense only if:

(1) the project is consistent with past actions of the Base Realignment and Closure process;

(2) the project is included in the military construction plan of the military department concerned incorporated in the Future Years Defense Program or is authorized;

(3) the project is necessary for reasons of the national security of the United States; and

(4) a contract for construction of the project can be awarded in that fiscal year.

(b) VIEWS OF THE SECRETARY OF DEFENSE.—In considering these criteria, the Senate should obtain the views of the Secretary of Defense. These views should include whether funds for a military construction project not included in the budget request can be offset by funds for other programs, projects, or activities, including military construction projects, in the budget request and, if so, the specific offsetting reductions recommended by the Secretary of Defense.

(c) RULE OF CONSTRUCTION.—Nothing in this provision shall be construed as modifying the provisions of section 2802 of title 10, United States Code.

GLENN AMENDMENT NO. 2301

Mr. GLENN proposed an amendment to the bill H.R. 4453, supra; as follows:

In the pending amendment, strike out everything after the section heading and all that follows through the end of the amendment, and insert in lieu thereof the following:

(a) IN GENERAL.—(1) Subject to paragraph (2), the Administrator of General Services shall—

(A) transfer jurisdiction over all or a portion of the parcel of real property described in subsection (b)(1) to another executive agency if the Administrator determines under subsection (c) that the transfer of jurisdiction to the agency is appropriate;

(B) convey all or a portion of the parcel to a State or local government or nonprofit organization if the Administrator determines under subsection (d) that the conveyance to the government or organization is appropriate; or

(C) convey all or a portion of the parcel to the entity specified to receive the conveyance under subsection (e) in accordance with that subsection.

(2) The Administrator shall carry out an action referred to in subparagraph (A), (B), or (C) of paragraph (1) only upon direction by the Secretary of Defense. The Secretary shall make the direction, if at all, in accordance with subsection (g).

(3) Upon the direction of the Secretary of Defense, the Secretary of the Navy shall transfer jurisdiction over an appropriate portion of the parcel of real property referred to in paragraph (1) to the Administrator in order to permit the Administrator to carry

out the transfer of jurisdiction over or conveyance of the portion of the parcel under this section.

(b) COVERED PROPERTY.—(1) The parcel of real property referred to in subsection (a)(1) is a parcel of real property, together with any improvements thereon, consisting of approximately 5.09 acres, located in Seattle, Washington, the location of the Naval Reserve Center, Seattle, Washington.

(2) The exact acreage and legal description of the real property referred to in paragraph (1) that is transferred or conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary. The transferee or conveyee, if any, of the property under this section shall reimburse the Secretary for the cost borne by the Secretary for the survey of the property.

(c) DETERMINATION OF TRANSFEREES.—(1) Subject to subsection (a)(2), the Administrator shall transfer jurisdiction over all or a portion of the parcel of real property referred to in subsection (b)(1) to an executive agency if the Administrator determines under this subsection that the transfer is appropriate.

(2) Not later than 5 days after the date of the enactment of this Act, the Administrator shall inform the heads of the executive agencies of the availability of the parcel of real property referred to in subsection (b)(1).

(3) The head of an executive agency having an interest in obtaining jurisdiction over any portion of the parcel of real property referred to in paragraph (2) shall notify the Administrator, in writing, of the interest within such time as the Administrator shall specify with respect to the parcel in order to permit the Administrator to determine under paragraph (4) whether the transfer of jurisdiction to the agency is appropriate.

(4)(A) The Administrator shall—

(i) evaluate in accordance with section 202(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)) the notifications of interest, if any, received under paragraph (3) with respect to a parcel of real property; and

(ii) determine in accordance with that section the executive agency, if any, to which the transfer of jurisdiction is appropriate.

(B) The Administrator shall complete the determination under subparagraph (A) with respect to the parcel not later than 30 days after informing the heads of the executive agencies of the availability of the parcel.

(d) DETERMINATION OF CONVEYEES.—(1) Subject to subsection (a)(2), the Administrator shall convey all right, title, and interest of the United States in and to all or a portion of the parcel of real property referred to in paragraph (2) to a government or organization referred to in paragraph (3) if the Administrator determines under this subsection that the conveyance is appropriate.

(2) Paragraph (2) applies to any portion of the parcel of real property referred to in subsection (b)(1)—

(A) for which the Administrator receives no notification of interest from the head of an executive agency under subsection (c); or

(B) with respect to which the Administrator determines under paragraph (4)(B) of that subsection that a transfer of jurisdiction under this section would not be appropriate.

(3)(A) In the case of the property referred to in paragraph (2), the governments and organizations referred to in that paragraph are the following:

(i) The State government of the State in which the property is located.

(ii) Local governments affected (as determined by the Administrator) by operations of the Department of Defense at the property.

(iii) Nonprofit organizations located in the vicinity of the property and eligible under Federal law to be supported through the use of Federal surplus real property.

(B) In this paragraph, the term "nonprofit organization" means any organization listed in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501) that is exempt from taxation under subsection (a) of that section.

(4) Not later than 5 days after completing the determination under subsection (c)(4)(B), the Administrator shall determine if any portion of the parcel of property referred to in subsection (b)(1) is available for conveyance under this subsection and shall inform the appropriate governments and organizations of the availability of the parcels for conveyance under this section.

(5) A government or organization referred to in paragraph (4) shall notify the Administrator, in writing, of the interest of the government or organization, as the case may be, in the conveyance of all or a portion of the parcel of real property to the government or organization. The government or organization shall notify the Administrator within such time as the Administrator shall specify with respect to the parcel in order to permit the Administrator to determine under paragraph (6) whether the conveyance of the parcel to the government or organization, as the case may be, is appropriate.

(6)(A) The Administrator shall—

(i) evaluate in accordance with section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) the notifications, if any, received under paragraph (5) with respect to a parcel of real property; and

(ii) determine in accordance with that section the government or organization, if any, to which the conveyance is appropriate.

(B) The Administrator shall complete the determination under subparagraph (A) with respect to the parcel not later than 70 days after notifying the governments and organizations concerned of the availability of the parcel for conveyance.

(e) ADDITIONAL CONVEYANCE AUTHORITY.—(1) Subject to subsection (g)(2), the Administrator shall, in lieu of transferring jurisdiction over or conveying the parcel of real property referred to in subsection (b)(1) in accordance with subsections (c) and (d), convey the parcel in accordance with this subsection.

(2) The Administrator may convey to the City of Seattle, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property referred to in subsection (b)(1).

(3)(A) As consideration for the conveyance under this subsection, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion of the real property to be conveyed under this subsection that is described in subparagraph (B).

(B) Subparagraph (A) applies to the portion of the parcel of real property referred to in paragraph (2) that consists of approximately 3.67 acres and was acquired by the United States from a party other than the City.

(4) The conveyance authorized by this subsection shall be subject to the condition that the City accept the real property in its condition at the time of conveyance.

(5)(A) The Administrator may not make the conveyance authorized by this subsection until the commencement of the use by the Navy of a Naval Reserve Center that is a suitable replacement for the Naval Reserve Center located on the property to be conveyed.

(B) The Secretary of the Navy may not commence construction of a facility to be the replacement facility under subparagraph (A) for the Naval Reserve Center until the Secretary completes an environmental impact statement with respect to the construction and operation of the facility to be the replacement facility.

(6) If at any time after the conveyance under this subsection the City ceases utilizing the real property conveyed for public purposes, and uses such real property instead for commercial purposes, the City shall pay to the United States an amount equal to the excess, if any, of—

(A) an amount equal to the fair market value (as determined by the Administrator) of the real property referred to in paragraph (3)(B), and any improvements thereon, at the time the City ceases utilizing the real property for public purposes, over

(B) the amount determined by the Administrator under paragraph (3)(A).

(7)(A) The Administrator shall deposit in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)) the amount received from the City under paragraph (3)(A) and the amount, if any, received from the City under paragraph (6).

(B) Notwithstanding subparagraph (A) of such section 204(h)(2), the Secretary shall use the entire amount deposited in the account referred to in subparagraph (A) of this paragraph for the purposes set forth in subparagraph (B) of such section 204(h)(2).

(8)(A) The Navy may scope more than one site.

(B) The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator considers appropriate to protect the interests of the United States.

(f) REPORT BY ADMINISTRATOR.—(1) Not later than 125 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the activities of the Administrator under this section.

(2) The report shall include with respect to the parcel of real property referred to in subsection (b)(1) the following information:

(A) The interest, if any, for all or a portion of the parcel that was expressed by executive agencies under subsection (c) or by governments or nonprofit organizations under subsection (d).

(B) The use, if any, proposed for the portion of the parcel under each expression of interest.

(C) The determination of the Administrator whether a transfer or conveyance of all or a portion of the parcel, as the case may be, to the agency, government, or organization was appropriate.

(D) The other disposal options, if any, that the Administrator has identified for the parcel.

(E) Any other matters that the Administrator considers appropriate.

(g) DESIGNATION OF AUTHORITY TO BE USED.—(1) If the Administrator submits the report required under subsection (f) within the time specified in that subsection, the Secretary of Defense may direct the Administrator under subsection (a)(2) to carry out

the transfer or conveyance under subsection (c) or (d) of all or a portion of the parcel of property referred to in subsection (b)(1) in accordance with the determinations made by the Administrator with respect to the transfer or conveyance of the parcel under subsection (c) or (d), respectively.

(2) If the Administrator does not submit the report required under subsection (f) within the time specified in that subsection, the Secretary may direct the Administrator to carry out the conveyance of the parcel of property that is authorized under subsection (e) in accordance with such subsection (e).

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 26, 1994 at 9:30 a.m., in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Elizabeth Anne Moler, nominee to be reappointed as a member of the Federal Energy Regulatory Commission.

For further information, please contact Rebecca Murphy at (202) 224-7562.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER AND COMMITTEE ON INDIAN AFFAIRS

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs.

The purpose of the hearing is to receive testimony on S. 2259, a bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes.

The hearing will take place on Thursday, August 4, 1994 at 2 p.m., in room 366 of the Dirksen Senate Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement for the printed hearing record is welcome to do so. Please send your comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at (202) 224-4531 or Leslie Palmer at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Friday, July 15, beginning at 9 a.m., to conduct a hearing on the designation of the National Highway System.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, July 15, at 9 a.m., to hold nomination hearings on Phyllis Oakley, to be an Assistant Secretary of State for Population, Refugees and Migration (new position); and Richard Greene, to be Chief Financial Officer, Department of State.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Thursday, July 14, for a markup on the nominations of: Judith Bartnoff, Zoe Alice Bush, and Rhonda Reid Winston, nominees to be associate judges, Superior Court of the District of Columbia; and Phyllis Segal, to be member, Federal Labor Relations Authority, and John Andrew Koskinen, to be Deputy Director for Management, Office of Management and Budget.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, July 15, 1994, at 10 a.m., in room 216 Senate Hart Office Building, to hold a hearing on the nomination of Stephen G. Breyer of Massachusetts, to be Associate Justice of the Supreme Court.

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

ADDITIONAL STATEMENTS

CONDEMNING THE CONTINUED ASSAULT ON DEMOCRACY IN NIGERIA

• Mr. D'AMATO. Mr. President, I rise today to bring to your attention and to the attention of my colleagues, the July 11, 1994 Washington Post editorial entitled "Throttling Democracy in Nigeria."

It appears the editor of the Post has a thorough grasp of the situation in Nigeria, from the annulment of a democratic election, the arrest and treason charge against President-elect Abiola, to the debt and gross mismanagement of Nigeria by the current military dictator.

The ongoing effort of the Nigerian people to achieve democracy in their country is rapidly leading to a serious and perhaps massive confrontation with the Nigerian military regime currently in power. The country is becoming economically crippled because of 10-day-old strike in the oil production and transportation sectors.

Imagine the outrage of the American people if, after an election, the winning candidate was then disenfranchised, arrested, charged with treason, and had his or her life put in jeopardy. As outrageous as this might sound, this is the situation as it exists in Nigeria today for Moshood Abiola.

Mr. President, Americans can tell the difference between a democracy and a dictatorship, and what exists today in Nigeria is a dictatorship. I do realize positive steps were made in beginning the process of establishing an African foreign policy during the recent White House Conference on Africa, but more must be done.

I suggest that we try to begin to solve the situation by adhering to the recommendations made at the conference and immediately address the issue of democracy in Nigeria. Let us put an end to this situation in Nigeria now.

President Abiola should immediately be released along with the press, human rights activists, and all other political prisoners presently being held by the military regime.

Also, the assets of the current Nigerian Government and the private bank accounts of members of this outlaw regime must be frozen.

President Abiola must be allowed to assume power without any further delay by the military dictators in Nigeria.

Finally, I suggest that it is within the power of the United States to impact the situation in Nigeria now, before the bloodshed, civil war, and further economic collapse make the situation there even more egregious than it is today. The time for democracy in Nigeria is now. Let us do all that we can to make this happen.

Mr. President, I ask unanimous consent that the text of the Washington Post editorial mentioned above, be included following my remarks.

The editorial follows:

[From the Washington Post, July 11, 1994]

THROTTLING DEMOCRACY IN NIGERIA

One year after Moshood Abiola apparently won Nigeria's democratic presidential election, only to watch as the military annulled the results, he's now facing charges that could send him to jail for life. His offense? Mr. Abiola has decided to assume the office that was freely and fairly conveyed to him by the people. Nigerian military leaders, having never seen an election or popular civilian leader in 33 years of independence that

they could stomach for very long, call Mr. Abiola's decision an act of treason. It is they, however, who have betrayed their country.

Each time a Nigerian military regime cuts down civilian rule, it's done with the promise of giving the people a new, improved, and less fractious transition to democracy. True to form, the current crop of generals has been following that tired old script to the letter since snuffing out their country's latest experiment with democracy. Two military regimes and one civilian puppet government have governed the country since June 1993, each promising another journey to the ballot box one day soon. Instead, what the soldiers have done is to take the people's rights and civil liberties from them. Their chosen leader is being held incommunicado, a judge's order to produce him in court is being ignored, human rights leaders, journalists and former legislators have been arrested and hassled for political reasons and the elected National Assembly has been outlawed. Having the power, the military has made a colossal mess of things.

For all its wealth in oil, Nigeria is awash in red ink. Its creditors hold $33 billion in IOUs. Through gross mismanagement and corruption, the once agriculturally rich country suffers from 50 percent unemployment and can no longer feed itself. All the while, a man with no political base, Gen. Sani Abacha, who has stood on the edges of power in recent years and who now openly parades as head of state, is taking a turn at enjoying the perquisites of power.

He rides high now. But Gen. Abacha will soon learn the same lesson other military strong men have had to absorb—some the hard way: Dissent cannot be crushed permanently. Nigeria's state of autocracy cannot survive. But pro-democracy Nigerians shouldn't have to march alone.

During the recent White House Conference on Africa, administration officials went out of their way to commit themselves to stronger ties with Africa. National security adviser Anthony Lake spoke of leaving no doubt in the minds of Africa's authoritarians that the United States insists on a rapid transition to democracy, a return to civilian rule and respect for human rights. That message must be forcefully registered in Nigeria.•

BILLIONS FOR NEW PRISONS? WAIT A MINUTE

• Mr. SIMON. Mr. President, Phil Heymann resigned a few months ago as Deputy Attorney General. There was a clash of personalities within the Justice Department that happens on this Washington scene and everywhere else in our country.

But there is no question about his ability, his dedication and his valid insights into many of the problems of our society and our system of justice.

Recently, he had an op-ed piece in the New York Times that questions the wisdom of just building more and more prisons, and putting more and more people into prison for nonviolent offenses.

What he has to say makes eminent good sense, even though it may not be politically popular.

I ask to insert his statement into the RECORD.

The statement follows:

BILLIONS FOR NEW PRISONS? WAIT A MINUTE

(By Philip B. Heymann)

WASHINGTON.—If you found a bicycle in a clothes closet, you wouldn't build a new closet for your clothes. You would move the bike to the garage.

By the same token, the nation's prison population is outgrowing the space for it, and violent offenders are being released to make room for rapidly growing numbers of prisoners convicted on drug charges.

Before we spend $13.5 billion (authorized in the House version of the crime bill) or even half that amount (the Senate figure) to build more prisons for violent convicts, we should consider whether this use of prisons is worthwhile.

It makes sense to spend whatever it costs to help the states make sure that violent offenders are imprisoned as long as they remain dangerous. And we should be willing to pay billions of dollars in constructive efforts to stop youth violence.

Violence with guns by young people in the poorest areas of our cities has increased dramatically in the last six years; the victims are also heavily concentrated among urban, minority youth.

But it makes no sense to spend whatever it costs to make sure that 100,000 drug offenders continue to be sent to penitentiaries every year—until someone demonstrates that this substantially reduces the availability of drugs or reduces crime.

Our prison population is three times what it was in 1980, largely because of the rise in incarceration for drug offenses. The 102,000 drug offenders imprisoned in 1992 exceed the number imprisoned for all violent offenses and burglary put together. In 1980, there were seven times as many commitments to state prisons for violent offenses as for drug offenses.

From 1986 to 1993, the number of drug offenders in state prisons grew by more than 140,000 bringing the number held for drug crimes to more than 183,000 of whom about 20 percent had no prior offenses and almost 80 percent had no prior incarceration for a crime of violence.

In addition, about 18,000 low-level drug offenders with no record of violence, no significant criminal record and no important connection to a drug organization are being held in Federal prisons for mandatory sentences of 5 to 10 years.

Without this rise in drug prisoners, the growth in national prison capacity would far exceed the need.

Our political leaders are about to spend as much as $13.5 billion to enable the states to continue to house drug offenders at an ever-increasing rate. This is enough money to have an effect on violence—and drug abuse, too, if committed to drug treatment programs, job training, education, enterprise zones, community centers for sports or computer activities—or other important investments that President Clinton has found himself unable to afford.

Few believe that the incarceration of more than 100,000 drug offenders in 1992 has made drugs any harder to get on the streets than did the incarceration of fewer than half that many in 1987 under the Reagan Administration. Only a small fraction of that 100,000 could conceivably consist of important or difficult-to-replace dealers. And there is no reason whatever to believe that increasing the rate of incarceration of drug offenders reduces violence.

An intelligent effort to reduce the drug supply would focus on those parts of the production and marketing process that can be disrupted and cannot readily be replaced; this would increase the price, risk or difficulty of a purchase. Most street dealers are too readily replaceable for imprisonment to affect these costs.

Using a cell to house a nonviolent drug offender for years makes sense only if it raises the cost of acquiring drugs on the street and if the benefit of that increase in cost—reduced consumption—exceeds the harms resulting from any rise in predatory crime by addicts.

Even then, it might not be nearly worth the cost of taking up a cell that could be used for a violent offender. Some drug law enforcement pays off; some doesn't.

I am not arguing for the legalization of drugs. Rather, we should return to a ratio of incarcerations for violence and incarcerations for drugs to something like what prevailed in the Reagan years, shifting the energies of police, prosecutors and courts toward pursuit of violent criminals.

This would allow a sizable number of the cells recently committed to nonviolent drug offenders to be used for violent offenders; other cells could be made available for violent offenders by shorter or alternative sentences for some nonviolent drug offenders.

Parole or supervised release could be made conditional on strictly enforced drug testing, abstinence and treatment. (It is also necessary, of course, to fight the symbolism of drugs as a desirable consumption item or of drug dealing as a way to win respect and a good life.)

Treatment on demand for every addict would further reduce the need for cells. So would more use of problem-solving policing to separate casual users from the sources of drugs. The police can adopt techniques that disrupt the conditions of trust and privacy that any market requires—techniques that make open-air drug markets impossible, all without great numbers of arrests.

Neither Congress nor the Administration has explained how it has arrived at the vast sums to be committed by a budget-starved Government to new prison cells.

The figures reflect nothing more than sums designed to convince frightened constituents of sweeping action. But even if the numbers were meaningful, they could not be defended until someone addressed the wisdom of our unexamined expansion of drug commitments and its effect on space for violent offenders.

In other words, we are building expensive new closet space for needs whose size hasn't even been estimated because we haven't thought about removing from our existing closets some of the things that waste space in them.•

Mr. MOYNIHAN. Madam President, the Senate must today take the unusual step of returning to a measure previously passed by this body and removing an amendment previously adopted. This action is necessary because the House has concluded that the amendment in question, which affects the enforcement of the Internal Revenue Code requirement for the use of undyed diesel fuel in recreational motorboats, violates article I, section 7, of the U.S. Constitution.

I warned the Senate, when this amendment was before us in June, that this would be the outcome if the amendment were adopted.

The amendment is clearly a revenue measure. It employs the artifice of denying funds for the enforcement of a

selected provision of the Internal Revenue Code. Further, it directs the Internal Revenue Service as to the particulars of collecting a tax. The legislation to which it was attached was not a revenue bill. The House understandably has insisted on its constitutional prerogatives under article I, section 7, which states in part:

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Madam President, as I stated when this amendment was originally before us, I am sympathetic to the problem that the sponsors of the amendment are trying to solve. I expect to work with them toward a solution that can be added to an appropriate revenue bill. But as chairman of the Committee on Finance, I am mindful of matters of jurisdiction involving taxes, and the dictates of the constitution regarding this subject are clear. Had the Senate been more mindful of the constitutional implications when this matter was originally before us, the additional action we take today would not have been necessary.

Madam President, I ask unanimous consent that the record of the original debate on this amendment (No. 1833) last June 22, including the discussion immediately following rollcall vote No. 159, be printed in the RECORD at this point.

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

[From the Congressional Record, June 22, 1994]

Mr. GORTON. The Senator from Washington and the Senator from Louisiana have already spoken. So the floor is available.

The PRESIDING OFFICER. The chair informs the Senate that there is a time agreement. Mr. GORTON controls 1½ minutes. The Senator from Arizona controls 19.

Mr. DECONCINI. I yield whatever time I have to the Senator from New York.

Mr. MOYNIHAN. May I respectfully ask the Chair how much time is available?

The PRESIDING OFFICER. There are 19 minutes remaining.

The Senator from New York [Mr. MOYNIHAN], is recognized.

Mr. MOYNIHAN. Mr. President, I will not require 19 minutes of the Senate's time to make the point that is relevant from the point of view of the Committee on Finance, and from the point of view of the Senate as regards constitutional requirements and our behavior with respect to taxation.

The first thing to say to my friend from the State of Washington—and I say it also to Senator BREAUX from the State of Louisiana, with whom I just spoke—is that you have a real problem which needs to be fixed. I certainly would undertake to attempt just that, and I think the Treasury recognizes that there is such a problem. In the 1993 Budget Reconciliation Act, we removed the luxury tax on pleasure boats, which had made its way into the Tax Code with large unanticipated and wholly unwelcomed consequences, which is that the manufacture and sale of such boats fell off precipitously. Under our rules, if we were to repeal that luxury tax, as it was called, we had to pay for it, and we did so by imposing a tax on diesel fuel, used in this particular type of boating. We required that the fuel thus used be undyed—that being the case with all diesel fuels that are taxed, principally diesel fuel used in trucks. Now we are happy to get rid of this. I should be happy, personally, to see this changed, because there are so many marinas, as I understand it, where really only one tank is available, and the fuel is going to be used for both taxable and nontaxable purposes, and what is the marina proprietor to do?

The Senator from Washington very properly suggests that the tax should be paid even though the fuel is dyed, which typically means it is destined for an exempt use. That is a fair point but not one persuasive to those persons whose lamentable works have been over the centuries to collect taxes. It just does not work. The law requires that the fuel remain undyed and the sale of it be taxed.

We cannot change the law on this bill. This would make this bill a revenue bill under article 1, section 7 of the Constitution, what we call the origination clause. And the distinguished Senator from the State of Washington will know this with much greater clarity than I could bring to it given his legal background. But there can be nothing unclear about the origination clause, as it is called.

It says:

"All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

In effect, Mr. President, this requires that we have a revenue bill before us which has originated in the House. That is the practice of two centuries and more. It is the rule of the Constitution. It is never breached.

If this were to go to the House it would be given a blue slip, as our usage has it, and the Parliamentarian would simply send it back. The House is properly vigilant with regard to its prerogative under article 1, section 7. There can be no question of what would happen.

That being the case, I believe it is the intention of the distinguished manager to move a point of order that simply says that enactment into law of the pending Gorton amendment would reduce revenues below the fiscal year 1995 revenue floor in violation of section 311 of the Congressional Budget Act. A constitutional point of order could be made as well.

I do not want to extend the debate. I want to extend a hand of friendship and help to the Senator from Washington to say that there is a problem and we have to deal with it and we will seek to do so. But we have to do so on an appropriate measure in a time in the future when one will come before us.

I predict that in this vale of tears there will be another revenue act before the Senate before too long, and I will undertake to try to work to resolve this matter. In the meantime I will say to my colleagues we cannot accept this amendment. To do so would put the entire bill in jeopardy and strain an already seriously over strained Senate calendar.

Mr. President, seeing my friend from Washington having arisen, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Do I understand the Chair to say I have 1½ minutes remaining?

The PRESIDING OFFICER. The Senator from Washington is correct.

Mr. GORTON. I ask unanimous consent to have another minute to that.

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

Mr. GORTON. Mr. President, I am delighted with the agreement in principle as to the goal we would like to achieve on the part of the Senator from New York. I knew those were his views already, but it is particularly welcome that he lays them out for us here.

We have an absurd situation here. We have a situation in which the convenience of the tax collector is all and the convenience of the taxpayer is as nothing. We have a situation which has made it impossible for many boat owners to purchase fuel if they use diesel fuel pleasure boats, for their vessels.

We have here an opportunity to solve that problem in the short term.

The distinguished Senator from New York says that we cannot constitutionally change the Tax Code in the Senate. The Senator from New York is, of course, entirely correct. It is for exactly that reason that this amendment does not purport to change the Tax Code at all. It simply limits the enforcement authority of the Internal Revenue Service, which is not a tax bill.

Even more importantly, however, I am convinced that we could in fact do so. All appropriations bills originate in the House. This is an appropriations bill. It has been passed by the House of Representatives. Almost every appropriations bill includes revenue provisions in it of some sort or another. I suspect that this one does. It has started in the House.

The Constitution does not say the Ways and Means Committee of the House must act first. It says the House must act first.

The House has in a bill which deals with revenues as well as with expenditures. The House in the past has accepted provisions like this one in part.

If the House wishes to object to it, we can deal with that objection at that point. The House is not going to reject dealing with an appropriations bill which it itself has passed on the grounds of this provision. It may not like the provision. It may insist that the provision come out. Under those circumstances, a conference committee will have to make that decision.

But to say that somehow or another this is without precedent is absurd. Almost every appropriation bill we deal with in this place deals with revenue in some respect or another.

The provision is not unconstitutional and the House would not be justified in rejecting it on that ground.

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

Mr. MOYNIHAN. I thank the President and I respond on the constitutional points made by my friend from Washington by saying clearly the bill before us originated in the House. But it is an appropriations bill. It is a bill for spending moneys.

The Constitution constrains us with respect to revenue. All bills for raising revenue shall originate in the House of Representatives. This is not a bill for raising revenue. The provision that follows, which is that the Senate my propose or concur with amendments, simply does not apply here because this is not a revenue bill.

I say to my friends on both sides here that we can solve this problem but not in this manner. If you do it, if we proceed we will simply put at jeopardy all the work that has been done on the appropriations bill.

This is the Treasury, Postal Service, and general Government appropriations bill. A

great deal of effort has gone into it. We are about to conclude it.

The managers have done superb job. I particularly thank the Senator from Arizona and I simply have to say that I hope that the distinguished manager will make a point of order, if he wishes to do that. That is, of course, the proper means of proceeding. Otherwise, I would feel obliged to do so on behalf of the Committee of Finance.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I would say I am willing to yield back the remainder of my time if the other side is so the distinguished Senator from Arizona can make his point.

Mr. DECONCINI. Mr. President, before I yield back the time I just want to say that I am very sympathetic to what the Senator from Washington wants to do here. Though the Senator from Arizona does not have many rivers and lakes as these States do, we do have a very high per capita rate of boats.

I am pleased that the distinguished chairman of the Finance Committee indicates that he is going to address this matter. Because of that I am going to support the Senator on the point of order which I will make.

Mr. President, I make a point of order that the Gorton amendment violates section 311(a) of the Budget Act.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I move to waive the relevant sections of the Budget Act in order to permit the consideration of the Gorton amendment.

And 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. DECONCINI. Mr. President, I ask unanimous consent that the vote on Senator GORTON's motion to waive the Budget Act occur, without intervening action or debate, upon the disposition of the Reid amendment No. 1832.

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

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

The result was announced—yeas 79, nays 20, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—79

Akaka	Gorton	McConnell
Bennett	Graham	Mikulski
Biden	Gramm	Mitchell
Bingaman	Grassley	Murkowski
Bond	Gregg	Murray
Boxer	Hatch	Nickles
Breaux	Heflin	Nunn
Brown	Helms	Packwood
Bryan	Hollings	Pell
Bumpers	Hutchison	Pressler
Burns	Inouye	Pryor
Chafee	Jeffords	Riegle
Coats	Johnston	Robb
Cochran	Kassebaum	Rockefeller
Cohen	Kempthorne	Roth
Conrad	Kennedy	Sarbanes
Coverdell	Kerrey	Sasser
Craig	Kerry	Shelby
D'Amato	Kohl	Simpson
Dole	Lautenberg	Smith
Domenici	Levin	Specter
Dorgan	Lieberman	Stevens
Durenberger	Lott	Thurmond
Exon	Lugar	Wallop
Faircloth	Mack	Warner
Feinstein	Mathews	
Ford	McCain	

NAYS—20

Baucus	DeConcini	Moseley-Braun
Boren	Feingold	Moynihan
Bradley	Glenn	Reid
Byrd	Harkin	Simon
Campbell	Hatfield	Wellstone
Danforth	Leahy	Wofford
Daschle	Metzenbaum	

NOT VOTING—1

Dodd

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 20. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative the motion is agreed to.

More than 60 Senators having voted in favor of the motion to waive, the point of order falls.

VOTE ON AMENDMENT NO. 1833

The PRESIDING OFFICER. The question now is on agreeing to the amendment.

The amendment (No. 1833) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

Mr. MOYNIHAN. I thank you, Mr. President.

Just succinctly and briefly, I am required to say that the Senate has just voted in direct opposition to article 1, section 7 of the U.S. Constitution. This bill will be returned to us from the House of Representatives within 24 hours. We knew that in advance and we proceeded anyway.

It seems to me to have been pointless. We do take an oath to uphold and defend the Constitution of the United States against all enemies foreign and domestic, and I do not see where it says excepting where diesel fuel is concerned.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the statement of the Senator from New York relating to the constitutionality of this amendment is in error and without merit.

ORDER TO RE-ENGROSS AMENDMENTS TO H.R. 4539

Mr. FORD. Madam President, I ask unanimous consent that the Secretary of the Senate re-engross the Senate amendments to the bill H.R. 4539, entitled "an Act making appropriations for the Treasury Department, the United States Postal Service, the Executive office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes," with the following: Strike section 644 (amendment No. 104).

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

TERMINATION OF THE NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING

Mr. FORD. Mr. President, Madam President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1880, a bill to provide for the National Education Commission on Time and Learning to terminate on September 30, 1994; that the Senate proceed to its immediate consideration, the bill be deemed read a third time, and passed, the motion to reconsider be laid upon the table, and any statements thereon appear in the RECORD at appropriate place as though read.

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

So the bill (S. 1880) was deemed read the third time, and passed, as follows:

S. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF THE NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING.

Subsection (g) of section 102 of the National Education Commission on Time and Learning Act (20 U.S.C. 1221–1 note) is amended by striking "90 days after submitting the final report required by subsection (d)" and inserting "on September 30, 1994".

FOR THE RELIEF OF MELISSA JOHNSON

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 489, H.R. 572, a bill to provide for the relief of Melissa Johnson; that the bill be deemed read three times, passed and the motion to reconsider be laid upon the table; and that any statements relating to this measure be placed in the RECORD at the appropriate place.

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

So the bill (H.R. 572) was deemed read three times and passed.

THE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar No. 499 and Calendar No. 500; that the joint resolution be read a third time and passed; that the resolution be adopted, the preambles agreed to en bloc, and the motions to reconsider laid upon the table en bloc; further, that any statements on these measures appear in the RECORD at the appropriate place.

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

RECOGNIZING THE AMERICAN ACADEMY IN ROME

The joint resolution (S.J. Res. 204) recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th birthday of its founding was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble are as follows:

S.J. RES. 204

Whereas the American Academy in Rome was established 100 years ago in Italy as the foremost American overseas center for independent study and advanced research on the fine arts and the humanities;

Whereas the American Academy in Rome has been a constant, active force for the enrichment of American culture, as year after year its Fellows and Residents have returned to the United States, enriched by the cultural heritage of Italy, and have conveyed their enrichment to their compatriots;

Whereas the American Academy in Rome has maintained and expanded upon the basis of its founding, and currently serves more than 3,000 people annually with its fellowship and residency programs, its unique research library, a series of summer programs, and projects in archaeology and publishing, and serves thousands of other people who participate in Academy concerts, lectures, symposia, exhibitions, and other special events in Rome and the United States;

Whereas the central purpose of the American Academy in Rome is its fellowship program, the Academy being committed to identifying and nurturing the most promising American talent available through the annual Rome Prize Fellowships competition and related programs;

Whereas since its founding, the American Academy in Rome has awarded more than 2,500 fellowships and residencies in the fields of architecture, design arts, landscape architecture, conservation and historic preservation, literature, musical composition, visual arts, classical studies, archaeology, art history, modern Italian studies, and post-classical humanistic studies;

Whereas the American Academy in Rome provides its gifted Fellows and Residents with the opportunity to develop and refine their professional, artistic, and scholarly potential through working on their own projects, interaction with their colleagues, and association with members of the Italian and European scholarly and artistic communities;

Where Fellows and Residents of the American Academy in Rome have included 2 Nobel Prize winners, 4 United States Poets Laureate, 7 National Medal of Arts winners, 9 MacArthur Fellows, and 30 Pulitzer Prize winners, and have won numerous other honors and awards;

Whereas the American Academy in Rome's library contains 111,000 volumes and ranks among the world's richest in its holdings in the fields of Roman topography and archaeology, and is further distinguished for its collection of rare books, periodicals, and works on Italian art and architecture;

Whereas the American Academy in Rome has always represented and fostered excellence in scholarship, having a distinguished scholarly faculty, having many of its Fellows and Residents go on to occupy chairs and posts of high responsibility in the finest colleges and universities in the United States, having publications which rival in quality the best that Europe produces, and having alumni who are the recipients of many academic degrees, honors, and awards;

Whereas the American Academy in Rome can be proud of its reputation in Roman archaeology, having been committed to this lofty and exacting pursuit from its very inception, having revolutionized the history of Roman republican architecture and town planning by it's excavations at Cosa in Etruria, and by continuing to further the development of the field through its perennial engagement in the training of excavators and the work of excavation;

Whereas the American Academy in Rome relies entirely on the income from its endowment, and the financial support of philanthropic individuals, foundations, corporations, colleges and universities across the United States, and the National Endowments for the Arts and for the Humanities; and

Whereas the American Academy in Rome is committed to ensuring the availability of the Rome Prize Fellowships to future generations of Americans as the United States approaches the 21st century: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the American Academy in Rome, an American overseas center for independent study and advanced research based in Rome, Italy, which has played a pivotal role in the transference of culture between the United States and Italy, fostering international cultural relations between the two countries, be recognized for its contributions to America's cultural and intellectual life on the occasion of the 100th anniversary of its founding.

CONCERNING THE IMPRISONMENT OF DAW AUNG SAN SUU KYI

The resolution (S. Res. 234) expressing the sense of the Senate concerning the fifth year of imprisonment of Daw Aung San Suu Kyi by Burma's military dictatorship, and for other purposes, which had been reported from the Committee on Foreign Relations, was considered and agreed to as follows:

S. RES. 234

Whereas on July 19, 1994, Nobel Peace Prize winner Daw Aung San Suu Kyi will have endured five years of unlawful house arrest by the State Law and Order Restoration Council (in this preamble referred to as the "SLORC"), the military junta in Burma;

Whereas on May 27, 1990, the people of Burma voted overwhelmingly in a free election for Daw Aung San Suu Kyi and the National League for Democracy;

Whereas despite numerous pledges, the SLORC has failed to honor the results of the May 1990 elections;

Whereas the United States recognizes the individuals who won the 1990 elections as the legitimate representatives of the Burmese people;

Whereas the United States has not sent an ambassador to Rangoon to protest the failure of the SLORC to honor the 1990 elections and the continued human rights abuses suffered by the Burmese people;

Whereas the United Nations General Assembly states in resolution 48/150 that no evident progress has been made to restore democracy in accordance with the will of the people of Burma as expressed in the 1990 election;

Whereas the Special Rapporteur for Burma appointed by the United Nations Commission on Human Rights has been denied access to Daw Aung San Suu Kyi and other political prisoners in Burma;

Whereas the Government of Thailand has in the past generously provided safe haven to the many Burmese forced to flee the brutal repression of the SLORC regime;

Whereas despite pressure from the SLORC, the Government of Thailand has allowed Burmese democracy leaders to operate within its borders, and has granted visas for international travel;

Whereas recent reports indicate that the Government of Thailand has adopted more restrictive policies toward Burmese refugees in Thailand;

Whereas reports have indicated that some Rohingya refugees located in Bangladesh have been returned to Burma against their will; and

Whereas the members of the Association of Southeast Asian Nations (ASEAN) will meet in Bangkok, Thailand in July 1994, and the SLORC has been invited to attend the opening meeting: Now, therefore, be it hereby

Resolved, That it is the sense of the Senate that the United States Government should—

(1) enunciate a clear and strong policy to promote democracy in Burma;

(2) strongly encourage ASEAN members at the meetings in Bangkok in July to join United States efforts to—

(A) seek the immediate release of Daw Aung San Suu Kyi and all other political prisoners in Burma and allow them to participate fully in the Burmese political process;

(B) achieve the transfer of power to the winners of the 1990 democratic election;

(C) join the arms embargo which the United States continues to maintain against Burma; and

(D) end the gross human rights abuses perpetrated by the SLORC, including torture, arbitrary arrests, executions, forced labor, forced relocation and the rape and trafficking of women;

(3) clearly and publicly indicate the continued opposition of the United States to SLORC participation in ASEAN;

(4) work to implement United Nations General Assembly resolution 48/150, unanimously adopted on December 20, 1993, and pledge to seek international sanctions through the United Nations, including a multilateral arms embargo, and the appointment of a special envoy to facilitate the transfer to democracy in Burma;

(5) oppose commercial arrangements that only provide financial support for the SLORC;

(6) oppose foreign aid and financial assistance from international financial institutions such as the World Bank and the International Monetary Fund which only provide financial support for the SLORC;

(7) encourage the Government of Thailand to allow Burmese political leaders and refugees, including the Karen, Mon, and Karenni, and other ethnic groups, to continue their efforts to bring democratic change to Burma without fear of harassment or other pressure;

(8) continue the current United States policy of not sending an ambassador to Rangoon until such time as the SLORC has taken concrete steps to end human rights abuses and transfer power to the democratically elected leaders of Burma; and

(9) investigate claims of forced repatriation of Rohingya refugees and encourage adequate monitoring to prevent Burmese refugees from being repatriated against their will.

Mr. MOYNIHAN. Madam President, for 5 years now, Members of Congress have joined in candid opposition to the brutal military junta of Burma known as the State Law and Order Restoration Council [SLORC]. The resolution before us today, Senate Resolution 234, is no exception.

Two important events are fast approaching: Nobel Peace Prize winner,

Aung San Suu Kyi will mark her fifth year under house arrest in Burma next week, and the members of the Association of Southeast Asian Nations [ASEAN] will convene in Bangkok for their annual meetings. These two events should give the United States Government an opportunity to demonstrate our many concerns regarding the situation in Burma.

As you know, Madam President, in 1988 the Burmese people took to the streets of Rangoon, and elsewhere, demanding democracy for their country. Sadly, government forces turned peaceful protests into violent tragedy. In September, troops were called upon to silence protestors and thousands of unarmed demonstrators were killed. The name of the country and of the government were changed, but in fact, both were much the same.

Since then, the SLORC has earned its reputation as one of the worst violators of human rights in the world. The Department of State and numerous human rights organizations have documented this. The SLORC seeks to hold power through violence and intimidation. In effect they have waged war against their own people. But the will of the Burmese people can not be squelched. As they continue their fight for democracy, support from the international community remains steadfast.

The SLORC came to power through violence, but they must have cynically imagined that a rigged election was the answer to their untenuous political situation, and one was scheduled for May 1990. In order to ensure their victory the leader of the National League for Democracy [NLD], Aung San Suu Kyi, was placed under house arrest. Despite the numerous restrictions placed on the NLD they won an overwhelming majority of the seats open in the parliamentary election. These democratically elected representatives have never been allowed to take office. Worse. Most have either been forced to flee the country, been imprisoned, or killed. The fact that 4 years have elapsed does not lesson its illegality. Nor does it make it acceptable. Earlier this week, one of the SLORC junta leaders, Gen. Khin Nyunt, pledged to meet with Aung San Suu Kyi, a pledge similar to one made last February. She has been under house arrest for 5 years now, I do not see any reason for further delay.

Some may turn away declaring the situation hopeless. It is not. An international effort to address the serious threat the Burmese people face has already begun, however much more support is needed. The ASEAN meeting in Bangkok is an important forum for discussing such an effort. Several ASEAN members have been hesitant to take responsibility for the present situation and will likely voice their opposition to increased pressure. However, the United States and others should convey to those countries the importance we place on taking action in this matter.

Support garnered in Bangkok can propel U.S. efforts to achieve consensus for effective U.N. action against the SLORC, and to win the release of Aung San Suu Kyi. Such action has been delayed for too long now. Leaders of the Burmese democracy movement have continuously called for an international arms embargo, the appointment of a United Nations special envoy, an end to international development aid for Burma—because it is all too often used to benefit the SLORC—and the release of Aung San Suu Kyi. These are important issues for the international community to address. I hope that the administration will move deliberately and with greater urgency to carry them out.

This resolution calls on the administration to encourage ASEAN members to seek the release of Aung San Suu Kyi and join the United States in efforts to bring international pressure to bear on the SLORC. I urge its swift adoption and I encourage the administration to make every effort to see to its implementation.

AUTHORIZING THE TRANSFER OF CERTAIN NAVAL VESSELS

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 516, H.R. 4429, a bill to authorize the transfer of naval vessels to certain foreign countries, that the committee amendments be agreed to, and the bill, as amended, be deemed read three times, passed and the motion to reconsider laid upon the table; and that any statements appear in the RECORD as if read.

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

The Senate proceeded to consider the bill (H.R. 4429) to authorize the transfer of naval vessels to certain foreign countries, which had been reported from the Committee on Armed Services, 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. 4429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

[(a) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina the "NEWPORT" class tank landing ship LA MOURE COUNTY (LST 1194). Such transfer shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(b) AUSTRALIA.—The**]** *(a) AUSTRALIA.—Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Australia the "NEWPORT" class tank landing ships SAGINAW (LST 1188) and FAIRFAX COUNTY (LST 1193). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

[(c) BRAZIL.—The**]** *(b) BRAZIL.—Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Brazil the "NEWPORT" class tank landing ship CAYUGA (LST 1186) and the "KNOX" class frigates MILLER (FF 1091) and VALDEZ (FF 1096). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(d) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the "NEWPORT" class tank landing ships FREDERICK (LST 1184) and SAN BERNARDINO (LST 1189). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(e) MALAYSIA.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the "NEWPORT" class tank landing ship SPARTANBURG COUNTY (LST 1192). Such transfer shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(f) MOROCCO.—The**]** *(c) MOROCCO.—Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Morocco the "NEWPORT" class tank landing ship BRISTOL COUNTY (LST 1198). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

[(g) SPAIN.—The**]** *(d) SPAIN.—Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Spain the "NEWPORT" class tank landing **[**ships HARLAN COUNTY (LST 1196) and**]** *ship* BARNSTABLE COUNTY (LST 1197). Such **[**transfers**]** *transfer* shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(h) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the "NEWPORT" class tank landing ships SCHENECTADY (LST 1185), BOULDER (LST 1190), and RACINE (LST 1191). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(i) VENEZUELA.—The Secretary of the Navy is authorized to transfer to the Government of Venezuela the "NEWPORT" class tank landing ships PEORIA (LST 1183) and TUSCALOOSA (LST 1187). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).**]**

SEC. 2. WAIVER OF REQUIREMENTS FOR NOTIFICATION TO CONGRESS.

The following provisions do not apply with respect to the transfers authorized by this Act:

(1) In case of a grant under section 516 of the Foreign Assistance Act of 1961, subsection (c) of that section and any similar provision *of law.*

(2) In the case of a sale under section 21 of the Arms Export Control Act, section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87) and any similar, successor provision *of law.*

(3) In the case of a lease under section 61 of the Arms Export Control Act, section 62 of

that Act (except that section 62 of that Act shall apply to any renewal of the lease).

SEC. 3. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this Act shall be charged to the recipient.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1 of this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that leases entered into during that period under section 1 may be renewed.

SEC. 5. REPAIR AND REFURBISHMENT OF VESSELS IN THE UNITED STATES.

It is the sense of the Congress that the Secretary of the Navy should request that each country to which a naval vessel is transferred under this Act have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at shipyards located in the United States, including United States navy shipyards.

SEC. 6. CONDITION FOR TRANSFER.

No vessel may be transferred under this Act or any other provision of law until the Secretary of Defense certifies in writing to Congress that, after the transfer—

(1) the amphibious lift capacity remaining available in the Navy is sufficient in all lift categories to transport 2½ Marine Corps expeditionary brigades simultaneously; and

(2) the amphibious lift capacity planned to be available in the Navy under the future-years defense program will be sufficient in all lift categories, throughout the period covered by the future-years defense program, to transport 2½ Marine Corps expeditionary brigades simultaneously.

SEC. 7. USE OF PROCEEDS.

The proceeds derived from a transfer authorized by this Act that are received in a fiscal year shall be credited to the appropriation for the Navy for such fiscal year for operation and maintenance and shall be available, for the same period as the appropriation to which credited, for operation and maintenance of amphibious vessels.

Mr. NUNN. Madam President, the Armed Services Committee has reported a bill, H.R. 4429, that would authorize the transfer of seven U.S. Navy ships to Australia, Brazil, Morocco, and Spain. The committee has amended a House-passed bill, and I urge the Senate to approve it as expeditiously as possible.

These ship transfers must be authorized in legislation because section 7307 of title 10, United States Code, specifies that "a naval vessel in excess of 3,000 tons or less than 20 years of age may not be sold, leased, granted * * * or otherwise disposed of to another nation unless the disposition of that vessel is approved by law * * *" Each of the seven ships covered by this amendment displaces more than 3,000 tons.

In a legislative proposal dated April 15, 1994, the administration proposed the transfer of 17 ships to nine countries. Of these 17 ships, 15 are *Newport*-class tank landing ships or LST's and two are *Knox*-class frigates. In the administration proposal, the ships would be transferred to the following countries. Two LST's would be sold to Australia; one LST would be provided on a grant basis to Morocco; two LST's would be leased to Spain; two LST's would be leased to Chile; one LST would be leased to Argentina; one LST and two frigates would be leased to Brazil; two LST's would be leased to Venezuela; one LST would be leased to Malaysia; and three LST's would be leased to Taiwan.

The 15 LST's in the administration proposal are among a total of 20 that were commissioned between 1969 and 1972. These ships constitute a significant part of our amphibious shipping fleet as they transport tanks, other heavy vehicles, engineering equipment, and supplies. The two frigates were commissioned in 1973 and 1974. It is important to note that many *Knox*-class frigates have already been transferred to other countries, but none of the 20 *Newport*-class LST's have been transferred yet. The LST's are relatively young in terms of their age and have impressive capabilities, as demonstrated by the interest of foreign navies in them.

The Armed Services Committee has carefully considered the administration's proposal. It began its review of these transfers against a background of longstanding concerns over the amount of amphibious shipping in the U.S. Navy. For many years, the committee has strongly supported efforts to strengthen the Navy's amphibious lift capability. Currently, the committee is concerned over the accelerated retirement of existing amphibious ships at the same time that the construction program for new ships is delayed.

In 1993, as part of its Bottom-Up Review, the Department of Defense examined the amount of amphibious lift that would be required to fight two nearly simultaneous major regional conflicts. It concluded that the Navy should maintain enough lift to transport the personnel, aircraft, landing ships, vehicles, and supplies for 2.5 marine expeditionary brigades or MEB's. In this way, the Defense Department established the current goal of maintaining enough lift for 2.5 MEB's.

The administration's proposal to transfer 15 LST's to foreign countries would remove a great deal of amphibious shipping from our current inventory. In particular, it would reduce the amount of lift available to transport vehicles to only 73 percent of the 2.5 MEB goal in fiscal year 1994. In terms of the organization of a Marine Corps task force, it is important for the personnel, combat power, mobility, and support of the task force to be moved in an integrated package. The committee believes that maintaining enough capacity to transport 2.5 MEB's in all lift categories is a very important component of the overall capability required to carry out the strategy described in the Bottom-Up Review. Therefore, the committee cannot recommend the administrations's proposal to transfer 15 LST's to foreign countries.

In response to the committee's concern, the Navy has proposed a new concept for maintaining 2.5 MEB's worth of vehicle space in the amphibious shipping fleet. In this concept two LST's and two amphibious cargo ships known as LKA's would be retained in a reserve status that would enable them to be available for active service in a few days. Four more LST's and three more LKA's would be stored in a nesting arrangement in which several months could be required to make them available for an emergency.

The Navy's proposal for these six LST's and five LKA's is intended to maintain the necessary amphibious lift capability. It is also important to note that the Department of the Navy has not changed its policy for measuring amphibious lift. Therefore, the committee has amended the House-passed bill, H.R. 4429, to authorize the five most pressing LST transfers and the two *Knox*-class frigate transfers. The five LST transfers covered by the bill are those for Australia, Brazil, Morocco, and Spain. In these cases, foreign crews are already training in the United States.

In addition to the basic authorization for the transfer of the seven ships, the bill reported by the committee would: Retain a provision in the House-passed bill that expresses the sense of the Congress that the Secretary of the Navy should ask each recipient country to have any necessary repairs performed at U.S. shipyards; prohibit the seven transfers until the Secretary of Defense provides a certification on amphibious lift capacity to Congress; and direct that the proceeds from the transfers shall be used for the operation and maintenance of amphibious ships.

As amended by the Armed Services Committee, H.R. 4429 is a prudent measure that deserves the approval of the Senate.

Madam President, I ask unanimous consent that documents related to the ship transfers be printed in the RECORD.

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

GENERAL COUNSEL OF THE NAVY,
Washington, DC, April 15, 1994.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of proposed legislation "To authorize the transfer of seventeen naval vessels to certain foreign countries."

This proposal is part of the Department of Defense legislative program for the 103rd Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to authorize, pursuant to the requirement of

10 U.S.C. §7307(b)(1), the following transfers under appropriate transfer provisions of the Arms Export Control Act and the Foreign Assistance Act of 1961:

Argentina: One "NEWPORT" class tank landing ship; LA MOURE COUNTY (LST 1194).

Australia: Two "NEWPORT" class tank landing ships; SAGINAW (LST 1188), FAIRFAX COUNTY (LST 1193).

Brazil: One "NEWPORT" class tank landing ship; CAYUGA (LST 1186). Two "KNOX" class frigates; MILLER (FF 1901), VALDEZ (FF 1096).

Chile: Two "NEWPORT" class tank landing ships; FREDERICK (LST 1184), SAN BERNARDINO (LST 1189).

Malaysia: One "NEWPORT" class tank landing ship; SPARTANBURG COUNTY (LST 1192).

Morocco: One "NEWPORT" class tank landing ship; BRISTOL COUNTY (LST 1198).

Spain: Two "NEWPORT" class tank landing ships; HARLAN COUNTY (LST 1196), BARNSTABLE COUNTY (LST 1197)

Taiwan (the Coordination Council for North American Affairs which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act): Three "NEWPORT" class tank landing ships; SCHENECTADY (LST 1185), BOULDER (LST 1190), RACINE (LST 1191)

Venezuela: Two "NEWPORT" class tank landing ships; PEORIA (LST 1183), TUSCALOOSA (LST 1187)

Legislation authorizing the proposed transfer is required by section 7307(b)(1) of Title 10, United States Code, which provides in relevant part that "a naval vessel in excess of 3,000 tons or less than 20 years of age may not be sold, leased, granted * * * or otherwise disposed of to another nation unless the disposition of that vessel is approved by law * * * ." Each naval vessel proposed for transfer displaces in excess of 3,000 tons.

The United States plans to transfer seventeen naval vessels by lease, sale, or grant. Fourteen vessels (two "KNOX" class frigates and twelve "NEWPORT" class tank landing ships) will be leased pursuant to chapter 6 of the Arms Export Control Act. The Chief of Naval Operations certified that these naval vessels are not for the time needed for public use. These fourteen vessels are not excess defense articles and will be retained on the Naval Vessel Register. Under the terms of the lease, a foreign recipient will have operational control of the vessel, but, if the need arises, the United States may terminate the lease and have the vessel returned to U.S. custody.

The remaining three vessels are "NEWPORT" class tank landing ships which will be permanently transferred by sale or grant. Two vessels will be sold pursuant to section 21 of the Arms Export Control Act. One vessel will be transferred as a grant under the provisions of section 516 of the Foreign Assistance Act. The Chief of Naval Operations certified that these naval vessels are not essential to the defense of the United States. The Secretary of the Navy has authorized these vessels be stricken from the Naval Vessel Register. These three vessels are excess defense articles pursuant to section 644(g) of the Foreign Assistance Act.

Of the seventeen ships to be transferred, ten "NEWPORT" class tank landing ships are active service ships in the U.S. Navy fleet. Seven ships (two "KNOX" class frigates and five "NEWPORT" class tank landing ships) are inactive service ships which are located in various Naval Inactive Ship Maintenance Facilities.

COST AND BUDGET DATA

The United States will incur no costs for the transfer of the naval vessels under this legislation. The foreign recipients will be responsible for all costs associated with the transfer of the vessels, including lease charges, maintenance, repairs, training, and fleet turnover costs. Any expenses incurred in connection with the transfers will be charged to the foreign recipients. For leased vessels, monthly lease charges are determined by dividing the number of months of service life of the vessel into a single dollar figure which includes the original acquisition cost, pro-rate R&D payments are charged until the vessels reach seventy-five percent of their service life.

Argentina will pay the United States $1.8 million to lease one U.S. tank landing ship. Australia will pay the United States $22.1 million to purchase two U.S. tank landing ships. Brazil will pay the United States $9.1 million to lease one U.S. tank landing ship and two U.S. frigates. Chile will pay the United States $1.9 million to lease two U.S. tank landing ships. Malaysia will pay the United States $2.0 million to lease one U.S. tank landing ship. Morocco will receive a grant transfer of one U.S. tank landing ship. Spain will pay the United States $4.6 million to lease two U.S. tank landing ships. Taiwan, as represented by the Coordination Council for North American Affairs, will pay the United States $4.7 million to lease three U.S. tank landing ships. Venezuela will pay the United States $2.4 million to lease two U.S. tank landing ships.

In addition, the Omnibus Budget Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it must trigger a sequester if it is not fully offset. This proposal would increase receipts by $48.6 million for FYs 1994–1999.

Sincerely,

STEVEN S. HONIGMAN.

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina the *Newport* class tank landing ship *La Moure County* (LST 1194). Such transfer shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(b) AUSTRALIA.—The Secretary of the Navy is authorized to transfer to the Government of Australia the *Newport* class tank landing ships *Saginaw* (LST 1188), and *Fairfax County* (LST 1193). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(c) BRAZIL.—The Secretary of the Navy is authorized to transfer to the Government of Brazil the *Newport* class tank landing ship *Cayuga* (LST 1186), and the *Knox* class frigates *Miller* (FF 1091), and *Valdez* (FF 1096). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(d) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the *Newport* class tank landing ships *Frederick* (LST 1184), and *San Bernardino* (LST 1189). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(e) MALAYSIA.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the *Newport* class tank landing ship *Spartanburg County* (LST 1192). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(f) MOROCCO.—The Secretary of the Navy is authorized to transfer to the Government of Morocco the *Newport* class tank landing ship *Bristol County* (LST 1198). Such transfers shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(g) SPAIN.—The Secretary of the Navy is authorized to transfer to the Government of Spain the *Newport* class tank landing ships *Harlan County* (LST 1196), and *Barnstable County* (LST 1197.) Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(h) TAIWAN.— The Secretary of the Navy is authorized to transfer to the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the *Newport* class tank landing ships *Schenectady* (LST 1185), *Boulder* (LST 1190), and *Racine* (LST 1191). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(i) VENEZUELA.—The Secretary of the Navy is authorized to transfer to the Government of Venezuela the *Newport* class tank landing ships *Peoria* (LST 1183) and *Tuscaloosa* (LST 1187). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

SEC. 2. WAIVER OF REQUIREMENTS FOR NOTIFICATION TO CONGRESS.

The following provisions do not apply with respect to the transfers authorized by this Act:

(1) In case of a grant under section 516 of the Foreign Assistance Act of 1961, subsection (c) of that section and any similar provision.

(2) In the case of a sale under section 21 of the Arms Export Control Act, section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87) and any similar, successor provision.

(3) In the case of a lease under section 61 of the Arms Export Control Act, section 62 of that Act (except that section 62 of that Act shall apply to any renewal of the lease).

SEC. 3. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this Act shall be charged to the recipient.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by Section 1 of this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that leases entered into during that period under Section 1 may be renewed.

SECTIONAL ANALYSIS

SECTION 1 provides authority to the Secretary of the Navy to transfer seventeen naval vessels to Argentina, Australia, Brazil, Chile, Malaysia, Morocco, Spain, Taiwan, and Venezuela. Because these naval vessels displace in excess of 3,000 tons, statutory approval for the transfers is required under 10 U.S.C. §7307(b)(1).

Additionally, SECTION 1 provides the applicable law for these transfers. Each naval

vessel must be transferred to a foreign government or international organization under the Arms Export Control Act as a sale or lease or under the Foreign Assistance Act as a grant. The specific statutory authorities to transfer naval vessels to foreign governments and international organizations include:

a. Section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program) which provides authority for the sale of defense articles from stock.

b. Section 61 of the Arms Export Control Act (22 U.S.C. 2796 and following) which provides authority to lease defense articles in the stocks of DoD to eligible foreign countries for compelling foreign policy reasons.

c. Section 516 of the Foreign Assistance Act (22 U.S.C. 2321j; relating to transfers of excess defense articles) which provides authority to transfer excess defense articles to modernize defense capabilities of countries on NATO's southern flank.

d. Section 519 of the Foreign Assistance Act (22 U.S.C. 2321m; relating to transfers of excess defense articles) which provides authority to transfer excess defense articles to modernize defense capabilities of countries which have a foreign military financing program.

SECTION 2 relieves the Department of Defense of the requirement to provide a separate Congressional notification of each of these transfers.

SECTION 3 provides that all costs are to be borne by the foreign recipients, including lease charges, fleet turnover costs, maintenance, repairs, and training.

SECTION 4 provides that the transfers authorized by this Act must be executed within two years of the date of enactment. This execution of the transfer.

COMMITTEE REPORT ON S. 2182

TANK LANDING SHIP (LST) TRANSFERS

During most of the 1970s, the goal for amphibious shipping was to carry in excess of one division/air wing team, or Marine Expeditionary Force (MEF). The Reagan Administration increased this goal by adding a requirement that the Navy also be able to carry a brigade/squadron team, or Marine Expeditionary Brigade (MEB), which resulted in a so-called "MEF+MEB" goal. In response to changing world events, the Navy later decided to reduce the lift goal to three MEBs (about a 25 percent cut in the previous goal), or roughly what it was before the Reagan Administration. In fiscal year 1992, the Future Years Defense Program cut this goal even further to 2.5 MEBs. The 1993 Bottom-Up Review ratified the 2.5 MEB goal.

As a part of a recapitalization program, the Navy has decided to retire many ships earlier than their normal service lives will expire. Except for aircraft carriers, no type of ships has avoided this axe. Of particular concern, however, is the early retirement of a number of amphibious ships, including all tank landing ships (LSTs). These ships have between five and 13 years of remaining useful service life, as evidenced by foreign navies' clamoring to buy or lease them. Retiring these ships early will cause the MEB lift capacity to fall below 2.5 MEBs for the foreseeable future. The committee has heard no compelling rationale for this adjustment, other than one of affordability.

The committee believes that the concept of an innovative Naval Reserve force suggested by the Navy several years ago would apply to this situation. As this concept was originally implemented, the Navy kept one frigate in a training status, a so-called "FFT", with several other associated frigates in storage. The training ship was used to train several crews of reservists that could activate and operate the other ships in wartime.

The Navy has proposed to sell or lease 15 LSTs and two *Knox* class frigates to several countries. The committee is unwilling to recommend approval of any LST transfers until the Secretary of Defense can certify that they will not reduce amphibious lift capability below 2.5 MEBs, as called for in the Bottom-Up Review. Given the importance of maintaining this MEB lift capability, the committee believes that the Navy should implement an innovative "LST-T" concept to maintain lift capability. The committee recommends additional Naval Reservist billets to permit the Navy to implement this concept. The committee also recommends a provision that would authorize the transfer of the two *Knox* class frigates.

CHIEF OF NAVAL OPERATIONS,
June 9, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: H.R. 4429, a bill "to authorize the transfer of naval vessels to certain foreign countries" was passed by the House on 23 May and referred to the Senate on 25 May.

I am aware that there may be some concern with the impact this bill may have on Marine Amphibious lift requirements. The U.S. Navy plans to retain four NEWPORT class LSTs in a mobilization status in order to better meet these requirements.

Of the fifteen LSTs proposed for transfer, five currently have foreign crews on board undergoing training in anticipation of transfer. Specifically, the following ships and associated countries are at issue: USS FAIRFAX COUNTY (LST 1193) to Australia, USS SAGINAW (LST 1188) to Australia, USS CAYUGA (LST 1186) to Brazil, USS BRISTOL COUNTY (LST 1198) to Morocco, and USS BARNSTABLE COUNTY (LST 1197) to Spain.

The timing of this legislation is such that enactment prior to 28 June is critical to the success of planned transfers. For example, the Australians are scheduled to purchase two LSTs at a total cost of $40 million. However, Australia must obligate the funds to purchase these two ships by 1 July or they will lose the funding. I am concerned that a delay in Congressional authorization will result in the loss of this sale to an important ally.

I request that the Senate at a minimum authorize transfer of these five ships.

I am available to address this issue at your convenience.

Sincerely,

J.M. BOORDA,
Admiral, U.S. Navy.

CHIEF OF NAVAL OPERATIONS,
June 22, 1994.

Hon. SAM NUNN,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for meeting with me to discuss amphibious lift and the related issue of transfer of LST class ships.

In previous years, particularly during Program Review 95, Navy accelerated decommissioning of LKA (5) and LST (20) class ships. This was done for affordability reasons and to identify resources for recapitalization of the amphibious force. Our goal is, of course, maintaining 2.5 Marine Expeditionary Brigade (MEB) lift. Four of five fingerprints (troops, air spots, LCAC spots, cargo capacity) remained at or above the 2.5 lift capacity. Vehicle lift falls to 73 percent of the goal in FY94 and recovers to 91 percent when LPD-17 class ships are delivered.

The LKA class ships augmented by four LSTs have the capacity needed to return the vehicle lift fingerprint above the 2.5 MEB goal. I believe we can develop an innovative maintenance status and reserve crewing to cover shortfalls in the interim years. This concept represents a temporary fix and not a policy change. It is meant to fill the gap between today's lift shortfall and the delivery of the LPD-17 class. The elements of such a program would include:

Two LKAs in reduced operating status—5 days (ROS-51. These ships could be broken out for surge use in five days (just as we now maintain the hospital ships). They would be manned by a small MSC crew augmented by naval reservists. One time conversion costs for these two ships would be about $35M and annual operating costs vary between $11M and $20M for the two ships depending on prepositioning location (we might wish to move them forward depending on the situation in forward deployed areas). They would retain their amphibious capability.

Three LKAs and four LSTs in a special inactive maintenance status similar to that envisioned for the previous FFT program. This is a less desirable strategy than retaining them in the active inventory but necessary because of affordability. These ships could be available in 180 days or less (trained reserve crews lessen the time required). Cost per ship is approximately $50K per year.

Two LSTs, one per coast, in the Naval Reserve Force. These two ships, each with three reserve crews, would be available for immediate use on recall of one of her crews and would serve as a training platform for the crews who would man the four LSTs that would come from special inactive maintenance status thereby reducing the time to make those ships available. This appears to be an ideal mission for our reserve component.

Five LKA reserve crews would be organized with periodic training aboard one of the two ROS-5 LKAs. These crews would each be tied to a particular LKA thereby reducing the time for breakout of the three inactive maintenance LKAs and rapid manning of the two ROS-5 LKAs needed.

Maintain LPD-4 class ships in active status and decommission as the LPD-17s are delivered.

These concepts, including homeporting, require more definition and costing, but I believe they are workable and will, within the bounds of prudent risk, meet our requirements. Affordability is, of course, an issue. It would be of great benefit if the $40M available from the sale of LSTs to Australia could be used to help defray the costs.

The above concept would make 14 of the 20 LSTs available for transfer to other nations. We presently have crews of other nations prepared to accept "hot ship" transfer of five of these ships on the dates shown below. These "hot ship" transfers are to the advantage of our nation and the receiving nations as they reduce costs of the transfer itself and training involved: 28 June—Australia; 29 June—Spain; 9 July—Morocco; 30 July—Brazil; 9 Sept—Second Australia transfer.

I would very much appreciate Senate consideration of H.R. 4429 to permit us to proceed with these transfers even as we complete program definition and costing of the

above concept with a view toward implementation in the remaining months of FY94 and during FY95. We will, of course, work closely with you and the SASC staff on the details of the program as we identify specific ships, locations, reserve crews and costs and funding.

Thank you for meeting with me. The close working relationships we have established and maintained with you and the SASC staff continues to make it possible for us to work the most difficult issues in a timely and cooperative manner as we work through vital programs such as this one.

Sincerely,

J.M. BOORDA,
Admiral, U.S. Navy.

The committee amendments were agreed to.

So the bill (H.H. 4429), as amended, was deemed read three times and passed.

THE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Nos. 490, 491, 493, and 494; that the bills be read three times, passed, and the motions to reconsider laid upon the table, en bloc; further, that the consideration of these items appear individually in the RECORD; and any statements relative to these Calendar items appear at the appropriate place in the RECORD.

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

ALMERIC L. CHRISTIAN FEDERAL BUILDING

The bill (H.R. 1346) to designate the Federal building located on St. Croix, VI, as the "Almeric L. Christian Federal Building" was considered, ordered to a third reading, read the third time and, passed; as follows:

H.R. 1346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located on St. Croix, Virgin Islands, shall be known and designated as the "Almeric L. Christian Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Almeric L. Christian Federal Building".

GEORGE H. MAHON FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 2532) to designate the Federal building in Lubbock, TX, as the "George H. Mahon Federal Building and United States Courthouse" was considered, ordered to a third reading, read the third time and, passed; as follows:

H.R. 2532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 1205 Texas Avenue in Lubbock, Texas, shall be known and designated as the "George H. Mahon Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "George H. Mahon Federal Building and United States Courthouse".

EDWARD J. SCHWARTZ COURTHOUSE AND FEDERAL BUILDING

The bill (H.R. 2532) to designate the United States courthouse located at 940 Front Street in San Diego, CA, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building" was considered, ordered to a third reading, read the third time and, passed; as follows:

H.R. 3770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse shall be known and designated as the "Edward J. Schwartz Courthouse and Federal Building."

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse and Federal building referred to in section 1 shall be deemed to be a reference to the "Edward J. Schwartz Courthouse and Federal Building."

SAM B. HALL, JR. FEDERAL BUILDING AND U.S. COURTHOUSE

The bill (H. R. 3840) to designate the Federal building and U.S. courthouse located at 100 East Houston Street in Marshall, TX, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse" was considered, ordered to a third reading, read the third time and, passed; as follows:

H.R. 3840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 100 East Houston Street in Marshall, Texas, shall be known and designated as the "Sam B. Hall, Jr. Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Sam B. Hall, Jr. Federal Building and United States Courthouse".

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 18, 1994

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1:30 p.m., Monday, July 18; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 2 p.m., with Senators permitted to speak therein for up to 5 minutes each; that at 2 p.m., the Senate proceed to the consideration of Calendar No. 483, H.R. 4554, the Department of Agriculture appropriations bill.

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

RECESS UNTIL 1:30 P.M., MONDAY, JULY 18, 1994

Mr. FORD. Madam President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:01 p.m., recessed until Monday, July 18, 1994, at 1:30 p.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 1994:

THE JUDICIARY

STANWOOD R. DUVAL, JR., OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE GEORGE ARCENEAUX, JR.

CATHERINE D. PERRY, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI VICE CLYDE S. CAHILL, RETIRED.

DEPARTMENT OF JUSTICE

JUAN ABRAN DEHERRERA, OF WYOMING, TO BE U.S. MARSHALL FOR THE DISTRICT OF WYOMING FOR THE TERM OF 4 YEARS VICE DELAINE ROBERTS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 8036:

TO BE SURGEON GENERAL, U.S. AIR FORCE

To be lieutenant general

MAJ. GEN. EDGAR R. ANDERSON, JR., [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate July 15, 1994:

THE JUDICIARY

JUDITH BARTNOFF, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

ZOE BUSH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

RHONDA REID WINSTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR A TERM OF 15 YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN A. KOSKINEN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

FEDERAL LABOR RELATIONS AUTHORITY

PHYLLIS NICHAMOFF SEGAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS EXPIRING JULY 1, 1999.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

REGULAR AIR FORCE

To be brigadier general

COL. JAMES E. ANDREWS, [redacted]
COL. DAVID E. BAKER, [redacted]
COL. JAMES R. BEALE, [redacted]
COL. ROBERT J. BOOTS, [redacted]
COL. WILLIAM C. BROOKS, [redacted]
COL. RICHARD E. BROWN III, [redacted]
COL. ROBERT J. COURTER, JR., [redacted]
COL. JOHN R. DALLAGER, [redacted]
COL. CURTIS H. EMERY II, [redacted]
COL. THOMAS O. FLEMING, JR., [redacted]
COL. ROBERT H. FOGLESONG, [redacted]
COL. DENNIS G. HAINES, [redacted]
COL. BRYAN G. HAWLEY, [redacted]
COL. KENNETH W. HESS, [redacted]
COL. PAUL V. HESTER, [redacted]
COL. WILLIAM T. HOBBINS, [redacted]
COL. JOHN D. HOPPER, JR., [redacted]
COL. SILAS R. JOHNSON, JR., [redacted]
COL. RODNEY P. KELLY, [redacted]
COL. LESLIE F. KENNE, [redacted]
COL. RONALD E. KEYS, [redacted]
COL. TIMOTHY A. KINNAN, [redacted]
COL. MICHAEL C. KOSTELNIK, [redacted]
COL. DONALD A. LAMONTAGNE, [redacted]
COL. ROBERT E. LARNED, [redacted]
COL. DAVID R. LOVE, [redacted]
COL. TIMOTHY P. MALISHENKO, [redacted]
COL. ROBERT T. NEWELL III, [redacted]
COL. ROBERT T. OSTERTHALER, [redacted]
COL. SUSAN L. PAMERLEAU, [redacted]
COL. ANDREW J. PELAK, JR., [redacted]
COL. STEVEN R. POLK, [redacted]
COL. ROGER R. RADCLIFF, [redacted]
COL. ANTONIO J. RAMOS, [redacted]
COL. BERWYN A. REITER, [redacted]
COL. PEDRO N. RIVERA, [redacted]
COL. GARY M. RUBUS, [redacted]
COL. JOHN W. RUTLEDGE, [redacted]
COL. DENNIS R. SAMIC, [redacted]
COL. JAMES E. SANDSTROM, [redacted]
COL. TERRYL J. SCHWALIER, [redacted]
COL. DONALD A. STREATER, [redacted]
COL. THOMAS C. WASKOW, [redacted]
COL. CHARLES J. WAX, [redacted]
COL. GEORGE N. WILLIAMS, [redacted]
COL. LEON A. WILSON, JR., [redacted]
COL. JOHN L. WOODWARD, JR., [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH W. RALSTON, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LAWRENCE E. BOESE, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. CHARLES H. ROADMAN II, [redacted] REGULAR AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN P. JUMPER, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, U.S. AIR FORCE AND APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601 AND SECTION 8034:

TO BE VICE CHIEF OF STAFF, U.S. AIR FORCE

To be general

LT. GEN. THOMAS S. MOORMAN, JR., [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. PATRICK P. CARUANA, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED SATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. WALTER KROSS, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. BRUCE L. FISTER, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JAMES L. JAMERSON, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ALBERT J. EDMONDS, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS R. GRIFFITH, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOSEPH W. ASHY, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JAMES A. FAIN, JR., [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. STEVEN L. ARNOLD, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 3039(B):

TO BE ASSISTANT SURGEON GENERAL/CHIEF OF DENTAL CORPS

To be major general

BRIG. GEN. JOHN J. CUDDY, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601(A) AND 3034:

To be general

LT. GEN. JOHN H. TILELLI, JR., [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. PAUL E. BLACKWELL, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAY M. GARNER, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 3036(B):

TO BE CHIEF OF CHAPLAINS

To be major general

BRIG. GEN. DONALD W. SHEA, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. CARYL G. MARSH, [redacted] U.S. ARMY

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. CHARLES R. LARSON, [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. RONALD J. ZLATOPER, [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5141:

TO BE CHIEF OF NAVAL PERSONNEL

To be vice admiral

REAR ADM. (SELECTEE) FRANK L. BOWMAN, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. JOSEPH P. REASON, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. CONRAD C. LAUTENBACHER, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. PHILIP M. QUAST, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOHN S. REDD, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) ARCHIE R. CLEMINS, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5142:

TO BE CHIEF OF CHAPLAINS

To be rear admiral

REAR ADM. (1H) DONALD K. MUCHOW, CHAPLAIN CORPS, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DOUGLAS J. KATZ [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. TIMOTHY W. WRIGHT, U.S. NAVY [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. WILLIAM A. EARNER, JR., U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. RICHARD C. MACKE, [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. MICHAEL P. KALLERES [redacted] U.S. NAVY

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5044, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be general

LT. GEN. RICHARD D. HEARNEY [redacted] USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR REASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

LT. GEN. GEORGE R. CHRISTMAS [redacted] USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR REASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

LT. GEN. ROBERT B. JOHNSTON [redacted] USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR REASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

LT. GEN. CHARLES C. KRULAK [redacted] USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. ARTHUR C. BLADES [redacted] USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. HARRY W. BLOT [redacted] USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. JAMES A. BRABHAM, JR. [redacted] USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. CHARLES E. WILHELM [redacted] U.S. MARINE CORPS

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING DAVID C. ALLRED, JR., AND ENDING JAMES C. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 12, 1994

AIR FORCE NOMINATIONS BEGINNING JERRY J. FOSTER, AND ENDING SANDRA D. GATLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 17, 1994

AIR FORCE NOMINATIONS BEGINNING GEORGE B. BARNETT, AND ENDING ARTHUR P. ZAPOLSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994

AIR FORCE NOMINATIONS BEGINNING TODD E. COMBS, AND ENDING JENNIFER A. MENDEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994

AIR FORCE NOMINATIONS BEGINNING THOMAS F. ASTALDI, AND ENDING GEORGE W. SIEBERT III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994

AIR FORCE NOMINATIONS BEGINNING MAJ. HUNTER E. BLACKMON, [redacted] AND ENDING MAJ. ERIC C. SCHLANSER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 14, 1994

AIR FORCE NOMINATIONS BEGINNING FRANKIE L. GRIFFIN, AND ENDING ROBERT C. HALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994

AIR FORCE NOMINATIONS BEGINNING NORMA J.C. CORREA, AND ENDING LASZLO VARJU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994

AIR FORCE NOMINATIONS BEGINNING MEL P. SIMON, AND ENDING TERRY A. HIGBEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994

AIR FORCE NOMINATIONS BEGINNING MAJ. DALE R. ANDERSON, [redacted] AND ENDING MAJ. BRIAN J. BROWNE, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994

IN THE ARMY

ARMY NOMINATIONS BEGINNING TERRENCE R. BRAND, AND ENDING GEORGE A. YANTHIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994.

ARMY NOMINATIONS BEGINNING WILLIAM D. BERTOLIO, AND ENDING THADDEUS ZEBROWSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994.

ARMY NOMINATIONS BEGINNING PETER M. ABBRUZZESE, AND ENDING RICHARD WRONA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994.

ARMY NOMINATION OF COL. ANTHONY E. HARTLE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 14, 1994.

ARMY NOMINATIONS BEGINNING VICTOR GUTIERREZ-FULLADOSA, AND ENDING CARL M. WARVAROVSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATIONS BEGINNING JOE C. CRAIN, AND ENDING LEOPOLODO A. RIVAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATIONS BEGINNING JOHN M. RIGGS, AND ENDING SCOTT RUTHERFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATION OF CHARLES C. FRANZ, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATIONS BEGINNING *STANLEY H. UNSER, AND ENDING RUSSELL J. OTTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATIONS BEGINNING JILL WRUBLE, AND ENDING THERESE L. GALLOUCIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATIONS BEGINNING SAMUEL J. BOONE, AND ENDING DENNIS WESTBROOKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 20, 1994.

ARMY NOMINATIONS BEGINNING ROBERT B. ABERNATHY, AND ENDING 4264X, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 20, 1994.

ARMY NOMINATIONS BEGINNING ROBERT F. ANDERSON II, AND ENDING ROBERT H. SPELL, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 27, 1994.

ARMY NOMINATIONS BEGINNING MICHAEL J. BACINO, AND ENDING GARY P. WATERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 27, 1994.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING JOHN B. ATKINSON, AND ENDING JOHN F. WIRTZ, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 17, 1994.

MARINE CORPS NOMINATIONS BEGINNING GEOFFREY H. BARKER, AND ENDING TODD C. YANT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994.

MARINE CORPS NOMINATION OF CAPT. JOHN C. BURLINGAME, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 14, 1994.

MARINE CORPS NOMINATIONS BEGINNING NED M. BEIHL, AND ENDING ERNEST E. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 1, 1994.

IN THE NAVY

NAVY NOMINATION OF CHRISTOPHER REDDIN MEEHAN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 3, 1994.

NAVY NOMINATIONS BEGINNING MARTIN E. BACON, AND ENDING JULIA CAMPB WASHINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 3, 1994.

NAVY NOMINATIONS BEGINNING DALE C. HOOVER, AND ENDING SCOTT M. BALDERSTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 17, 1994.

NAVY NOMINATION OF DOUGLAS JAY LAW, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 19, 1994.

NAVY NOMINATIONS BEGINNING DONALD MICHAEL ABRASHOFF, AND ENDING WILLIAM DALE ZBAEREN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 19, 1994.

NAVY NOMINATIONS BEGINNING JEFFERY R. ABEL, AND ENDING ARTHUR KELSO DUNN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994.

NAVY NOMINATIONS BEGINNING CHARLES FRANCIS ADAMS, AND ENDING AUBREY EUGENE LANE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 14, 1994.

NAVY NOMINATIONS BEGINNING LOUIS W. BREMER, AND ENDING JOHN P. TERNES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.