SENATE—*Wednesday, June 19, 1996*

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

PRAYER

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

Holy God of Justice, we turn to You with a just cause. We are profoundly disturbed by the burning of the church buildings of black and multiracial congregations in our land. Our consternation has grown as this hateful, destructive arsonism has continued. Father, we have prayed through the years for Your power to combat racism in America and You have helped us make some progress. Now we ask You to stay the hand of the collusive, coercive forces that have committed these cowardly acts of setting fire to sanctuaries of worship. Intervene to expose them so that they can be brought to justice. Control the unresolved prejudices in others who might be instigated to copy these crimes. Thank You for raising up people of all races who have rallied to help reconstruct the burned out sanctuaries. Oh God, in this land where You have given us freedom to worship You, step in to save the sanctuaries of Your people. In Your all-powerful name. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will immediately resume consideration of S. 1745, the Department of Defense authorization bill and the pending Dorgan amendment. There will be 15 minutes of debate on the Dorgan amendment this morning, with a vote on or in relation to that amendment immediately following that debate time.

Also, Senators should be reminded after this morning's vote, there will be other votes, of course, throughout the day. We will be doing our very best to keep the time limit on the votes to 20 minutes. There are always extenuating circumstances, but we will start off today by trying to keep that commitment. Senators are encouraged to respond promptly to the votes, and if you have amendments that you want to offer, please be here with them so we can have those amendments offered and debate so we can do it during the daylight instead of very, very late tonight.

Mr. President, also, I announce that the Democratic leader and I are continuing with negotiations with respect to minimum wage, small business tax package, and other issues. We are in hope of reaching some agreement shortly with respect to this issue and all the other related matters. We have not been able to complete that effort, but we are working on it very seriously. We hope to be able to get that done shortly. We will come to the floor and make that announcement.

I yield the floor.

RESERVATION OF LEADER TIME

THE PRESIDING OFFICER (Mr. INHOFE). Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1745, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan amendment No. 4048, to reduce funds authorized for research, development, test, and evaluation for national missile defense.

Kyl amendment No. 4049, to authorize underground nuclear testing under limited conditions.

AMENDMENT NO. 4048

The PRESIDING OFFICER. There will now be 15 minutes of debate on the pending Dorgan amendment No. 4048, equally divided.

Mr. DORGAN. Mr. President, I understand there is a period of time to continue debate ever so briefly prior to the scheduled vote. Senator LEVIN, I believe, wishes to take just a couple of minutes. I intend to yield to him when he arrives. When Senator THURMOND comes through, I will be happy to yield to him.

Let me describe just briefly exactly what this amendment is and what it is not. The Defense authorization bill that comes to the floor of the Senate includes in it $508 million for research and development for a national missile defense program. That is a program that has been bantered about around here. Some call it national missile defense, some call it Defend America, some call it star wars. Whatever you call it, it is a program to try to find a way to intercept potential incoming missiles launched by a rogue nation, an adversary, or launched accidentally by someone else. This is the outgrowth of the old star wars proposals back in the early 1980's.

There is in the Clinton budget a proposal for continued research and development of $508 million. The majority party, in constructing the piece of legislation brought to the floor today, said, "That is not enough. We want to add $300 million to that; $508 million is not enough. We want it to be $808 million."

My amendment very simply says, "no," we should get rid of the $300 million that was added extra, and go back to the $508 million base proposal offered in the administration's budget, $508 million requested by the Pentagon, $508 million requested by the Chairman of the Joint Chiefs of Staff, by the Secretary of Defense, saying, "This is what our country needs. This is what is advisable to spend." The bill brought to the floor said "No, the Defense Department does not know what it is talking about. We want to authorize you to spend $300 million more."

I read a quote from General Shalikashvili, the Chairman of the Joint Chiefs of Staff, who says, in speaking of this kind of activity, adding $300 million—which, by the way, is designed to provide for and require an early deployment on a national missile defense program of some type which would provide multiple sites and spaced-based components which will undercut the arms control agreements, the very agreements that are now leading to a reduction in the nuclear threat. There are missiles being destroyed in the old Soviet Union, in Russia today, because we have arms control agreements that provide for the destruction of those missiles. The world is safer because those missiles do not exist, those nuclear warheads do not exist, and they do not exist because of arms control agreements that have provided that both the Russians and the Independent States of the old Soviet Union are reducing launchers, warheads, bomber airplanes and others. We are doing the same. This makes eminent good sense.

This proposal, incidentally, leads to an undercutting of all those arms control agreements. Should we protect our country? Of course we should. However, should we do so in a way that undercuts the arms control agreements that

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

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are now leading to a reduction in the threat? No, I do not think that makes any sense.

General Shalikashvili says the following:

Efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons, thereby increasing both the costs and the risks that we face.

In short, the decision, in fact, the requirement by those who support this piece of legislation that we spend $300 million more in pursuit of a policy that may result in a potential adversary having hundreds or even thousands of more nuclear weapons is, in my judgment, a failed policy.

Mr. President, $300 million ought not be added to this. My amendment withdraws the $300 million.

How much time is remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 5 seconds.

Mr. DORGAN. I yield 2 minutes to the Senator from Michigan, Senator LEVIN.

Mr. LEVIN. Mr. President, I thank the Chair and I thank Senator DORGAN for his leadership on this. We ought to rely on the uniformed military in terms of what is needed to produce a national missile defense in a sensible time period so that we can make a decision to deploy at a time a decision to deploy is needed.

What do the uniformed military say about funding levels? We have heard a lot of political rhetoric about national missile defense. The proposed budget in front of us would add $300 million to the $500 million the administration requested. These are not just numbers hopefully pulled out of the air. The $500 million that the administration asked for is what our uniformed military say is needed to produce and develop a national missile defense in a timely way.

Now, that is not President Clinton saying it, that is not Secretary Perry saying it; that is the uniformed military saying it. It is called the Joint Requirements Oversight Council, the JROC. The JROC, in January of this year, wrote to their chiefs—these are the Vice Chiefs of the four Departments—saying that they wanted and needed no more than $500 million per year for national missile defense. This is a memorandum which I am going to ask to have inserted into the RECORD. This is what our uniformed military say: The JROC believes that with the current and projected ballistic missile threat that the funding level "for national missile defense should be no more than $500 million per year." That is in the budget request of the administration. They went on to say, "We believe that the proposed acquisition level for national missile defense is balanced in proportion."

I ask unanimous consent that the letter from the Chiefs of the Army, Navy, Marine Corps, and Air Force, be printed in the RECORD at this time in support of the administration's request and which is very inconsistent with the add-on of $300 million by the Armed Services Committee.

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

THE VICE CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC.

Memorandum for the Under Secretary of Defense for Acquisition and Technology.

Subject: National Missile Defense.

1. This memorandum is to inform you of The Joint Requirements Oversight Councils (JROC) position of prioritizing a Theater Missile Defense (TMD) capability over a National Missile Defense (NMD) capability.

2. The JROC believes that with the current and projected ballistic missile threat, which shows Russia and China as the only countries able to field a threat against the US homeland the funding level of NMD should be no more than $500 million per year and TMD should be no more than $2.3 billion per year through the FYDP. These funding levels will allow us to continue to field critical TMD/NMD systems to meet the projected threats and, at the same time, save dollars that can be given back to the Services to be used for critical recapitalization programs.

3. We believe the proposed TMD/NMD acquisition levels are balanced and proportional and after great potential for achieving an affordable ballistic missile defense architecture that meets our joint warfighting needs.

W.A. OWENS,
Vice Chairman of the Joint Chiefs of Staff.
THOMAS S. MOORMAN, Jr.,
General, USAF, Vice Chief of Staff.
J.W. PRUEHER,
Admiral, U.S. Navy, Vice Chief of Naval Operations.
R.D. HEARNEY,
Assistant Commander of the Marine Corps.
RONALD H. GRIFFITH,
General, U.S. Army, Vice Chief of Staff.

Mr. THURMOND. Mr. President, before we vote on the Dorgan amendment, I would like to make a few brief remarks and strongly urge my colleagues to oppose the amendment.

First of all, let me be clear that the additional funds added in the bill for national missile defense are not to support a space-based or star wars defense system. In fact the funds are not to support a deployment decision at all. We have simply followed the advice of the Director of the Ballistic Missile Defense Organization who has informed the committee that about $800 million per year is needed to support a robust technology development effort. This additional funding is consistent with the administration's own NMD Program, which is supposed to preserve the option of deploying a system by 2003. Regardless of whether you support the Defend America Act, the administration's NMD plan, or some other approach, you should support the funding recommended by the committee to allow for a more comprehensive testing program.

The Armed Services Committee did not earmark the funds for systems that are not currently being developed by the Department of Defense. We simply suggest more robust testing within the administration's own program. This program would rely on a ground-based system. Nothing associated with the additional funds in any way conflicts with the ABM Treaty or even with the administration's own 3-plus-3 NMD Program.

I would also remind all Senators that Congress added $375 million above the budget request for NMD in fiscal year 1996, which the administration is presently obligating. The Department of Defense recognized that additional funds were needed. The Director of BMDO has stated this explicitly, and the committee added the funds in an effort to reduce technical risk and preserve a realistic deployment option around 2003.

Mr. President, in closing, let me urge my colleagues to oppose the Dorgan amendment and to support the additional funds for NMD risk reduction.

I yield to the able Senator from Oklahoma, Senator NICKLES.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. How much time remains?

The PRESIDING OFFICER. Five minutes.

Mr. NICKLES. I will be very brief. I compliment the Senator from South Carolina for his leadership. I urge my colleagues to vote "no" on this amendment. This amendment would strike $300 million of money that is used for research and development for missile defense. It is kind of a shocking thing for most Americans to find out that we do not have capabilities now to shoot down incoming missiles if you think the primary responsibility of the Federal Government is the protection of our people, the protection of our freedom. Yet, we do not have the capabilities today to shoot down an incoming missile from wherever it comes from. It may come from a belligerent nation, it may come from other rogue nations, it may come from someone getting control over missiles in the former Soviet empire.

But we do not have the capability to shoot them down. That bothers me. Somebody might say, well, we have the Patriot. The Patriot worked semisuccessfully in the Persian Gulf war. It shot down some Scud missiles when they were right over their backyard. Not very effective. As a matter of fact, we had American soldiers who lost their lives in Saudi Arabia because of Scud missiles that were 20-some-odd years old that landed in that neighborhood. The Patriot did not stop these.

They stopped some missiles. It is not effective.

We need to be able to have the capability to shoot down missiles before they end up in our backyard. The threats are becoming more serious all the time, and we need to be moving now in research and development so we will have the system capability sooner rather than when it is too late. When you have North Korea firing missiles in the direction of Japan, when you have China firing missiles in the direction of Taiwan, when you have China making implicit threats to the United States, and even specifically Los Angeles, you realize this is a much more dangerous world than it was 3 years ago.

We are now using our money to help Israel develop missile defense capabilities. I support that. But it is very ironic that we do not give ourselves the capability and enough resources to develop missile technology to defend ourselves against an incoming missile, whether it be an incoming intercontinental ballistic missile, with whatever warheads—nuclear warheads, biological or chemical warheads. We should not leave ourselves defenseless.

I am afraid that if we adopt the amendment by our friends on the other side, we are doing just that—we are cutting back too much. People like to call missile defense star wars, and maybe they score political points by doing so. But they leave us without the capability of moving forward rapidly, as quickly as possible, to shoot down incoming missiles. The No. 1 priority of the Federal Government should be the protection of our people, the protection of our freedom. We need to have the capability to destroy incoming missiles from whatever source. We need this money.

I compliment the chairman of the Armed Services Committee. I hope our colleagues will vote to delete and vote against this amendment. I yield the floor.

Mr. THURMOND. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from South Carolina has 1 minute 45 seconds. The Senator from North Dakota has 45 seconds.

Mr. THURMOND. I will yield back my time, unless somebody wants to speak.

I understand the Senator from Oklahoma desires to speak.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the Senator for his leadership in this issue that we are discussing. Nothing new can be said on this subject. I know what the final remarks will be from the Senator from North Dakota. I want to talk about two things. No. 1, the threat; No. 2, the cost. If anybody out there believes it is going to cost so that we will ultimately have the ability to save ourselves, protect ourselves from missile attack—look at the CBO report and the figures that they are batting around, $30 to $60 billion over 14 years, and that has now been downgraded.

It is quite obvious that we wanted to have an Aegis ship with the space sensors. We already have a $50 billion investment in 22 Aegis ships that are out there. We can upgrade those, and reach into the upper tier for about $3 to $4 billion over 4 years. If you add the $5 billion for sensors we could have a system in place that will stop an incoming ballistic missile for the United States. Right now we have nothing.

The vast majority of American people believe that after we have spent all of this money that we have a system but we do not. We are almost there. It is 90 percent paid for, and the threat is real.

For those who question the threat, remember the words of James Woolsey who was the CIA Director for President Clinton. He said 2 years ago that we know of between 20 and 25 nations that have or are in the final stages of developing weapons of mass destruction and the missile means of delivering those weapons. One expert after another expert testified that threat is out there, that threat is real.

So, I would only say when you are considering taking out this little bit of money that we have to try to go forward with this program, stop and realize and stop and ask yourself the question. What if all of these experts are right? Look at Oklahoma City. The Presiding Officer and I represent the State of Oklahoma. We saw the devastation that took place there. That was what is comparable to one ton of TNT. The smallest nuclear warhead known is a kiloton, 1,000 times that power.

So if you are wrong, we are making a terrible mistake if we pass this amendment.

Mr. DORGAN. Mr. President, this is not about whether there should be a missile defense program in this country. There exists in the bill brought to this floor $2 billion for theater missile defense. I think everyone probably knows that. It has not been mentioned. The implication was that there was nothing in this bill for missile defense. There is $2 billion for theater missile defense and $508 million was proposed by the Pentagon for national missile defense. The bill comes to the floor saying $508 million for research and development is not enough.

I simply say for the people who support throwing dollars at this problem on national missile defense that it is not going to solve the problem. The uniformed officers say $508 billion is enough of research and development. Those of you who think that there is not an amount that is enough, the more the merrier and let us spend as much as we can spend are wrong.

This is a very simple vote to cut $300 million from this authorization bill.

I hope my colleagues will support the amendment.

The PRESIDING OFFICER (Mr. INHOFE). The question is on agreeing to the amendment of the Senator from North Dakota.

Mr. THURMOND. Mr. President, how much remains?

The PRESIDING OFFICER. All time has expired.

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 question is on agreeing to the amendment of the Senator from North Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], the Senator from Arkansas [Mr. BUMPERS] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. BUMPERS] and Senator from New Jersey [Mr. BRADLEY] would each vote "aye."

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

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—44

Akaka	Ford	Leahy
Baucus	Glenn	Levin
Biden	Graham	Mikulski
Bingaman	Gregg	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hatfield	Murray
Bryan	Hollings	Pell
Byrd	Jeffords	Reid
Conrad	Johnston	Robb
Daschle	Kassebaum	Rockefeller
Dodd	Kennedy	Sarbanes
Dorgan	Kerrey	Simon
Exon	Kerry	Wellstone
Feingold	Kohl	Wyden
Feinstein	Lautenberg	

NAYS—53

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Nunn
Brown	Grassley	Pressler
Burns	Hatch	Roth
Campbell	Heflin	Santorum
Chafee	Helms	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Cohen	Inouye	Snowe
Coverdell	Kempthorne	Specter
Craig	Kyl	Stevens
D'Amato	Lieberman	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner
Frahm	McCain	

NOT VOTING—3

Bradley	Bumpers	Pryor

The amendment (No. 4048) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, the Democratic leader and I are continuing our negotiations with respect to the minimum wage issue. Therefore, in hopes of reaching some agreement with respect to this issue and other related matters, I now ask unanimous consent that no minimum wage amendment or legislation be in order prior to the hour of 1 p.m. today and, at 1 p.m, the majority leader be recognized so we can discuss this issue.

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

Mr. LOTT. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 4049

Mr. BIDEN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is the Kyl-Reid amendment to S. 1745.

Mr. BIDEN. Mr. President, I ask unanimous consent I be able to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, might I ask the Senator to yield for one moment so I may ask for the yeas and nays on the amendment which is pending?

Mr. BIDEN. Sure.

Mr. KYL. 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 ATTACK ON HARIS SILAJDZIC

Mr. BIDEN. Mr. President, I rise today to deplore in the strongest possible terms the brutal assault last Saturday on former Bosnian Prime Minister Haris Silajdzic.

For more than 4 years, I have protested the bloody aggression by Serbia and its Bosnian Serb proxies against the Republic of Bosnia and Herzegovina. Even today Senator LIEBERMAN, Senator LUGAR, and I are introducing a resolution calling upon our Government to give stronger support to the International War Crimes Tribunal in the Hague, including making it an urgent priority for IFOR to detain and bring to justice persons indicted by the tribunal.

But, Mr. President, it was not Bosnian Serbs under the direction of the war criminals Karadzic and Mladic who attacked Haris Silajdzic. Nor was it carried out by the notorious Bosnian-Croat thugs from Herzegovina.

No, the attack was carried out by Bosnian Muslims belonging to the ruling party of democratic action, the SDA, of Bosnian President Izetbegovic. Former Prime Minister Silajdzic was making an election campaign speech in the Bihac area of northwestern Bosnia when about 100 young toughs waving SDA flags reportedly began terrorizing citizens at the rally. Some of them struck Prime Minister Silajdzic on the head with a metal bar, opening a bloody wound on his temple. He was rushed off to a hospital.

Many of my colleagues and I regard Haris Silajdzic as the single best hope for a multireligious democracy in Bosnia. For years he has fought against the vicious tribalism that unscrupulous politicians have used to stir up hatreds, even as he has tirelessly struggled to keep his embattled country alive.

Undaunted earlier this year after he was forced out of the prime ministership, Haris Silajdzic founded the party for Bosnia and Herzegovina, a coalition of Bosnian Muslims, Bosnian Serbs, and Bosnian Croats whose vision rises above the pathetic provincialism of the ethnic and religious-based parties intent on fragmenting the country.

The reaction of the ruling SDA in Sarajevo was, sad to say, typical of people who learned their politics at the foot of the old Yugoslav league of Communists.

Mr. Silajdzic has been harassed at every turn. Knowing of his broad international contacts, the authorities made it impossible for him to place telephone calls abroad. For example, when I have wanted to talk with him during the past few months, I have had to phone his home from Washington. And our conversations are routinely cut off in mid-sentence.

This is the treatment that President Izetbegovic's government accords a former prime minister with a worldwide reputation for bravery and integrity.

Moreover, Haris Silajdzic's multi-religious party for Bosnia and Herzegovina has been systematically denied a level playing field in the campaign for national elections, which according to the Dayton accords must take place by September 14.

They have found it excruciatingly difficult to get television time with which to spread their message of tolerance and democracy. I have already described how the SDA hoodlums broke up their campaign rally last weekend.

Mr. President, I would submit that the Bosnian people have no better friend in this Congress than this Senator. But let me be absolutely clear: The patience of even the strongest supporters of Bosnian independence has limits.

President Izetbegovic and his party must understand that we have not sent young American fighting men and women at the head of an international force thousands of miles from home merely to make it safe for a power-hungry, narrow-minded Bosnian Muslim clique to mimic the vicious, anti-democratic behavior of their Bosnian Serb oppressors.

The clock is ticking on the implementation of the Dayton accords. There are still many fundamental problems to solve. Until now the record of the Bosnian Government, though far from perfect, has been better than that of Serbia and Croatia and their respective Bosnian proxies.

But this latest outrage against Haris Silajdzic is a terrible step in the wrong direction. I call upon President Izetbegovic to take heed: Either get your party to clean up its act, or the United States of America may have to reconsider its Bosnian policy.

I thank the Chair, and I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4049

Mr. SIMON. Mr. President, I rise in opposition to the amendment offered by Senator KYL from Arizona. I knew our distinguished colleague from Arizona when he was in the House, but I did not know him well. I have come to have great respect for him as a legislator. He really is a legislator who works on bills and does the nitty-gritty work that is so important. But I believe that an amendment to authorize the resumption of nuclear testing is very ill-timed.

First of all, we have had over a thousand nuclear tests in the last 50 years. We do not need additional nuclear tests. If we were trying to perfect some new nuclear weapon, then it makes sense. But that is not the policy of this Government.

But more important than that, India and Pakistan are reluctant to join in a comprehensive test ban. What we need now is for all nations with nuclear power to come aboard. China, apparently, is coming aboard. But India and Pakistan we do not know yet.

We should not do anything that is going to move a comprehensive test ban further away. We need it as soon as possible. It is in the interest of the United States, and it is in the interest of the world.

I think this amendment, and I know the motivation is good on the part of our colleague from Arizona, but I think it is an ill-timed amendment that is not in the national interest.

Mr. President, if no one else seeks the floor, 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. INHOFE. Mr. President, I ask unanimous consent that the quorum call in progress be vitiated.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that I be able to proceed for up to 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Oklahoma wishes to be recognized to speak as in morning business for 5 minutes. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1885 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. INHOFE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. 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. THURMOND. Mr. President, I just want to say that we are sitting here waiting and doing nothing. Why? Because those who have amendments are not coming forward to present them. We are wasting the Government's time. We are wasting the Senate's time. Why do those who have amendments not come forward? I urge those who have amendments—hotline both sides and tell them anybody who has amendments to bring them. We want to get through this bill. We are supposed to finish this bill tonight. We may have to go until 3 or 4 o'clock in the morning. Let us get going now and finish this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NUNN. Mr. President, the amendment that will be presented in a few minutes by the Senator from Hawaii deals with the Army and Air Force Nurse Corps and the promotions of the nurses in that corps.

This amendment has been examined by our staff, and from the Democratic side of the aisle, we would recommend when it is presented that the Senate accept the amendment. That would be our position on the amendment.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. We can accept the amendment on our side.

Mr. INOUYE. Thank you very much.

Mr. NUNN. I say to my friend from Hawaii that we recommended the amendment be accepted. So we just wanted to let him know that.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Without objection, the pending amendment will be set aside.

AMENDMENT NO. 4050

(Purpose: To amend title 10, United States Code, to codify existing practices of the Army and Air Force regarding the grade of the Chief of the Army Nurse Corps and of the Chief of the Air Force Nurse Corps, and the minimum grade required for appointment to the positions of Chief and Assistant Chief of the Army Nurse Corps and to the positions of Chief and Assistant Chief of the Air Force Nurse Corps; and for other purposes)

Mr. INOUYE. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 4050.

Mr. INOUYE. 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, insert:

SECTION 1. CHIEF AND ASSISTANT CHIEF OF ARMY NURSE CORPS.

(a) CHIEF OF ARMY NURSE CORPS.—Subsection (b) of section 3069 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "major" and inserting in lieu thereof "lieutenant colonel";

(2) by inserting after the first sentence the following: "An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general."; and

(3) in the last sentence, by inserting "to the same position" before the period at the end.

(b) ASSISTANT CHIEF.—Subsection (c) of such section is amended by striking out "major" in the first sentence and inserting in lieu thereof "lieutenant colonel".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade".

(2) The item relating to such section in the table of sections at the beginning of chapter 307 of title 10, United States Code, is amended to read as follows:

"3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade.".

SEC. 2. CHIEF AND ASSISTANT CHIEF OF AIR FORCE NURSE CORPS.

(a) POSITIONS AND APPOINTMENT.—Chapter 807 of title 10, United States Code, is amended by inserting after section 8067 the following:

"§ 3069. Air Force nurses: Chief and assistant chief; appointment; grade

"(a) POSITIONS OF CHIEF AND ASSISTANT CHIEF.—There are a Chief and assistant chief of the Air Force Nurse Corps.

"(b) CHIEF.—The Secretary of the Air Force shall appoint the Chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than three years, and may not be reappointed to the same position.

"(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after section 8067 the following:

"3069. Air Force Nurse Corps: Chief and assistant chief; appointment; grade.".

Mr. INOUYE. Mr. President, I rise today to introduce an amendment that would put into law a designated position and grade for the chief nurses of the U.S. Army and the U.S. Air Force. To the credit of the past and present leadership of our Armed Services, they have appointed a chief nurse in the rank of brigadier general since the 1970's. However, for the Army and the Air Force, this practice has never been codified in law, although I am pleased to note that the Navy has designated their chief nurse as a rear admiral. Our military chief nurses have an awesome responsibility—a degree of responsibility that is absolutely deserving of flag officer rank.

You might be surprised at how big their scope of duties actually is. For example, the chiefs are responsible for both peacetime and wartime health care doctrine, standards, and policy for all nursing personnel. In fact, the chief nurses are responsible for more than 80,000 Army and 26,000 Air Force nursing personnel. This includes officer and enlisted nursing specialties in the active, reserve and guard components of the military. If an executive officer in a large American corporation had this much responsibility, he or she would undoubtedly have a position title and salary at least comparable to that of a brigadier general, and would certainly have a seat at the corporate table of policy and decisionmaking.

You might wonder why it would be necessary to put these provisions in law since this practice is already occurring. Sadly, I am most concerned that without this official designation, these positions are vulnerable to being downgraded or even eliminated. In recent years, downsizing mandates and new ways of providing health care have led to many reorganization efforts. Unfortunately, reorganization has become

a euphemism for eliminating positions—and health care reorganization has too often become an excuse to eliminate nursing positions, particularly senior and executive leadership positions.

There has been much discussion about the so-called glass ceilings that unfairly impact the ability of women to achieve the same status as their male counterparts. While I do not want to make this a gender-discrimination issue, the reality is that military nurses hit two glass ceilings: one as a nurse in a physician-dominated health care system and one as a woman in a male-dominated military system. The simple fact is that organizations are best served when the leadership is composed of a mix of specialty and gender groups—of equal rank—who bring their unique talents to the corporate table. For military nurses, the general officer chief nurse position is the only way for nurses to get to the corporate executive table.

Mr. President, I strongly believe that it is very important, and past time, that we recognize the extensive scope and level of responsibility the military chief nurses have and make sure that future military health care organizations will continue to benefit from their expertise and unique contributions.

Mr. President, as noted, the distinguished managers of the measure have both agreed to its adoption.

I urge its adoption.

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

The amendment (No. 4050) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND. 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. THURMOND. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. THURMOND. Mr. President, we have been waiting here now a long time to act on these amendments. Again, I want to tell the Senators, if they have amendments, to come forward with them. I want to inform all Senators that I intend soon to ask unanimous consent that only amendments that have been offered will be in order on this bill. So it is important for them to come forward and offer their amendments, otherwise, they may not be considered. I urge all Senators who have amendments to come to the floor and offer them now—I repeat—now, not later.

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

Mr. KYL. Will the Senator withhold? I would like to discuss the pending amendment.

Mr. THURMOND. Certainly.

AMENDMENT NO. 4049

Mr. KYL. Mr. President, the pending amendment is the Kyl amendment, cosponsored by Senator REID from Nevada. The distinguished chairman of the committee spoke in support of this amendment last night when I offered it. Since then, there has been virtually no discussion of it. Several people have asked me questions, and I thought I would come to the floor and try to answer those questions because, for the life of me, I cannot understand why this would be a controversial amendment. I am advised that at least one Senator is awaiting instructions from the White House.

I suggest that this body can take the action that it deems appropriate. Certainly the White House will have its say in anything that we do on the Defense authorization bill. But this ought not to be that controversial. So let me attempt to explain again what I am trying to do with this amendment. Again, I thank the distinguished chairman of the Armed Services Committee for his support of the amendment.

Probably the best way I can do this, Mr. President, is to do it graphically. Above this line we have the status quo, the current law with respect to nuclear testing. Just to set the stage, we have not conducted nuclear tests for a long time. The tests that have been conducted in the last decade have been primarily to ensure safety and reliability of our nuclear stockpile. I might add that about a third of the problems that have been discovered with the stockpile were found as a result of safety testing.

I also make the point, in general, with respect to testing, that it has always seemed odd to me that while we hear speeches that we should fly before we buy, we should be sure that we test the equipment that we are going to buy for our military uses, we should make sure that we continue to maintain our equipment, understand how it works, and whether it might not work, and we want to make sure that all of the things that we are going to have to rely upon will in fact work, that the one thing that we do not want to test to see if it will continue to work is the most sophisticated weapon we have in our inventory, namely, our nuclear weapon.

On that we are going to close our eyes and say, "Well, we tested these a long time ago. We maybe built these systems 20 years ago, but we're just going to hope that they continue to work if we ever have to use them." I submit that that is not an intelligent way for us to maintain our nuclear stockpile. But that is essentially where we are right now. The administration does not want to test, is not testing. We currently have the authority to test, if the President decides to do so.

That is what is indicated here. We have a test moratorium in our country, but we could test for safety reasons or to determine the reliability of a system. So that if, for example, the Department of Energy came to the President and said, "Mr. President, we think we may have a problem with one of these systems. It seems to be acting funny. We obviously don't want to send it up in an airplane or put it on top of a missile if something might happen. Therefore, we need to conduct a test to determine exactly what's wrong here or how to fix it," the President could do that today.

But that authority will expire on September 30 of this year under existing law. The President will no longer have that capability.

That was done in order to anticipate the fact that a Comprehensive Test Ban Treaty, the so-called CTBT, would be entering into force. The problem is, it has not been ratified by this country. It is obviously not going to go into force for some time. Therefore, we are left with a hiatus, a period between September 30 of this year and whenever the CTBT comes into effect, if it comes into effect.

After the CTBT comes into effect, there are no tests except in a very extreme situation called supreme national interest which, in effect, would only exist if there was some grave emergency that existed where the country was threatened and there was some need to do so.

So what we are talking about is simply extending this September 30 date until the CTBT goes into effect. It is not anti-test-ban treaty. Anyone who favors a test-ban treaty should not be concerned about this. In fact, I would think they would be supportive because it would maintain the status quo until the CTBT goes into effect.

What actually changes? Two things. No. 1, we continue to require the administration to report to the Congress on the status of the stockpile. There is nothing wrong with that. I assume there is no objection to that. So the test moratorium would continue and the reporting requirements would continue. But the President could still test for stockpile safety and reliability purposes beyond the September 30 date until some date in the future if and when the CTBT goes into force or when the U.S. Senate ratifies it.

The other difference is that under the test moratorium that will exist if we do not change the law, there is one circumstance under which the President can test. But it does not make any sense. The President could test if another country tests. We do not need to

test just because China conducts a test or just because France conducts a test or Russia conducts a test. That is no reason for the United States to conduct a test. We are not testing in retaliation for what another nation does. There is no rational reason to base our testing on whether another nation tests.

Whether another nation tests will depend upon whether that nation believes it to be in that nation's interest to test. Likewise, whether the United States tests prior to the implementation of the CTBT, ought to be based upon whether it is in our national interest to do so. Just because France tests should not mean that the President should call for the United States to do so.

But by the same token, if the Department of Energy or the Department of Defense should discover a problem with one of our weapons, it is the height of irrationality for us to close our eyes and say, "But we can't fix that weapon."

Until this Nation has effective missile defenses and defenses against any other way in which a nuclear warhead would be delivered to the United States, we are relying upon our strategic retaliatory nuclear capability. That is a fact. Therefore, it has to work and it has to be safe. It makes no sense to say that we should not have the capability of ensuring that safety.

I doubt very seriously whether President Clinton would ever order a test, but why tell him that he cannot do so? For those who believe, well, maybe it will not be President Clinton next year, maybe it will be President Dole, and he is going to be irresponsible in this regard, my amendment also requires that the Congress not disapprove the decision. So Congress has a check on the President's actions. The President cannot unilaterally call a test.

I do not know what could be more reasonable, Mr. President. All we are saying is that the deadline that is going to expire on September 30 be continued—not the deadline—but that the ability to test be continued, the power of the President to call for a test. We are not saying he has to do anything. This has no relationship to the CTBT. We are simply saying, until the CTBT comes into effect, the President would have the ability to call for a test, but Congress would have to not disapprove it.

Let me read some statements, perhaps, that will give people a little sense of security in supporting this if they think there is some hidden meaning to it. There is not. The administration's testing policies, as articulated by the President himself, are totally consistent with what we are doing.

On August 11, 1995, the President gave his statement regarding the CTBT. He acknowledged that the possibility of future underground tests might be needed. In fact, there is a specific safeguard in his policy enumerated "Safeguard F" which reads as follows:

> If the President of the United States is informed by the Secretary of Defense and the Secretary of the Energy (DOE)—advised by the Nuclear Weapons Council, the Director of DOE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command—that a high level of confidence in the safety or reliability of a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standard "supreme national interests" clause in order to conduct whatever testing might be required.

That is the end of Safeguard F.

Mr. President, what we are proposing here is something far short of that. The President has made the point here that he needs a mechanism for conducting an underground test if it is in the supreme national interest to do so. We are simply saying until there is a CTBT, he should have that same authority. A fortiori, once the CTBT goes into effect, the President is saying he should still have that authority in the supreme national interest. I agree. It does not make any sense for that authority to exist at that time after this CTBT has already gone into effect, and not to have the authority before it goes into effect.

Following the President's own understanding of the potential need for an underground test to ensure safety and reliability of our weapons, we simply gave him that authority beyond the deadline that it would otherwise expire, and base it on what the President has said he would need to base it on; namely, safety and reliability, rather than on whether another nation tests. I cannot imagine anything more reasonable and more rational.

I will read a quotation from one of the President's top advisers in this entire area, former staff member for the distinguished ranking member of the Armed Services Committee, Bob Bell, in a speech at the National Missile Defense University Foundation. On May 8 of this year, Bob Bell, who is a member of the National Security Council, suggested that a key element of the administration strategy to defend America is deterrence, both conventional and nuclear deterrence. He said,

> The second line of defense against weapons of mass destruction is deterrence, both at the conventional and nuclear level. Any rogue nation foolish enough to contemplate using nuclear, chemical, or biological weapons against the United States, its Armed Forces or our allies must not be confused about how we would respond. As Secretary Perry stated, it would be "devastating" and "absolutely overwhelming."

Now, Mr. President, you cannot rely upon a nuclear deterrent that is not safe or does not work. You have to know that it is safe and it will work. That is why we have always maintained the ability, the right, to test these weapons, to make sure they will work and that they are safe. That is what the law provides today. That authority terminates on September 30. For the life of me, I do not understand why anyone would object to simply continuing the President's right to do what he said he needed to have the ability to do. Not that he would ever do it. I am sure everyone would acknowledge this President's inclinations would not be to do it, but as he himself said, if he were advised by the Secretary of Defense, the Secretary of Energy, the Nuclear Weapons Council, and the commander of the U.S. Strategic Command that they did not have a high level of confidence in the safety or reliability of a weapon type that was deemed critical for nuclear deterrent, then he would need that authority. If we are going to give him that authority after a CTBT goes into effect, why should he not have that authority before it goes into effect?

Mr. President, all I can do is continue to repeat the point that I wish somebody would challenge it, would argue it, would debate it. This amendment has been pending since last night. I said I am happy to explain it, to debate it, but can we not have a discussion on it, and then vote? I cannot imagine why anyone would oppose it.

Now, there have been two reasons suggested to me. One is that the Comprehensive Test Ban Treaty negotiations are in a delicate stage now and we do not want to do anything that might upset them. How would this upset them? It has nothing to do with the CTBT. Surely, people who want us to enter into the CTBT want us to do so with weapons that are safe and reliable. Surely, they do not want us to deny ourselves the ability to enter into the treaty, knowing we have safe and reliable weapons. Why would they want us to have a period of time where our weapons could deteriorate or become unsafe and we could not do anything about it, and then enter into a comprehensive test ban limitation? That would not make any sense.

We want to enter into the comprehensive test ban knowing that our weapons are in good shape. I guarantee you, Mr. President, other countries will make very sure that their weapons are in good shape before they enter into it. Look at the evidence. What did France do? France thumbed its nose at the international arms limitation community by saying, "We are going to test until we are confident that our weapons are reliable and safe and they will do the job." They conducted their tests, notwithstanding opposition from practically, it seemed like, everybody in the world. When they finally had concluded they had done enough testing and they were confident of their weapons, they said, "Fine. Now we will join up."

China, likewise, has been conducting tests. They just concluded one. They have said they are going to do another one. They have said, "We think we have to do one more to make sure that our system is reliable, safe, and workable. After that, we will join up, or at least consider joining up." It may be that Russia has conducted tests. There have been reports of activity at their test site that may suggest that some kind of activity has occurred there. I submit that other nations will do the same thing if they believe their weapons are deteriorating or they need to do something to improve the safety or reliability. They will test to make sure that can be done.

All we are saying is the President of the United States ought to have the authority to do that, with Congress not overruling, to ensure that our nuclear deterrent, as Bob Bell said, is a meaningful deterrent. That is to say that countries of the world will know that it is workable, and that we, in fact, will employ it.

The argument that CTBT negotiations are underway does not suggest any reason why we should not proceed with this. Are those negotiations so touchy that if anybody talks about nuclear testing or continues authority that currently exists in law, that they somehow are going to full apart? I cannot imagine that. If that is the case, there is something drastically wrong. Are those negotiations dependent upon an elimination of our authority to test after September 30? That would not be good policy for the United States, and I cannot imagine that other countries of the world have made that a precondition. I have not heard any evidence to that effect. Just because the CTBT negotiations are going on does not mean that we cannot extend the President's authority beyond September 30. We are not telling him he has to test, he should test or anything of that sort. We are saying if he thinks it is necessary to test, as he himself pointed out, he should have the authority to do that, subject to Congress not saying no.

Now, I do not know of any other reason, except one reason expressed to me by someone who said, "Well, I have always been so much in favor of absolutely eliminating all nuclear weapons from the world that I would not want to do anything even to extend the ability of the United States to test until there is a CTBT. If we can stop it on September 30, boy, that is great."

Mr. President, if all of the other nations in the world were as idealistic as this particular individual, I would not have a problem with that. As we have already seen, since the United States has stopped testing, since our moratorium, other nations, both friendly and unfriendly, have decided it is in their best interests to go ahead. We are not going to stop them from doing what they think is necessary and in their national interests, and particularly where it relates to safety, it seems to me, we ought to retain the ability to test. That should have very little to do with the argument of whether or not all the nations of the world will eventually agree to a comprehensive limitation.

One final point I make, Mr. President. When I served in the House of Representatives, I was the ranking member of the Department of Energy's nuclear facilities panel, along with Representative SPRATT from South Carolina. We had the jurisdiction, basically to deal with the Department of Energy programs, including the nuclear stockpile. During that time, it came to light that a very new and sophisticated and technical way of utilizing very new and powerful computers could actually help us understand the dynamics of nuclear weapons much better than we ever had before. This computer analysis seemed to suggest that there might be some vulnerability to certain of our weapons that we should look into.

Just to talk hypothetically, what we are talking about, if a nuclear weapon were to be dropped, for example, could that possibly trigger some kind of emission of radioactive material? In the past we had done a lot of telephoning and we said, "No, we think it is very safe." This new computer technology suggested that maybe there would be a bit of a problem. So we caused a commission to be created called the Drell Commission. The members of the commission were very prominent nuclear scientists who studied for over a year whether there were safety or reliability problems with our weapons—primarily safety problems. They made recommendations to the Congress, which we have largely carried out, and which the military has largely carried out, that caused us to make some changes in the way that we handle our nuclear weapons. Some weapons were removed from active alert status on strategic bombers. Certain changes were made in the way that weapons were handled in their loading and unloading.

Without getting into too much technicality, or classified material, those recommendations demonstrated that we have to be constantly vigilant of the potential for accidents, because the last thing in the world that we want is an accident with a nuclear weapon. We know that there have been some, and we do not want that to ever happen and cause harm to anyone in the world. So safety has been a primary consideration—at least in recent years—with respect to our nuclear stockpile.

For the life of me, Mr. President, I cannot imagine that people who are interested in consumer safety, who are interested in the health, safety, and welfare of our citizens, who frequently support measures to protect us from all sorts of things that might cause damage to us, who are interested in reducing smoking by teenagers and adolescents, and I cannot imagine why people who are interested in protecting the American citizenry would say, however, when it comes to one of the most potentially devastating threats of all—not a threat that is likely to occur, but if it ever did occur, it would be very devastating—a release of radioactive material as a result of an accident with a nuclear weapon, and we are not going to do anything about that. We are just going to trust that weapons that are 20 or 30 years old, and that have not been tested for years, are going to continue to work all right, behave all right, and not pose any safety threat. We are going to close our eyes to the possibility that there could ever be a problem there, and we are going to legally prohibit the President from testing those weapons to see that they are safe—not to develop a new weapon; we are not talking about testing for new weapons. We are going to bind the President and say that, after September 30, he cannot test to determine the safety of a nuclear weapon anymore. I just, for the life of me, cannot understand how people would make that argument.

Now, Mr. President, there are Senators on the floor now who would like to enlighten me as to why this perfectly innocent amendment is not appropriate. I will conclude by simply reminding you of what it does. It simply says the power that the President has to test, which will expire on September 30, will continue until there is a CTBT. If the Congress does not approve a test, the President cannot do it.

I hope people who want to debate the issue will do that so I know what we are trying to respond to here because, right now, I cannot think of any arguments against this amendment. I hope we can quickly get a time agreement so that, as the distinguished chairman of the Armed Services Committee said, we can get on with this bill. This is a minor amendment in the overall scheme of things with this very important defense authorization bill. The chairman is right that we have to get on with it. I do not intend to take any time with this. If we can reach a time agreement for 10 minutes, that is fine with me.

I thank the chairman of the committee for supporting my amendment.

Mr. THURMOND. Mr. President, I want to again compliment Senator KYL for his detailed explanation of his amendment. This is a sound provision. It enhances the President's authority to ensure that the Nation maintains the capability to maintain a ready and safe nuclear stockpile. I do not understand the other side's reluctance to debate this amendment and agree to a time limit.

Again, I urge Members to come to the floor and let us go forward and make progress on this bill.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. I ask unanimous consent that the pending committee amendment be laid aside.

Mr. EXON. Mr. President, reserving the right to object, I inquire of the Senator from Minnesota, about how much time does he wish? There has been some talk about moving ahead on this matter. I prefer to move ahead on this matter, and I simply inquire, before I withdraw my right to object, about how much time the Senator from Minnesota feels he needs, and on what subject, before we set aside the pending business of the Senate.

Mr. GRAMS. I expect to take 10 minutes, and it relates to the closure of Pennsylvania Avenue.

Mr. EXON. With that understanding, I withdraw my objection. Is the Senator intending to propose an amendment?

Mr. GRAMS. It is a sense of the Senate.

Mr. EXON. Then, Mr. President, I object on the grounds that I am prepared to move ahead on the amendment before us. Certainly, I would like to accommodate the concerns of the Senator from Minnesota and his sense-of-the-Senate amendment. But I suggest that in order to try and move ahead on this matter, it would probably be best at this time to proceed with debate on the amendment that is before us rather than offering another amendment at this juncture. With that caveat, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Minnesota has the floor, unless he chooses to yield the floor.

Mr. GRAMS. I ask the Chair, am I allowed to go ahead and offer my sense-of-the-Senate amendment?

The PRESIDING OFFICER. There must be approval to set aside the pending amendment and that has been objected to.

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

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I say to my friend from South Carolina, the chairman of the committee, which I have observed now for 18 years, and also my colleague from Georgia, the ranking member of the committee, that I understand the difficult position they find themselves in with regard to trying to move this bill along. I certainly am not here to cause any problems in that effort because, certainly, the defense authorization bill, which I voted for as it came out of the Armed Services Committee, is an important piece of legislation, and I think that we should move expeditiously ahead. Certainly, any Senator has a right under the rules of the Senate to offer any amendment.

But I would simply say that I intend to make some remarks at this time in strong opposition to the Kyl amendment, and then would plead to the managers of the bill—since the Kyl amendment nor nothing like it was included in the authorization bill that came out of the committee—that it would probably be best, in the interest of moving ahead with this bill, that the Kyl amendment be withdrawn and probably and possibly considered at some later more appropriate date. Mr. President, there could not possibly be a worse time, a more inopportune time, if you will, to consider the amendment offered by the Senator from Arizona.

Here we are, Mr. President, 9 days away from the self-imposed June 28 deadline by the multination negotiators now delicately moving toward hopefully an agreement for a comprehensive test ban treaty. And the deadline is June 28. That is 9 days from now. To be specific, that is a week from this coming Friday.

These are extremely delicate negotiations. I have talked on numerous occasions to our Ambassador who is involved in those detailed negotiations. I have been in close touch with the Secretary that has responsibility in this area, the Secretary of Energy. I have been in close touch with the White House, and the National Security Council. They all agree with myself, Senator MARK HATFIELD, and many others who will speak in opposition to this amendment, that there could not possibly be a worse time for the U.S. Senate to begin meddling in matters of this delicate nature 9 days ahead of the June 28 self-imposed date by the negotiators to try to come up with a comprehensive test ban treaty that in the opinion of this Senator, and in the opinion of most people who understand the procedure, would be to the greatest benefit of mankind for as far as we can see into the future.

What we are talking about here is whether or not we are going to have less reliance on nuclear weapons in the future. Since the end of the cold war we all have been working, and quite well, I might say, with Russia and the former states of the former Soviet Union to the point where we do not have nuclear warheads pointed at each other. Behind all of this is the attempted emergence of new nations to nuclear power.

If we can put in place and keep in place the nuclear test ban treaty that is now being delicately renegotiated in Geneva it would be the greatest boon to mankind and the safety of mankind that one could imagine. No. I suspect that none of us can see into future time when we will have not have nuclear weapons. But certainly we should be able to recognize and realize that the United States of America which is far ahead on the ability to test, which is far ahead on the ability to make tests with computers, which is far ahead in inventory of any other part of the world, it would seem evident to me that it would be not only in the national security interests of the United States of America but also the right thing to do to recognize that we should continue to be a leader in trying to end for all time, if we can, nations testing nuclear devices.

So, Mr. President, I speak now not only for myself but other Members of the U.S. Senate on both sides of the aisle in strong opposition to the Kyl-Reid amendment. It is being sold here just to give the President a little flexibility, and so forth and so on. If the U.S. Senate would pass the Kyl-Reid amendment, which I think it will not—I think I have been here long enough to have a pretty good understanding of the Senate and its rules—I say to the managers of the amendment, and I say to the managers of the bill that there could be long and delayed debate on this amendment. I think it has little chance of surviving the opposition that we will mount against it. I want to unmask, if I can, Mr. President, the feeling that this is a harmless amendment; that it is not going to hurt anything at all. I would simply say that regardless of what the intentions of the authors of the amendment are for the U.S. Senate to be even debating such a proposition 9 days ahead of the final deadline, whether we pass it or not, only gives the opposition around the world, wherever it is and for whatever reason, more chances of disrupting and eliminating any chance of a comprehensive test ban treaty based on negotiations—very delicate negotiations, I might say, Mr. President—in Geneva today.

Why is it that 9 days ahead of the deadline we have some Senators coming on the floor of the U.S. Senate trying to make changes in what we are going to do in the future with regard to nuclear tests? No one knows at this juncture.

Mr. KYL. Mr. President, will the Senator yield?

Mr. EXON. I have not interrupted the Senator from Arizona. I will not yield. He will have ample time to make his points at a later time.

I simply say that this amendment is ill-timed. It is ill-advised. At least the authors should recognize and realize, if they are so certain that this amendment is all-important, that it would be more in line with reality and reason to at least wait until follow-on bills after the 28th day of June, a week from Friday, when we will know by that time whether or not the hard work and the delicate balance to try to reach an international comprehensive test ban treaty is successful.

I do not know what their motives are. It may well be that the authors of this amendment are totally in support, as I hope they would be in being behind

our negotiators and our administration who fully recognize and realize the dangers that we are working with here; that the authors of this amendment would simply say, yes, this is probably not the best time and this amendment should not be offered.

Mr. President, this amendment, or something like it, was discussed by members of the Armed Services Committee before our markup and before our hearings in the Armed Services Committee on the defense authorization bill. It was agreed unanimously that this is a matter that should not have been taken up at this time. And for that reason, and principally for that reason, there was no move inside the Armed Services Committee to make any such suggested changes. And I believe that the chairman of the Armed Services Committee knows and understands that full well. The chairman of the Armed Services Committee has every right to support this amendment, if he wants to, on the floor of the U.S. Senate. That was not the reasoning of his committee during those deliberations.

Mr. President, later on today I will insert into the RECORD statements by the White House, statements by the Secretary of Energy, and others in strong unqualified opposition to this amendment principally along the lines that I have outlined.

I cannot imagine anything I would oppose more than the Kyl-Reid amendment authorizing the resumption of nuclear testing beginning on October 1 this year under certain conditions. While proponents of the amendment contend that this change to the 1992 Hatfield-Exon-Mitchell law closes some sort of a loophole in the American nuclear testing policy and should have no impact on the comprehensive test ban negotiations now underway in Geneva, this simply is not—I emphasize, Mr. President, is not—the case. The Kyl-Reid amendment is the proverbial wolf in sheep's clothing, an innocent appearance cloaking a more sinister inner nature. Whether intended or not, passage of this meddlesome amendment would send a chilling ripple around the world that the Senate has pulled the rug out from under our Nation's treaty negotiators on the very eve of finalizing a landmark treaty designed to halt the global spread of nuclear weapons.

After decades of failed efforts and ineffectual agreements, the world's nuclear powers have finally made some progress in not only curbing the increase in the number of nuclear weapons States but also reducing the number of nuclear weapons systems targeted on population centers around the world. The INF Treaty, START I Treaty, and now START II are historic mileposts in the history of arms control in that they compel for the first time the destruction of nuclear delivery systems while still maintaining the geopolitical balance and the ability to deter an attack by a potential aggressor.

Defense and foreign policy experts agree that the most significant security challenge facing the United States and the rest of the world is curbing the proliferation of weapons of mass destruction, most dangerous of which is a nuclear warhead. Closing Pandora's box, as I have referred to these nonproliferation efforts in the past, is a formidable undertaking, but I believe history will judge the leaders of our era in great measure on how successful we are in meeting this challenge.

While the bipartisan Nunn-Lugar program has made remarkable progress in addressing the secure transportation, storage, and destruction of thousands of former Soviet nuclear weapons, another threat reduction effort designed to enhance our national security is close to agreement. That is the agreement I talked about that is hopefully scheduled to be agreed to in 9 days.

What in the world, whatever are their intentions, is the reasonableness of Members of the Senate coming in 9 days ahead of that formidable undertaking with an amendment that could only cause great mischief and possibly lead to further division of the nations that are having enough trouble already in coming to agreement in Geneva on the nuclear test ban treaty a week from this Friday—9 days away. I cannot imagine any Member of the Senate, Mr. President, I cannot imagine any Member of the Senate believing it would be wise, if they understood the possible consequences, for any Member of the Senate to endorse this amendment for the reasons that I have stated and very likely for other reasons as well.

For the past 3 years, the 37-member nation conference on disarmament has been meeting in Geneva to negotiate a verifiable comprehensive test ban or CTB Treaty. A CTB Treaty is an important linchpin in our efforts to prevent new nations from developing a nuclear weapons capability by depriving them of the ability to test and verify the performance and capability of the new weapons. In effect, the CTB Treaty, if realized, would go a long way in cutting off membership to the nuclear weapons club, depriving autocratic rulers and Third World rogue nations of the means to develop such weapons with confidence in the future.

After 40 years of effort, the world community is now 10 days away, hopefully, 10 days away, Mr. President, from its self-imposed negotiating deadline of June 28—that is this June 28—to finalize a CTB agreement. Not only are we in the last hours of the negotiations end game in the context of the historical debate on the test ban concept, we are in the final minute of this long and difficult endeavor. For this reason, it is no surprise that some opponents of the Comprehensive Test Ban Treaty and advocates of continued nuclear testing would look for ways to undermine an agreement.

I am not saying that the authors of this amendment necessarily fall into that category. I hope they do not. It might well be that some people pushing this amendment were not here in 1992 when Senator Mitchell, Senator EXON and Senator HATFIELD came about with a bipartisan agreement, stepped aside from political considerations and worked out an agreement that passed the Senate and has been the framework ever since and has been endorsed by the President of the United States and indirectly endorsed by other nations of the world and has resulted in the ongoing negotiations at Geneva.

In large part, the bipartisan Hatfield-Exon-Mitchell law of 1992 jump started American interest in joining the world's other nuclear powers in pushing for a comprehensive test ban treaty. By requiring that future U.S. nuclear weapons testing be linked to the correction of prospective safety and reliability problems, the Hatfield-Exon-Mitchell provision confirms what most scientists, military leaders, and policymakers understood: The United States has the safest, the most reliable nuclear weapons arsenal in the world.

Furthermore, after conducting over 1,000 nuclear tests, with the data resulting therefrom, at our test facility in Nevada, we have developed more advanced simulation technology than any other power in the world. The time was ripe for phasing out our testing program over 3 years and start seriously negotiating a comprehensive test ban agreement. Basically, Mitchell-Exon-Hatfield played a key role in that development. And I am astonished at this amendment because, however well intended, it is ill-advised as I have outlined.

Now, 4 years later, when we are on the verge of possibly reaching a comprehensive test ban agreement, a mere 9 days away from lowering the lid on the nuclear Pandora's box, it is in this context that the Kyl-Reid amendment should be judged. The Kyl-Reid amendment would authorize the President to seek authorization to resume nuclear testing after October 1 up until the time when a comprehensive test ban treaty is ratified by the Senate. Unlike the existing requirements of Hatfield-Exon-Mitchell, these tests could be for any reason, not necessarily to correct any safety or reliability problem. I should reiterate, there is no known safety or reliability problem with our nuclear weapons. It is worth noting that even if the President did seek to resume testing it would take approximately 2 years—let me repeat that, Mr. President—even if suddenly, today, the President of the United States should

find that we have a serious problem with our nuclear deterrent, it would take approximately 2 years to reready the nuclear test site to conduct tests to verify if there is a problem and to help identify what would be necessary to correct it. If that should happen, I believe there is no question but the U.S. Senate would join in, would recognize and realize the serious threat, and take action as the President has outlined.

But that is not the case, and we should not be using or relying on that type of scare tactic to justify this ill-conceived and ill-timed amendment here on this date, late in June 1996, 9 days away from the final deadline in Geneva. According to the Department of Energy's best estimate, we would have to take 2 years, if we needed it, to reready the test site in Nevada. In that context, the amendment before us is meaningless.

This reality raises the question of what is the true value of the Kyl-Reid amendment if it professes to give the President the means by which to resume testing up to a point of the Comprehensive Test Ban Treaty ratifications? The President of the United States is firmly against this. He does not need any additional authority at this time. The Secretary of Energy, who has prime responsibility under the President of the United States, and the National Security Council, are firmly opposed to this amendment, primarily for the reasons I have outlined. Even if there was a reason to test, and there is not, we would have to wait 2 years at least before detonation could take place and tests could be conducted even underground at the Nevada test site, far more time than the anticipated delay between signing the Comprehensive Test Ban Treaty and its subsequent ratification by the U.S. Senate.

In light of this, and the fact that there is no known safety or reliability reason to test, the question that needs to be asked is, Why is this amendment being proposed now, and what would the consequences be if the amendment was agreed to?

As I have stated, I am very fearful that they would be devastating. The prospects of a comprehensive test ban agreement by June 28 were greatly enhanced just recently when China agreed to join the rest of the world's declared nuclear weapons states in adhering to a testing moratorium and forsaking the right to test, ending all testing once an agreement is reached, which might be in the immediate future.

For the first time in history, all five permanent members of the Security Council are in agreement to adhere to a true zero yield test ban treaty. The Chinese decision clears the most difficult and significant hurdle in reaching agreement on a comprehensive test ban treaty text. What is more, the world's nonnuclear states, the potential new admissions to the nuclear club, are poised to sign on to a treaty relinquishing their right to develop or obtain these highly lethal and destabilizing weapons of mass destruction. If the United States were to approve the Kyl-Reid amendment on the eve of the Comprehensive Test Ban Treaty agreement, changing U.S. policy so as to authorize tests for any reason—for any reason, I emphasize, Mr. President, up until the time of Senate treaty ratification—the effect on our Nation's nonproliferation efforts in Geneva I am afraid would be devastating.

I am afraid, Mr. President, that under those circumstances the United States would become the pariah of the international arms control community and the reactions of condemnation from around the world would undoubtedly be swift, not unlike what occurred following the French and the Chinese weapons tests earlier this year.

My suggestion to Senator KYL and Senator REID is that this issue be withdrawn and reconsidered at some later date this year or maybe next year, or sometime after that when we will know whether or not the comprehensive test-ban negotiations were successful. While we have learned a great deal about all of these problems, with regard to reliability and safety of our nuclear weapons arsenal, and we have a lot to learn in the future, but there is no justifiable reason to resume testing now or in the foreseeable future. There is, however, a compelling reason to push hard in the final days of the comprehensive test-ban negotiations in Geneva, without having to bother with the uproar that is sure to follow if the Kyl-Reid amendment, regardless of how well intended, would be passed by the U.S. Senate or even considered and defeated under the rules that we have at our disposal in the U.S. Senate.

Mr. President, I urge my colleagues to stay the course and work in a positive way to halt the spread of nuclear weapons around the world. The Comprehensive Test Ban Treaty will do just that. Mr. President, the Kyl-Reid amendment regrettably would work to the contrary. Approval of this amendment by the Senate would be self-defeating and could very well snatch defeat from the jaws of victory, scuttling the Comprehensive Test Ban Treaty at a time 9 days—9 days away from possible success. Such a happening would undermine our own collective security and that of our allies by allowing nonnuclear states to potentially join what has been, up to now, an exclusive group of nations capable of killing millions with the push of a button. Rejection or withdrawal of the Kyl amendment would give us a chance—and I underline the word chance—of success at Geneva. I fear history will not judge this Senate kindly if our actions, whether intended or not, are instrumental in killing the Comprehensive Test Ban Treaty as it is prepared, hopefully, to be enacted and to join other landmark arms control agreements which have brought greater peace to all Americans and all people in the world, as we look not only just at today, but at tomorrow as well.

Mr. President, I urge my colleagues to reject the Kyl-Reid amendment. I will do everything that I can, within the powers that I and others have in the U.S. Senate, to see that this amendment does not prevail. There will be many other speakers who will follow me in opposition to the Kyl-Reid amendment. I emphasize only, again, in closing that, while this amendment may be well-intentioned, it is ill-conceived and the timing could not be worse. Those are the essential elements that the White House and the Secretary of Energy joined me on and, in my conversations with them, asked me to relate along with their strong opposition to this amendment.

I thank the Chair and I yield the floor.

Mr. KYL addressed the Chair.

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

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that Mr. Bob Perret, a congressional fellow in Senator REID's office, be provided privilege of the floor.

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

Mr. KYL. Mr. President, let me simply respond to the argument of the Senator from Nebraska with three quick points. I hope the Senator from Nebraska does not misunderstand what the amendment would do. He said there is no justifiable reason to test now. There is nothing in this amendment that calls for testing now. Nothing whatsoever. It merely continues the existing authority of the President to ask for a test. I have no reason to believe that the President would do so. It has nothing to do with engaging in any tests now.

Second. the Senator from Nebraska said, "Why bring it up now?" The answer is very simple: Because the distinguished chairman of the Armed Services Committee said if you have any amendments to the defense authorization bill bring them to the floor now. I am following the request of the distinguished chairman. And on the assumption that the bill is going to be dealt with within the next few days, we need to bring the amendment up now, not later.

But I offer to my colleague from Nebraska this good-faith offer: If the Senator from Nebraska would agree with me that we could vote on this amendment on June 29, the day after the 28th, which is the big date in the Senator's mind, I would be happy to enter into such a UC agreement. We have no reason to have a vote necessarily before or

after the 28th. We are simply proposing the amendment at the time it is supposed to be proposed.

So if the Senator will agree to a unanimous-consent request to vote on the 29th, I would be delighted to enter into such an agreement with him.

The third point is that nowhere in the Senator's speech about how the timing could not be worse because it comes only 9 days before the 28th of June, which is the self-imposed deadline for the parties negotiating the CTBT to reach an agreement, nowhere in his discussion was any suggestion as to why this would somehow disrupt the agreement, why anybody would consider this relevant in the least, why they would object to it.

I understand that they have this self-imposed deadline to reach an agreement by the 28th. What we are doing here is absolutely irrelevant to that; it has no bearing on it. I cannot imagine somebody standing up and saying, "Well, U.S. Negotiator, we can agree with you on the CTBT, but the U.S. Senate just considered this amendment that allows the President to continue to test up to the time we have a CTBT."

Every other country in the world has that right. I suspect the United States would be the only country in the world that as of September 30 will not have that right by law, because that is when the President's authority expires. Other countries that we are negotiating with can test right up to the time there is a CTBT. Why is that not disruptive?

There is no logic to the Senator's argument: "We're going to have 9 more days to negotiate, so your amendment shouldn't be voted on." What is the connection? Why should anybody object to our amendment being voted on in these negotiations? Our amendment has absolutely nothing to do with this CTBT. It, by definition, only deals with the period of time up to the CTBT.

If we put the chart back up again, I will try to make it crystal clear. Graphic: The law allowing the President to test expires September 30. Up until the time that there is a CTBT, he would not be able to test for stockpile safety and reliability. We simply extend his ability to do so. That is all. How can anybody in the CTBT negotiations object to that? All of the other states will already have that right.

So, Mr. President, I heard the Senator from Nebraska, but I do not understand the logic of the argument.

Two final quick points. We are going to have to change the law at some time, because when we enter into a CTBT, if we do, we are going to have to legislatively give the President the authority to test in the supreme national interest, as the President said he would need the authority to do, and I quoted the President's safeguard section (f) in that regard.

So if this law expires on September 30, that is not the end of it. We are going to have to legislate.

Second, I note that the administration itself has said that until three different countries—I think two of them were Pakistan and India—agreed to sign up that we are not going to be entering into a CTBT. I am just not at all sure this magic date of the 28th is all of that magic. It may well be we are not able to reach an agreement by that self-imposed deadline.

But it does not matter, because all my amendment does is to allow the President the authority he has today, subject to Congress saying, "No, you can't test," allow him to call for a test up until the time the CTBT goes into effect. It has no effect whatsoever on the CTBT. It does not affect it in the least. Granted, the 28th date is out there, but I do not know what relevance that is as to what we are doing here today.

I did want to clear those up since the Senator had raised the question of our motives in bringing it up at this time. I know Senator REID and I both want to make it crystal clear—that was the point in my seeking recognition a moment ago—to assure the Senator from my home State of Nebraska that our motive was to simply comply with the distinguished chairman of the Armed Services Committee to get any amendment we had to this bill presented before the bill was taken from the floor.

That is why we brought it up today. We could have easily brought it up tomorrow or the next day. I think we are happy to agree to any unanimous consent request that the Senator would be agreeable to enter into to have a vote after the date of the 28th, if there is a concern doing it before then would be disruptive in Geneva.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I listened with great interest to my colleague from the State of Arizona. I will simply say to him that everything that I had just said in my statement in this regard is totally accurate, to the best of my knowledge.

With regard to his counterarguments that this is going to help the President of the United States, the President of the United States says he does not need help. "Thanks, but no thanks."

The President of the United States is simply saying that the timing of this amendment is so outlandish, regardless of how well-intentioned it might be, that it has the chance of doing a great deal of harm and little, if any, enhanced possibilities of success at Geneva.

I will certainly say to my friend from Arizona that I am very willing to try and work with him in the future when the time might or might not be right to do some of the things that he says his amendment is designed to do. But I must tell him that the White House, the negotiators at Geneva, most if not all of the experts in this area that I know of and have worked with over the years, feel that his is an especially ill-timed amendment, notwithstanding his intentions.

I, therefore, simply say to him that I am not in a position at this time to agree to any time certain for a time limit or a time certain for a vote on this matter on the defense authorization bill that is before us, and certainly it is not possible for me to make any commitments at this time as to some date certain in the future as to when I might agree to allow that to happen, other than to say I think the Senator from Arizona knows that this Senator is totally approachable, intends to be reasonable, and understands the other person's point of view.

I try very hard to walk in another's shoes, see both sides of the debate. I will not walk in the shoes of those that are trying to push ahead on this amendment that this Senator feels, and other Senators like me on both sides of the aisle feel, that this amendment at this time is a disaster from the standpoint of trying to reach a comprehensive test ban treaty at Geneva that I think is essential for the future of mankind. Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent that the current amendment and the pending committee amendments be laid aside.

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

AMENDMENT NO. 4052

(Purpose: To express the sense of the Senate regarding the reopening of Pennsylvania Avenue)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. Grams], for himself and Mr. ROBB, proposes amendment numbered 4052.

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

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

The amendment is as follows:

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

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 1791, President George Washington commissioned Pierre Charles L'Enfant to draft a blueprint for America's new capital city; they envisioned Pennsylvania Avenue as a bold, ceremonial boulevard physically

linking the U.S. Capitol building and the White House, and symbolically the Legislative and Executive branches of government.

(2) An integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as "America's Main Street".

(3) 1600 Pennsylvania Avenue, the White House, has become America's most recognized address and a primary destination of visitors to the Nation's Capital; "the People's House" is host to 5,000 tourists daily, and 15,000,000 annually.

(4) As home to the President, and given its prominent location on Pennsylvania Avenue and its proximity to the People, the White House has become a powerful symbol of freedom, openness, and an individual's access to their government.

(5) On May 20, 1995, citing possible security risks from vehicles transporting terrorist bombs, President Clinton ordered the Secret Service, in conjunction with the Department of the Treasury, to close Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House.

(6) While the security of the President and visitors to the White House is of grave concern and is not to be taken lightly, the need to assure the President's safety must be balanced with the expectation of freedom inherent in a democracy; the present situation is tilted too heavily toward security at freedom's expense.

(7) By impeding access and imposing undue hardships upon tourists, residents of the District, commuters, and local business owners and their customers, the closure of Pennsylvania Avenue, undertaken without the counsel of the government of the District of Columbia, has replaced the former openness of the area surrounding the White House with barricades, additional security checkpoints, and an atmosphere of fear and distrust.

(8) In the year following the closure of Pennsylvania Avenue, the taxpayers have borne a significant burden for additional security measures along the Avenue near the White House.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should direct the Department of the Treasury and the Secret Service to work with the Government of the District of Columbia to develop a plan for the permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House in order to restore the Avenue to its original state and return it to the people.

Mr. GRAMS. Mr. President, the legislation we debate today sets out the broad defense policy for the Nation. It affords us an opportunity to outline our defense priorities, and the opportunity to reflect on what role this Nation is to play in the defense of freedom worldwide.

What I have come to the floor to address today is the defense of freedom within our own borders, indeed, right here in the heart of our Nation's Capital. I rise, along with Senator ROBB, my colleague from Virginia, to offer an amendment seeking the reopening of Pennsylvania Avenue in front of the White House. Mr. President, the two-block section of Pennsylvania Avenue fronting the White House was closed to vehicular traffic on May 20, 1995, by order of the President.

I have been to the floor several times in the year since to voice my concerns that the loss of this historic roadway—which travels across one of the busiest sections of one of the busiest cities in the world—has had a devastating impact on the District of Columbia. I have talked about the damage the closing has done to Washington's business community. There are well-founded concerns that it is scaring off new jobs and prompting potential retail and commercial tenants to stay away from the downtown area. I have discussed the hardships caused by the closing for District residents, and anyone whose paycheck depends on access to the avenue, people like cab drivers and tour bus operators.

I have outlined the numerous problems the closing has created for the District itself, which had one of its major crosstown arteries unilaterally severed by the Federal Government without any consultation. At a time when this troubled city could least afford another blow, this has hit especially hard. I have discussed the inconvenience for the 15 million tourists who come to Washington each year, especially the elderly and disabled, many of whom are being deprived of a close look at the White House.

And I have talked about the cost for the taxpayers, which has already reached into the millions of dollars, and, if the National Park Service prevails, could rise by at least $40 million more.

Mr. President, I have raised each of those aspects of the closing because each is important. But there is another side to this issue that is easy to overlook amid all the other more obvious problems: the question of what the closing of Pennsylvania Avenue says to the American people, and what we give up as a free society when we give in to fear.

Generations of visitors to Washington would hardly recognize the stretch of Pennsylvania Avenue that has stood for nearly 200 years as America's Main Street. Today, it is a vacant lot, empty of any traffic. Gone is the thrill for visitors of driving by the White House for the first time—the concrete barricades have put an end to that.

Gone, too, is the sense of openness that inspired Americans to feel close to the Presidency and close to their Government when they visited the Executive Mansion. And 1600 Pennsylvania Avenue has become a Federal fortress, and the effect is unnerving.

In a city that boasts of such inspiring symbols of freedom as the marble of the Lincoln Memorial, the columns and porticos of the White House, the massive stones that lift the Washington Monument into the sky, and the great dome of the U.S. Capitol itself, the gray, concrete barricades of Pennsylvania Avenue are a national embarrassment.

How do we explain the blockades to our visitors, whose first glimpse of the home of their President is marred by the sight of a White House seemingly under siege? What do we say when those visitors are children, who have been taught how this Nation has fought for freedom and values it above all else, and yet find a different message along the now-empty stretch of Pennsylvania Avenue?

Mr. President, I must make this clear: in each conversation I have had about the future of Pennsylvania Avenue, everyone has been emphatic that the safety of the President must be our primary concern. So it is—without question. And because the need to ensure the safety and security of the President of the United States is paramount, there was little argument when Pennsylvania Avenue was closed in the weeks immediately following the bombing of the Federal building in Oklahoma City. At the insistence of the Secret Service, temporary restrictions on Pennsylvania Avenue seemed prudent, and because it was a temporary move, people went along.

But months passed, and then a year, and now, the National Park Service is moving ahead with plans to forever close "America's Main Street" to traffic in front of the White House. Because they are thorough and efficient and utterly dedicated to protecting the President, the Secret Service can't be blamed for pushing for the closing of Pennsylvania Avenue. They have been trying for 30 years to shut it down, beginning with the Kennedy administration and every President since. They have long seen Pennsylvania Avenue as a threat, and used Oklahoma City as the justification to move ahead with a plan they have been eager to put in place for more than three decades. If the Secret Service had its way, we would build a protective bubble around the President from which he'd never emerge. But that is not what being President is all about, especially when you are an outgoing, gregarious leader like President Clinton, who exposes himself to danger a thousand times a day inside and outside Washington, because he thrives on the public contact that comes with being President. Keep this President away from the people? Well, you would have better luck keeping Cal Ripkin away from the ballpark. And that is the way it should be. That is what people need their President to be. We cannot eliminate every risk, Mr. President, because that is the nature of a democracy. When we resort to the temptation to try, we start down a slippery slope. Turning these two blocks of Pennsylvania Avenue into a $40 million park will not hide the fact that we're wrapping the White House in another layer of protection and further insulating our leaders from the public.

Mr. President, an entire year has come and gone since the closure of Pennsylvania Avenue, and the circumstances have changed with time. A

decision that seemed prudent a year ago now demands to be reexamined, and the sense-of-the-Senate amendment I introduce today offers us that opportunity. It simply calls on the President to direct the Secret Service—working alongside the Treasury Department and the District government—to develop a plan for the permanent reopening of Pennsylvania Avenue in front of the White House. It puts this Senate on record as saying we are not a nation that cowers to terrorists. My amendment—based on Senate Resolution 254, which 46 of my Senate colleagues agreed to cosponsor when I introduced it as stand-alone legislation last month—enjoys widespread, bipartisan support here on Capitol Hill, throughout the District of Columbia, and among the American people themselves. I am proud to have Senator ROBB join me as an original cosponsor. Many of his constituents deal every day with the closure of Pennsylvania Avenue. I am grateful our efforts have the added support of Congressmen DAVIS and MORAN and Congresswoman NORTON in the House, along with Senator LEAHY, as well, here in the Senate, and that we have been joined by Mayor Barry, the D.C. Council, and more than two dozen of this city's most influential business, civic, and historic organizations.

Mr. President, I ask unanimous consent that this list of supporters, the original cosponsors of Senate Resolution 254, and a resolution of support passed by the D.C. Council be printed in the RECORD.

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

WE SUPPORT THE SENATE RESOLUTION CALLING FOR THE REOPENING OF PENNSYLVANIA AVENUE IN FRONT OF THE WHITE HOUSE

District of Columbia Mayor Marion Barry.
DC Council Chairman David A. Clarke.
DC Councilmember Frank Smith.
DC Councilmember Jack Evans.
DC Councilmember Charlene Drew Jarvis.
AAA Potomac.
American Bus Association.
Apartment and Office Building Association of Metropolitan Washington, Inc.
Association of Oldest Inhabitants of DC.
Chamber of Commerce of the United States.
Citizens Against Government Waste.
Citizens Planning Coalition.
Committee of 100 on the Federal City.
DC Chamber of Commerce.
District of Columbia Building Industry Association.
District of Columbia Preservation League.
DuPont Circle Advisory Neighborhood Commission 2B.
Federation of Citizens Association.
Frontiers of Freedom.
Georgetown Kiwanis Club.
Greater Washington Board of Trade.
Hotel Association of Washington DC.
Interactive Downtown Task Force.
International Downtown Association.
Arthur Cotton Moore Associates.
National Capital Area Chapter of the American Planning Association.
Restaurant Association of Metropolitan Washington.
Washington Cab Association.
Washington DC Historical Society.

S. RES. 254

REOPENING PENNSYLVANIA AVENUE TO THE PEOPLE

Current cosponsors of S. Res. 254, which calls for the President to order the Secret Service to develop a plan for the permanent reopening of Pennsylvania Avenue to vehicular traffic in front of the White House:

Spence Abraham, John Ashcroft, Bob Bennett, Hank Brown, Richard Bryan, Conrad Burns, Ben Nighthorse Campbell, John Chafee, Dan Coats, Bill Cohen, Paul Coverdell, Larry Craig.

Al D'Amato, Pete Domenici, Lauch Faircloth, Bill Frist, Chuck Grassley, Judd Gregg, Orrin Hatch, Mark Hatfield, Jesse Helms, Jim Inhofe, Jim Jeffords, J. Bennett Johnston.

Nancy Kassebaum, Jon Kyl, Patrick Leahy, Dick Lugar, Connie Mack, John McCain, Mitch McConnell, Barbara Mikulski, Frank Murkowski, Don Nickles, Larry Pressler, Chuck Robb.

Bill Roth, Rick Santorum, Richard Shelby, Al Simpson, Bob Smith, Arlen Specter, Ted Stevens, Craig Thomas, Fred Thompson, Strom Thurmond.

RESOLUTION 11-382 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Resolved, by the Council of the District of Columbia, That this resolution may be cited as the "Sense of the Council Pennsylvania Avenue Reopening Emergency Resolution of 1996".

SEC. 2. The Council finds that:

(1) One year ago the United States Department of the Treasury closed Pennsylvania Avenue in front of the White House, the national symbol of an open democracy.

(2) The National Park Service has submitted a proposal to permanently close that portion of Pennsylvania Avenue, leaving the downtown disfigured and dysfunctional.

(3) Pennsylvania Avenue is the major east-west artery in the District of Columbia.

(4) The temporary closure of Pennsylvania Avenue has seriously affected the ability of District residents to navigate city streets and has greatly disrupted traffic patterns, commerce, and tourism.

(5) The permanent closure of Pennsylvania Avenue will exacerbate the serious financial and traffic problems that have been created by the temporary closure.

(6) Pennsylvania Avenue is not a park.

(7) The concern for heightened security is understandable. Nevertheless, with the technological capability of the United States, another solution can be found to address security interests without permanently damaging the District of Columbia.

(8) In this time of fiscal austerity at the local and national levels, it is neither desirable nor justifiable to spend the amounts proposed to permanently alter Pennsylvania Avenue.

(9) The proposal submitted by the National Park Service does not address the impact the closure will have on the residents and businesses of the District of Columbia.

(10) The future of Pennsylvania Avenue should be decided with the cooperation and approved of the elected officials and citizens of the District of Columbia.

SEC. 3. It is the sense of the Council that the United States Congress enact legislation requiring the reopening of Pennsylvania Avenue.

SEC. 4. The Secretary of the Council of the District of Columbia shall transmit copies of this resolution upon its adoption to the President of the United States, the Mayor of the District of Columbia, the District of Columbia Delegate to the United States Congress, the chairpersons of the committees of the United States Congress with oversight and budgetary jurisdiction over the District of Columbia, the Chair of the District of Columbia Financial Responsibility and Management Assistance Authority, the Secretary of the United States Department of the Treasury, the Secretary of the United States General Services Administration, the Secretary of the United States Department of Transportation, the Secretary of the United States Department of the Interior, the Chairman of the National Capital Planning Commission, the City of Administrator, the Assistant City Administrator for Economic Development, the Director of the District of Columbia Department of Public Works, and the Director of the District of Columbia Office of Planning.

SEC. 5. This resolution shall take effect immediately.

Mr. GRAMS. Mr. President, we have come together—Republicans and Democrats, without regard to party affiliation and without any political agenda—to ask the President to reverse a decision that has had widespread, unintended consequences. In the Capital City of a nation built "of the people, by the people, and for the people," there is no room for fear, roadblocks, or barricades.

The American people agree, and I am heartened by their support. By mail and through the Internet, hundreds of them have urged me to continue this campaign to restore Pennsylvania Avenue to its historic use. I wish I could share each of their messages with you. I want to tell you, though, I have heard from military experts who tell me the present closure would do nothing to blunt a terrorist attack, former—even current—White House employees who are ashamed of what Pennsylvania Avenue has become, long-time residents and more recent transplants to the District, and Americans from every corner of the country. They have said it many different ways, but their message is the same and that is: give us back Pennsylvania Avenue.

This month, two former residents of 1600 Pennsylvania Avenue joined in the national discussion by speaking out against the closing. President Gerald Ford said, quote, "There ought to be a better solution." President Jimmy Carter labeled it, quote, "unnecessary and a mistake."

There is one letter I keep coming back to, a letter that sums up more eloquently than any other the closing of Pennsylvania Avenue because it was written by a man who lived alongside the fear of terrorism for 444 days, yet still refuses to bow to it.

He urged me to continue my efforts, and sent me a copy of a letter he had printed in the Washington Post just days after the avenue's closure. It

reads: "By closing Pennsylvania Avenue, we have succumbed to the atmosphere of fear that terrorists—domestic and foreign—seek to foster among us."

If there is any American who should fear the power of a terrorist, it is Minnesota native Bruce Laingen, the senior diplomat among the U.S. Embassy employees held hostage in Tehran beginning in 1979. If Bruce Laingen is not willing to give in to terrorism, then neither should we.

Mr. President, through almost 200 years of this Nation's colorful history, Pennsylvania Avenue survived, through assassinations, civil and world wars, political unrest, and events that have often led us to question what it means to live in a free society where risks are an inescapable part of our everyday life.

The transformation of Pennsylvania Avenue from a national symbol of freedom into a testament to terrorism is something average Americans tell me they cannot understand. It is time to reopen Pennsylvania Avenue, for our visitors, our business community, our commuters, our residents—for every American who celebrates freedom and will defend it at all costs. Kings live in castles, protected by moats. Dictators hide themselves away in the safety of bunkers. Presidents live alongside busy streets like Pennsylvania Avenue, close to the people who give them their strength.

I ask my colleagues to support the Pennsylvania Avenue amendment.

Mr. THURMOND. Mr. President, I rise to support the sense-of-the-Senate resolution offered by the distinguished Senator from Minnesota, Senator GRAMS. Judging from the number of cosponsors, this resolution has broad bipartisan support.

I would also like to associate myself with the Senator's remarks, particularly with his point that the White House has become a powerful symbol of freedom, openness, and citizens' access to their Government. This resolution informs the President that the Senate believes the Department of the Treasury and the Secret Service should develop a plan to reopen Pennsylvania Avenue. I commend the Senator for his leadership in this matter.

Mr. GRAMS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. COATS. Mr. President, I am tempted to move the question here because the Senator has presented his amendment, and he has presented his argument. There is no one on the floor to either argue against the Senator's amendment, to speak for the Senator's amendment, or to offer an amendment to the bill that we are debating.

Here it is now 12:30 p.m., and we are in this typical nothing-happens-during-daylight hours in the U.S. Senate. We have an important bill on the floor. We have amendments that we are aware of, but no one is here to offer those amendments.

I am not going to move for adoption of this amendment by voice vote yet, in deference to those that may want to speak against it or for the Senator's interest in getting a rollcall vote, but the bill before the Senate, the defense authorization bill for fiscal year 1997, is not being debated. The Senate is wasting a lot of time. Once again, we will find ourselves here late into the evening doing work that we ought to be doing during the day.

I urge colleagues who have an interest in this bill, who have amendments that they wish to offer to this bill, to notify the managers of their interest so that we can structure some time for them to do this. Without that, we are going to, at some point, come to the conclusion that no one is interested in amending the bill as it is presented, other than the amendment, the two amendments that are currently up, and we will have to move to some disposition.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. 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. GRAMS. Mr. President, I ask for the yeas and nays on my amendment I offered earlier, amendment No. 4052.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, if I could direct a question to Senator GRAMS, who offered the pending sense-of-the-Senate resolution. It is my understanding—and I have not been on the floor—that this would be a sense-of-the-Senate resolution that would indicate that Pennsylvania Avenue should be reopened; is that true?

Mr. GRAMS. That is correct.

Mr. REID. Mr. President, I believe that we should proceed with caution on something as serious as this. I know my friend from Minnesota has probably been inconvenienced, as has this Senator. I have had to change one of my routes to my residence in Washington as a result of the closure of Pennsylvania Avenue. It has been inconvenient for me. I went to a meeting at the White House yesterday, however, and pulled into Pennsylvania Avenue and the guards were there. I was very impressed as to what was going on on Pennsylvania Avenue, the part of it that has been closed. Vehicular traffic is stopped, but foot traffic is heavier than ever. In fact, out in front of the White House on Pennsylvania Avenue, they had a street hockey game going on—in fact, several of them.

Now, every one of us here on the Senate floor, Members of the Senate, have access to what goes on in the Intelligence Committee. I think it would be constructive for every Member of the Senate to have a briefing on why Pennsylvania Avenue was closed. When I came here 14 years ago, all these entrances coming into the Capitol complex were open—those that now have these big cement flower pillars there. They were open when I came here. You could come in and out at your leisure. There was no security of any consequence on those routes.

The first year that I was in the House of Representatives the Nevada State Society had a meeting over here in the Rayburn Room. And it ended sometime in the evening at 8 o'clock or so. Shortly after the Nevada people left that room there was a huge explosion that took place that did damage in here and did tremendous damage in the Rayburn Room, and all out through there.

The security slowly but surely has tightened up, and it has not been done just as a whim of the Capitol Police. They are short handed like everyone else. They have had to beef up their security in an effort to make the Capitol complex safer—safer for the Senators and Congressmen but also for the millions of people who visit this building and the office buildings surrounding the Capitol complex.

I think it would be bad policy for the U.S. Senate to start handling security for the White House. I think it would be bad public policy for the U.S. Senate to start handling security of the Capitol complex, especially without congressional hearings.

Simply to walk in here and say, "In 1791, George Washington commissioned L'Enfant to draft a blueprint for America's new Capital City; they envisioned Pennsylvania Avenue as a bold, ceremonial boulevard physically linking the U.S. Capitol Building and the White House, and symbolically the legislative and executive branches of Government."

In over 200 years things have changed. There were no automobiles, of course, then.

The Senate resolution goes on to say:

> An integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as America's Main Street.

No one would dispute that.

> 1600 Pennsylvania Avenue, the White House, has become America's most recognized address and a primary destination of visitors to the Nations Capital; the People's House is host to 5,000 tourists daily, and 1,500,000 annually.

It would be more than that. As we all know, they are limited to a small facility to the numbers of people that can

go there. Those people we want to be safe also.

As home to the President, and given its prominent location on Pennsylvania Avenue and its proximity to the people, the White House has become a powerful symbol of freedom, openness, and an individual's access to their Government.

On May 20, 1995, citing possible security risks from vehicles transporting terrorists bombs, President Clinton ordered the Secret Service, in conjunction with the Department of the Treasury, to close Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House.

While the security of the President and visitors to the White House is of grave concern and is not to be taken lightly, the need to assure the President's safety must be balanced with the expectation of freedom inherent in a democracy; the present situation is tilted too heavily toward security at freedom's expense.

Mr. President, I think that we are really lurching into an area here that deserves a little caution. A year ago the Secretary of the Treasury, Robert Rubin, directed the Secret Service to close a segment of Pennsylvania Avenue—it is not all closed—to vehicular traffic following the conclusion of the White House security review. The review of security to the White House is the most extensive ever conducted. Pennsylvania Avenue remains accessible to visitors, and the area will be converted to a pedestrian park, which I think people coming to visit Washington will certainly be well served by rather than the traffic jams we have had there since I can remember.

This sense-of-the-Senate resolution says:

It is the sense of the Senate that the President should direct the Department of the Treasury and the Secret Service to work with the Government of the District of Columbia to develop a plan for the permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House in order to restore the Avenue to its original state and return it to the people.

I say with as much respect as I can that this is not a good sense-of-the-Senate resolution. I think it should be defeated. I do not think it prudent national security policy that, absent hearings, we take this measure up on the floor of the Senate. This resolution has no business in the Defense authorization bill. There have been no hearings held on this. There are committees with jurisdiction to handle matters dealing with intelligence.

I personally feel for my Government that it is better that it be closed. I have not heard a single person from the State of Nevada—and a lot of them come back here—complain because that area has been blocked off. I have heard people who complain it is harder to get home now. There is no question that it is. The Secretary of the Treasury has the legal authority to restrict vehicular traffic on Pennsylvania Avenue. As long as he, the Secretary of the Treasury, and the head of the Secret Service continue to determine that as a factual matter—doing so is necessary to protect the President—I am going to go along with that.

Based on information from the Secret Service, the closure is necessary to protect the President and all those who work at and visit the White House every day. The Department of Treasury remains committed to that decision. This, Mr. President, is not a decision to protect President Clinton. It is a decision to protect the President of the United States and those thousands of people that work in, and have contact with, the White House on a daily basis.

Closure was necessary because the White House security review was not able to identify any alternative to prohibiting vehicular traffic on Pennsylvania Avenue that would ensure the protection of the President and others in the White House complex from explosive devices carried in vehicles near the perimeter.

Mr. President, an explosive device in the trunk of a car out on Pennsylvania Avenue would do significant damage to the White House, its property, and the people in the White House.

The Secretary of Treasury's review recommended a number of things, and his recommendations were not done alone. They were not done by him alone. He made the final decision. But the review recommendations were fully endorsed by an independent, bipartisan advisory group which included former Secretary of Transportation William Coleman and the former Director of the CIA and the FBI, Judge William Webster. The review consulted with numerous experts on public access, architecture, and the history of the White House. He stated that a pedestrian park had numerous advantages other than security.

Someone coming from the State of Nevada to look at the White House would certainly be more impressed with an open park atmosphere rather than honking cabs back-to-back with smoke puffing out of the cars. A pedestrian mall concept is consistent with President Washington's vision for the White House similar in identity, and which Mrs. Kennedy endorsed more than a generation a ago.

At President Clinton's direction, the Department of Interior's National Park Service has been working with a preexisting committee on a comprehensive design plan for the White House; a design for a pedestrian park.

On Wednesday, May 22 of this year, the Director of the National Park Service was in the process of announcing the design plan for Pennsylvania Avenue and, Mr. President, we are confident that when this plan is completed the area will be much more inviting than it was when that area was not blocked off. It will be an important public space. We would look back with derision to an amendment like this to create and maintain a roadway for vehicular traffic through the front of the White House.

The Department of Transportation's Federal Highway Administration is continuing its work with the District of Columbia Department of Public Works on short- and long-term traffic plans to alleviate traffic problems for the area.

Although closing Pennsylvania Avenue has had an impact on traffic, it has not had a negative impact on the public's access to the White House. People who were driving in front of the White House with rare exception were people who were not coming to see the White House. They were there because they were doing business in and about that area.

It has not prevented public access to the White House. Tours have continued. They have continued uninterrupted. Visitors can now enjoy walking, as I indicated, rollerblading, participating in street hockey, and other games out in front of the White House, and they are biking down Pennsylvania Avenue without the noise and danger of passing motorists. The White House, Mr. President, does remain the people's house.

Mr. President, I hope that we would not have to vote on this sense-of-the-Senate resolution. I think that we are really stepping out of where we are supposed to be by trying to micromanage security at the White House. With all the problems we have had in this country and around the world, with leaders being assassinated, bombs being placed in cars, I just think that this is the wrong way to go, and I certainly hope that this sense-of-the-Senate resolution would not have to be voted on, and if we do I hope that we would not pass it. I think it should be defeated.

Mr. President, I feel that there are a lot of things we should be talking about on this defense bill but one of them is not how to micromanage security at the White House. Should we pass a sense-of-the-Senate resolution overriding what the Capitol Police do around the Capitol complex? Should we amend this sense-of-the-Senate resolution—I ask in the form of a question to my friend from Minnesota, would the Senator be willing to modify his amendment to provide for the opening of all the streets around the Senate Office Buildings and the Capitol?

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, at the hour of 1 p.m., the majority leader was to be recognized.

Mr. REID. I certainly cannot interfere with a unanimous-consent request that has previously been entered, but I hope that I would not lose the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, if the Senator will yield at this time, we did have a commitment to notify the Members of the progress that was being made at

1 o'clock and get a unanimous-consent agreement as to how we would continue to proceed. And then, of course, we would go right back to where the Senator is, and we would have an opportunity to work together on that, so I will be very brief.

Mr. President, for the information of all Senators, the Democratic leader and I have just concluded another meeting to further discuss the possibility of an agreement with regard to the minimum wage and the small business tax package. Both leaders will now be contacting various Members to continue to clear the agreement, and I thank all Members at this time for their cooperation. I hope to be able to resolve this matter by the close of business today. We are being very careful because we want to make sure all Members know exactly what is involved, and before we agree to any further step we both go back to our Members to discuss it with them further. In the meantime, I urge Members who have amendments to the DOD authorization bill to come to the floor and be willing to accept reasonable time agreements with respect to their amendments.

I ask unanimous consent now that no minimum wage amendment or legislation be in order for the remainder of today's session.

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

Mr. KENNEDY. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. We want to certainly cooperate with the majority leader and our minority leader as well on the issue of the minimum wage and to try to work out an adequate procedure by which the Senate will have an opportunity to address this issue. I had understood at a previous time that that negotiation had been in process and that they in effect were in agreement with the exception of the notification on the particular language that was going to be offered, one by the Republicans, one by the Democrats, on the minimum wage, and then one by Republicans and Democrats on the various tax provisions; and that there would be then a conclusion of the results on it and we would go to the conference.

That was I thought pretty well understood or announced on Sunday. I heard my friend and colleague from Mississippi talking on a national program about the desire to work that out. It is Wednesday now at 1 o'clock.

The way it had been initially outlined seemed to me to be a way that made the most sense in proceeding, to try to do the defense authorization and then to move off the dime.

Could the Senator give us some idea as to where these negotiations are, because I think I am one of many who believe that we have been back and forth on this issue of the minimum wage for some period of time. It does not seem to be an enormously complicated question to try to work out and a process and procedure which should be satisfactory to the majority and the minority. But I am wondering if he could give us some idea about where we are at this time. We are all being asked about this by the press. I think the public ought to have at least some understanding. I know that the leaders have to work these measures through in terms of a variety of considerations, but I should like to inquire as to where we are because we are giving up the opportunity to address this. We are only in 1 more week prior to the Fourth of July recess and, as the Senator knows, one of the factors of the Fourth of July was that was to be the time when the minimum wage was supposedly increased. That was to be the triggering year for the increase of the 40 cents. So it is of interest, I imagine, to millions of Americans who wonder whether we are going to do this before the Fourth and to try and get some action so that they might be able to participate in an increase or whether they are not and what the circumstances are about it.

Mr. LOTT. Mr. President, if I could respond——

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. To the comments of the distinguished Senator from Massachusetts, I want to emphasize that this involves a lot more than the minimum wage. It does involve a package of small business tax amendments that could be very helpful to small businesses in America, where most of the jobs are created in America anyway, or the majority of them and particularly where most of the entry-level people are working. And so that is a part of this package. The gas tax issue, whereby there would be a repeal of the 4.3-cent-a-gallon gas tax, has been involved in all of this. The issue of the taxpayer bill of rights is involved, as well as the TEAM issue which had been offered earlier, so that we could have cooperation between employees and employers.

As our colleagues know, this issue took on more and more issues as it languished for 1 month or 6 weeks and every time it came up there was another angle to it. So that is point No. 1. Second, I think we were very close to having an agreement between Senator DASCHLE and myself last night, or late yesterday afternoon, one that was not universally appealing on our side of the aisle or on the other side of the aisle, but then I believe Senator DASCHLE found there were some concerns on your side of the aisle with what we were trying to get an agreement on.

We have met subsequently, and we have discussed other ways that maybe that can be dealt with. But we are being extra careful because we want to develop a relationship that is one of trust and respect. We are making sure that when we talk about something, I understand what he is saying and he understands what I am saying. We are trying to reduce it to writing with our staff working on both sides. We have just come through a meeting which I pointed out in which we came up with some suggestions as to how amendments, for instance, on gas tax provisions, would be allowed, how many, because there are some Senators on that side who want to have more than one and there are some Senators on our side who would like to have more than one on the small business tax provision. I am sorry; I misspoke myself—on the small business portion of it. So, we are being extra careful to make sure that we understand each other and that colleagues on both sides can live with it. But what we are trying to do is to deal with this matter in absolutely a fair way, an open way, so that we can deal with other business that is very important for our country—Department of Defense authorization, campaign finance reform next Monday, we have the Federal Reserve Board nominees. We are going to vote on those Thursday.

So this Gordian knot that has been tied up here, we are trying to take it one string at a time, and we are making progress. But we ask—I ask our colleagues here, give us a little more time. We are working in good faith and we are very close to something, I think, that would be fair, understandable, and we could all agree with. I think we are going to try very hard to have that done by the close of this session.

Mr. KENNEDY. Just further reserving the right to object, just to make a brief comment, Mr. President, I am unpersuaded by the Senator's position that this is a Gordian knot and that it has been languishing here. The reason it has been languishing is those who for over a year and a half have denied this body the opportunity to vote when we have been able to demonstrate in previous votes a majority of the body will vote for an increase in the minimum wage.

I reject, also, the suggestion that it is our side of the aisle that has somehow complicated these negotiations. I have privity to those, and when the Senator talked about what was going to happen or not happen with regards to the TEAM Act on Sunday and said that was not going to be called up this year and then had a change of mind, trying to add other things to these negotiations which had been tentatively agreed to, it was not this side of the aisle that was complicating the negotiations. It was his side of the aisle.

Now, the American people are enormously interested in these provisions on small business. As I understand it,

it is 12 or 13 billion dollars' worth. They are interested, the taxpayers, in the gas tax; I am sure in the TEAM Act. But I think it is a very simple issue. We are asking an up-or-down vote on minimum wage, which we have historically voted on seven different times at other times in our history. That is something we are being denied, even though the time has been moving on and the triggering time for the increase in the minimum wage is July 4.

So, I must say to my friend and colleague, I will not object at this time. But I, quite frankly, am enormously troubled by the failure to make it very clear whether we are going to have the opportunity to vote on this measure in a way the Members can know when it will be called up and to vote on it, and just have this continuously dragged through. We have a right to offer this on different measures. The reason that we do is because we are denied the opportunity to vote on it as a separate bill. As long as the majority refuses to give us that opportunity to vote on a separate bill, then we are going to be required to use any particular device.

I do not object at this time, but I certainly hope we would conclude these negotiations through the afternoon and all Members will have a chance to look at what is actually going to be proposed on a unanimous consent. Because otherwise this minimum wage is going to be right on the defense authorization before this week ends.

Mr. LOTT. Mr. President, I renew my request for the unanimous consent.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. LOTT. If I could just claim some leader time, perhaps, to comment further on that. First of all, I might just say that in the proposal we have, the Senator will have an opportunity to have a clear vote on his amendment the way he wants to do it. So the opportunity is there. I think it is only fair that we have an opportunity to have our version of that issue.

As far as the time that you have been delayed, you had 2 years when you were in the majority when you did not offer a minimum wage increase. To now say you are being blocked from that, I just wonder why you did not offer it in those earlier 2 years. But having said that——

Mr. KENNEDY. Do you want an answer?

Mr. LOTT. We are trying to find a way to get the job done, and I am working at that diligently.

I want to say this. As far as the TEAM Act, saying I was not going to call it up this year, I did not say that. I said we were trying to work up an agreement that would not have the TEAM Act in as a part of the minimum wage and small business tax relief. That is the direction we are working in. But I did not mean to imply and I did not say we were not going to call it up this year. That is an issue a lot of people feel very strongly about. The American people, I think, would agree with it. So I want to make that clear.

The other thing I must say, the problem is not on the Democratic side of the aisle alone. We have people over here who do not like this very much either. So there is an equal grumbling about it. But as leaders here, we are trying to find a way to get everybody just unhappy enough that they do not like it but they will not object to it. And we are about to get there. So give us that latitude, and I think we will get an agreement that will work.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] is recognized.

Mr. REID. Mr. President, I had the floor. I wanted——

Mr. KERRY. Does the Senator from Nevada yield for a question?

Mr. REID. I will be happy to.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY] is recognized.

Mr. KERRY. I wanted to ask my colleague how long he might be proceeding and whether he thinks there might be time, since Senator MCCAIN and Senator SMITH are here, for a quick interlude to act on an amendment that has been agreed upon and restore the floor to the Senator from Nevada.

Mr. REID. We should not be long. I have a few questions.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] is recognized.

AMENDMENT NO. 4052

Mr. REID. The first question I ask my friend from Minnesota is: Would the Senator think it would be appropriate to modify this sense-of-the-Senate resolution to provide for the opening of streets around the Capitol, the House office buildings and Senate office buildings and the arteries in and out of the Capitol?

The PRESIDING OFFICER. The Senator from Minnesota [Mr. GRAMS].

Mr. GRAMS. I wanted to remind the Senator from Nevada, last year I did make that recommendation, talking about removing barriers as well around the Senate office buildings that have been enclosed at the same time as Pennsylvania Avenue, so I would have no objection to so move and make those modifications to this amendment.

Mr. REID. So the Senator from Minnesota feels that the proper way to determine security of the Capitol complex and the White House is on the floor, without congressional hearings of any kind? Any kind of hearings?

Mr. KYL. We do have hearings that are planned for the Government Affairs Committee. The amendment has been cleared with Senator STEVENS and also the chairman of the D.C. Subcommittee, Senator COHEN. Both have assured me that this amendment complements their efforts regarding the reopening of Pennsylvania Avenue, and they plan to hold hearings regarding this.

But I would also remind the Senator from Nevada that there were no hearings, there were no consultations with anybody, when Pennsylvania Avenue was closed because it was an imposed closure, only temporary, and then that has evolved into a permanent closure. Now the only option being offered is to keep it closed. We do not think that is correct either. So we have asked this. Again, I remind the Senator from Nevada, this is only a sense of the Senate to move ahead with this.

Mr. REID. I hope the American public, on this interchange between the distinguished Senator from Minnesota and the Senator from Nevada, would not think this is how we do business all the time; that is, take legislative action and then hold hearings later. It seems to me we should reverse that order, hold the hearings and determine the legislative action necessary.

I also hope there is no one of the opinion that, regarding the security of the President and the visitors who come to the White House, the people who work there, and this Capitol complex, any time the Capitol police or Secret Service want to make a decision, they would have to have congressional approval to do so. Knowing how slowly we have moved on most things around here, there would not be much action taken, especially if it involved the security of the President or people around the Capitol complex.

I ask my friend from Minnesota another question, through the Chair to the distinguished Senator from Minnesota. Would the Senator consider an amendment to the resolution that, after the word "people," which is the last word in the sense-of-the-Senate resolution, we add the words, "provided that the Secretary of the Treasury and the Secret Service certify that such a plan protects the security of those who live in and work in the White House"?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I have to apologize to the Senator from Nevada, I could not hear him very well.

Mr. REID. I am sorry. After the word "people" there would be a comma or semicolon and we would say "provided that the Secretary of the Treasury and the Secret Service certify that such a plan protects the security of those who live in and work in the White House."

Mr. GRAMS. No, I would not accept that as a substitute for the amendment.

Mr. REID. The Senator would not.

Mr. GRAMS. No.

Mr. REID. Can this Senator direct another question to the Senator from Minnesota and ask why?

Mr. GRAMS. Because, again, this is the same situation we are in now. This decision was made arbitrarily by these individuals, and we feel there should have been an open process.

In fact, there are laws on the books, I believe, that say before the Federal Government can permanently close any street in the District of Columbia, it has to have full consultation with the District and open hearings for the public. That was never done as well.

Mr. REID. Mr. President, I hope that the decisions that were made for the President's security, whether that President be a Democrat or Republican, or people who work in the White House, people who visit the White House, people who are elected officials to serve in the Capitol complex, in the House and the Senate, people who work here and visit here, I hope that when there is something involving security as a result of terrorist threats that are picked up through intelligence efforts, that we certainly will not have to go through a congressional review process as to whether or not they could close a road or walkway.

Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment.

Mr. REID. 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. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that this vote be delayed until the hour of 2:15.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The vote will be delayed until the hour of 2:15.

The PRESIDING OFFICER. The Senator from Arizona [Mr. McCAIN].

Mr. McCAIN. Mr. President, I see the Senator from Massachusetts is on the floor. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY] is recognized.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The vote on the Grams amendment has been postponed until 2:15, so the Senator may offer an amendment.

Mr. KERRY. I thank the Chair.

AMENDMENT NO. 4055

(Purpose: To provide for the Secretary of Defense to make payment to Vietnamese personnel who infiltrated into North Vietnam to perform covert operations as part of OPLAN 34A or its predecessor)

Mr. KERRY. Mr. President, I send an amendment to the desk on behalf of myself, Senator McCAIN, BOB KERREY, BOB SMITH, LARRY PRESSLER, CHUCK ROBB, TOM DASCHLE, and PAT LEAHY.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. McCAIN, Mr. KERREY, Mr. SMITH, Mr. PRESSLER, Mr. ROBB, Mr. DASCHLE, and Mr. LEAHY, proposes an amendment numbered 4055.

Mr. KERRY. 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 end of subtitle E of title VI add the following:

SEC. 643. PAYMENT TO VIETNAMESE COMMANDOS CAPTURED AND INTERNED BY NORTH VIETNAM.

(a) PAYMENT AUTHORIZED.—(1) The Secretary of Defense shall make a payment to any person who demonstrates that he or she was captured and incarcerated by the Democratic Republic of Vietnam after having entered into the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(2) No payment may be made under this Section to any individual who the Secretary of Defense determines, based on the available evidence, served in the Peoples Army of Vietnam or who provided active assistance to the Government of the Democratic Republic of Vietnam during the period 1958 through 1975.

(3) In the case of a decedent who would have been eligible for a payment under this section if the decedent had lived, the payment shall be made to survivors of the decedent in the order in which the survivors are listed, as follows:

(A) To the surviving spouse.

(B) If there is no surviving spouse, to the surviving children (including natural children and adopted children) of the decedent, in equal shares.

(b) AMOUNT PAYABLE.—The amount payable to or with respect to a person under this section is $40,000.

(c) TIME LIMITATIONS.—(1) In order to be eligible for payment under this section, the claimant must file his or her claim with the Secretary of Defense within 18 months of the effective date of the regulations implementing this Section.

(2) Not later than 18 months after the Secretary receives a claim for payment under this section——

(A) the claimant's eligibility for payment of the claim under subsection (a) shall be determined; and

(B) if the claimant is determined eligible, the claim shall be paid.

(d) DETERMINATION AND PAYMENT OF CLAIMS.—(1) Submission and Determination of Claims. The Secretary of Defense shall establish by regulation procedures whereby individuals may submit claims for payment under this Section. Such regulations shall be issued within 6 months of the date of enactment of this Act.

(2) Payment of Claims. The Secretary of Defense, in consultation with the other affected agencies, may establish guidelines for determining what constitutes adequate documentation that an individual was captured and incarcerated by the Democratic Republic of Vietnam after having entered the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the total amount authorized to be appropriated under section 301, $20,000,000 is available for payments under this section. Notwithstanding Sec. 301, that amount is authorized to be appropriated so as to remain available until expended.

(f) PAYMENT IN FULL SATISFACTION OF CLAIMS AGAINST UNITED STATES.—The acceptance of payment by an individual under this section shall be in full satisfaction of all claims by or on behalf of that individual against the United States arising from operations under OPLAN 34A or its predecessor.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this Section, more than 10 percent of a payment made under this Section on such claim.

(h) NO RIGHT TO JUDICIAL REVIEW.—All determinations by the Secretary of Defense pursuant to this Section are final and conclusive, notwithstanding any other provision of law. Claimants under this program have no right to judicial review, and such review is specifically precluded.

(i) REPORTS.—(1) No later than 24 months after the enactment of this Act, the Secretary of Defense shall submit a report to the Congress on the payment of claims pursuant to this section.

(2) No later than 42 months after the enactment of this Act, the Secretary of Defense shall submit a final report to the Congress on the payment of claims pursuant to this section.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KERRY. Mr. President, this is an amendment that seeks to address yet another painful chapter in the long legacy of painful chapters with respect to Vietnam, and it specifically addresses what some might characterize as our own form of a bureaucratic Phoenix Program that sought to eliminate from existence a group of commandos who served faithfully during the war under our organizational effort and command effort.

This amendment would reimburse this group of commandos for their years of incarceration in North Vietnamese prisons while they served in the mutual cause with us in the war in Vietnam.

What the amendment seeks to do is to authorize $20 million for payment to Vietnamese personnel who infiltrated into North Vietnam to perform covert operations during the Vietnam era and who were captured and incarcerated by the Democratic Republic of Vietnam.

Under the amendment, a lump-sum payment of $40,000 would be provided to each claimant determined eligible by the Secretary of Defense, and I am pleased to say that the administration has worked very closely in designing this amendment and in signing off on it and now fully supports it, as do, I believe, the chairman of the Armed Services Committee and the ranking member of the Armed Services Committee.

Those of us who offer this amendment recognize that the United States

worked with many Southeast Asian forces during the Vietnam war, but our intent here is to only single out for recognition the Vietnamese commandos who participated in a specific program, in OPLAN 34A and its predecessor, and who sought under that program to infiltrate into North Vietnam, who were captured and who were incarcerated in the process.

In designing guidelines for proof of eligibility for payments under this amendment, the Secretary of Defense is to take into account that these claimants, because of the war and the incarceration, may not have complete documentation proving eligibility. But it is our intent that the standard of proof here be set low enough to do justice in this situation.

Mr. President, 30 years ago, Vietnam presented us with a host of questions and difficult contradictions, and now in this situation, we find a new chapter that is a surprise for all of us. In many ways, this chapter is old because we have always known through the centuries that war is cruel. On the other hand, it is new because, as Americans, none of us have ever expected that we would allow something to happen that purposefully or inadvertently attacks or diminishes our own sense of honor.

The truth is that we sent heroic Vietnamese commandos into North Vietnam to do our bidding, risking their lives and even their families' lives, and then we left them there, denied their existence, and walked away leaving them to be imprisoned, tortured or killed.

So we are here today simply to right a wrong, to pay for an injustice and to seek fairness and put this still another disturbing chapter about Vietnam behind us.

These are the quick facts, and I will just run through them very, very quickly.

In the early days of the war, the United States and South Vietnamese Governments initiated a joint covert intelligence-gathering operation against North Vietnam, and recruited were commandos from among Vietnamese civilians and the Armed Forces of the Army of the Republic of Vietnam.

The United States, through the CIA and later through the Defense Department, provided training and funding, including salaries, allowances, bonuses, and death benefits. Together, the United States and South Vietnamese officials determined where and when the commandos, who were organized into teams, would be infiltrated into North Vietnam. Many were dropped by parachute, but some were inserted by land or sea. Some also conducted counterintelligence activities against North Vietnam and against Laos.

ARES, the first team, was inserted in early 1961. By the early 1970's, there were 52 teams comprising nearly 500 commandos who had been inserted behind enemy lines. Initially, the mission was confined to intelligence gathering, but subsequently it grew to include sabotage and psychological warfare.

From the very beginning, Mr. President, it was clear that this operation was a failure. Recently, declassified Defense Department documents show that the teams were killed or captured very shortly after landing and that the CIA and the Defense Department, which took over the operation in early 1964, knew it at that time.

It is now apparent that the missions were compromised and that Hanoi ran a counterespionage operation against us and our South Vietnamese ally by forcing our commandos to radio back the information that they, Hanoi, wanted us to hear.

The preponderance of the evidence that has come to light in the last year leaves little doubt that the United States Government at that time continued to insert Vietnamese commandos behind enemy lines, knowing full well that it was sending them on near impossible missions with little chance of success.

The Defense Department then compounded this tragedy by writing off the lost commandos as dead, apparently in order to avoid paying their monthly salaries.

An example: A six-man team, called Attila, was dropped into Nghe An province on April 25, 1964. The team was immediately captured. Two months later on July 16, Radio Hanoi announced the names and addresses of the six team members, the dates they were captured, and the start of their trials.

Declassified Defense Department documents indicate that we knew the team had been captured, but, nevertheless, by the beginning of 1965, only months later, the Defense Department had declared the entire team dead and paid small death benefits to their next of kin. The process of declaring the commandos dead on paper was reaffirmed in 1969 by the colonel in charge of the operations for MACSOG, the Military Assistance Command Studies and Observations Group. He said:

> We reduced the number of dead gradually by declaring so many of them dead each month until we had written them all off and removed them from the monthly payrolls.

So, Mr. President, after sending these men on these extraordinary missions, after cutting off their pay, we then committed the most egregious act of all. We made no effort to obtain their release, along with the American POW's, during the peace negotiations in Paris. As a result, many of these brave men, who fought alongside us for the same cause, spent years in prison, more than 20 years in some cases.

After their release from prison in the 1970's or 1980's, a number of the commandos made their way to the United States. They are now seeking acknowledgement from our country for their service and payment from the U.S. Government for their period of incarceration.

In a lawsuit, they have asked for $2,000 a year for an average of 20 years spent in captivity. We believe, those of us supporting this amendment, that the United States owes these men a debt that can never be repaid. We can at least give them the recognition that they deserve and the small amount of compensation that they were promised three decades ago.

Speaking for myself, I am not here, nor do I think any of us are here, to try to point fingers at people individually, nor even to find scapegoats or scalps. I do not think any purpose is served by that. But we do want people to understand what happened 25, 30 years ago so that it will not happen again. We are here also to do the right thing. It is clearly important not to compound judgments that were wrong 25 and 30 years ago with judgments that are wrong today. It would be wrong to avoid executing our responsibility today.

So, Mr. President, we can honor their service and make it clear to those who might join us again at any time, now or in the future, in the struggle for freedom and democracy, that we are big enough in our country to admit mistakes when they are made and to move to rectify them, and that while sometimes people may make mistakes, a great country will always honor and thank those who fight with us in a common cause.

Mr. President, I believe the amendment that we are offering today will help to provide that recognition, and I urge its adoption.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, the amendment requires the Secretary of Defense to make payments to Vietnamese nationals who were trained and commanded by the United States Government to fight behind enemy lines during the war.

The amendment purposely creates a low standard of proof to be met by the commandos, and it is our intention and hope that it be interpreted liberally. All that those men must prove in order to receive payment for their services is that: First, they entered North Vietnam during the war under an operation called OPLAN 34A or its predecessor; and second, they were captured and incarcerated by the Democratic Republic of Vietnam as a result.

For approximately 7 years, beginning in 1961, the United States apparently contracted with South Vietnamese nationals to conduct covert military operations in North Vietnam. At first under the authority of the CIA and

later under the authority of the Defense Department, hundreds of commandos were sent into North Vietnam, and more than 450 were killed or captured.

Those captured were convicted of treason and remained in captivity until 1979, when they began to be released. At a minimum, each served 15 years at hard labor. Many of them suffered through more than 20 years of imprisonment.

A recently declassified study done in 1970 by the Joint Chiefs of Staff, which oversaw the commando program, indicates that the commandos were funded by DOD and that the majority of them were captured alive and taken prisoner by North Vietnam.

More recently, only weeks ago, 80 boxes of documents were discovered in the National Archives related to the employment of these brave men. These documents, 240,000 in total, include DOD payroll rosters for the commandos and records of death gratuities.

To address this injustice, the amendment provides the commandos with $20 million in back pay, approximately $40,000 each. As the Senator from Massachusetts pointed out, this amounts to about $2,000 for each year each commando spent in prison. We have chosen as the number of commandos the outside estimate of 500. The cost may ultimately be as low as $11 million, but because the number of eligible Vietnamese veterans may increase as time goes by, we thought it important to give the Secretary the spending authority to meet the contingency of more claims.

The administration, until very recently, citing an 1875 Supreme Court case, maintained that it had no obligation to these men because they were employed under a secret contract. I am pleased to report, however, the commandos now have the support of the administration. Senator KERRY and I and Senator SMITH, Senator ROBB, and other Senators have worked very closely with the administration in formulating this amendment.

The CIA began the program, but later turned it over to the Department of Defense, at which time the numbers of teams and individuals sent into North Vietnam approximately doubled. The late former CIA Director, William Colby, who in 1961, as the chief of the Agency's Far Eastern Division, was tasked with directing the commando program, indicated his support for the commandos' claims and specifically endorsed a legislative solution.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the current acting CIA Director, George Tenet, also supporting a legislative solution to the problem, and in addition, a letter to me from John F. Sommer, Jr., Executive Director of the American Legion, and a letter to me from Paul A. Spera, Commander in Chief of the Veterans of Foreign Wars.

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

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, June 18, 1996.

Hon. ARLEN SPECTER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Director, I welcome the opportunity to provide our views with respect to an amendment to provide relief to those who have come to be called the "Lost Commandos."

This Administration supports an amendment recognizing the hardships endured by those of the Lost Commandos who were captured and incarcerated during the Vietnam War. Although many of our Vietnamese allies suffered during and after the war, the mission of these Commandos and the suffering they have endured set them apart and make them uniquely deserving of recognition. Whether or not the mission of these Commandos was a mistake is not relevant to our moral obligations to them now. The creed of the Central Intelligence Agency, then as now, is to protect, defend, and compensate its assets for the sometimes mortal risks they take on our behalf. That is the only credible position for a secret intelligence service to take if it is to win and hold the loyalty of its assets. We strongly believe that, in the case of these commandos, the United States Government has a similar, morally based obligation.

Congress, not the courts, is the proper forum for the recognition of such an obligation. I must note that the United States Government is currently the defendant in a lawsuit brought by 281 persons claiming to be among these Lost Commandos. Our position is that their claims are not justiciable and in fact are in the wrong forum. Accordingly, the Government has filed a Motion to Dismiss. Our Motion is based in major part upon the principle, first enunciated in *Totten* v. *United States*, that an intelligence service cannot exist if its secret assets—actual or imagined—can sue it publicly for money or benefits. That principle was upheld in 1988 in *Vu Duc Guong* v. *United States*, an earlier suit by an individual claiming to be a Lost Commando.

The Totten principle is vital to the ability of this Agency to obtain secrets, run assets, and conduct operations without the threat of blackmail of public exposure through lawsuits for money. Underlying that principle is the necessity that CIA administer its assets fairly and fulfill its obligations meticulously. This we do. I would be pleased to provide any appropriate level of detail on this point in closed session. Underlying the Totten principle as well is the recognition that Congress, not the courts, has oversight responsibility for the conduct of our operations.

I regret that I am unable to provide factual information in an open session to assist in the preparing of an amendment. Doing so, I am advised, could jeopardize the Totten principle and impede the transfer of this issue from the courts to the Congress, where it belongs. Let me repeat, however, that I am pleased to support legislative relief for these brave, deserving men. That relief will be more than a measure of their suffering: It will be a measure as well of our commitment to our former allies.

Sincerely,

GEORGE J. TENET,
Acting Director.

THE AMERICAN LEGION,
Washington, DC, June 19, 1996.

Hon. JOHN MCCAIN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The American Legion most certainly supports the amendment to provide payments to former South Vietnamese Commandos or their survivors. America's obligation to the commandos, who were written off by our government, must be fulfilled to recognize their honorable service, their commitment to the principles of freedom and their personal sacrifices.

History has shown that the wages of war go on long after the guns are silenced, the treaties are signed and the parades are over. This issue warrants serious reexamination of America's national policy on service personnel who are prisoners-of-war and missing-in-action. If our government places young men and woman in harms way, it has a moral and ethical obligation for the repatriation of each and every one of them. Equally as important is the fact the families of these military personnel must be cared for by a grateful Nation.

The American Legion applauds the purpose of this amendment, as it reflects a good-faith effort to recognize the sacrifices of our former allies. However, nothing can erase this terrible chapter of the Vietnam War. We trust there are lessons learned from this travesty of justice.

Sincerely,

JOHN F. SOMMER, JR.,
Executive Director.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, June 19, 1996.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: I am writing in support of your amendment to the National Defense Authorization Act seeking back pay for Vietnamese commandos captured and interned by the Vietnamese.

We believe, as you do, that these Vietnamese who performed dangerous and covert operations as part of our secret war in Indochina and who suffered as a consequence of these operations should be recompensed for their service and sacrifice.

For too long, these brave men, once declared dead by our Government, lived in limbo, unrecognized for their achievements and their hardships.

Now we find out that our own Government, knowing they were in captivity, systematically wrote them off as dead in order to avoid paying them their salaries. In good conscience, we believe this was wrong and strongly support your amendment to provide back pay to these brave men.

Please advise your colleagues in the Senate of our strong support for the Kerry-McCain Amendment.

Sincerely,

PAUL A. SPERA,
Commander-in-Chief.

Mr. MCCAIN. I point out, Mr. President, the amendment has the support of the Veterans of Foreign Wars and the American Legion.

All of the details and legalities aside, one thing is clear; these men sacrificed for a cause, the same cause for which all veterans of the Vietnam war sacrificed—a free Vietnam. And they suffered horribly for their commitment. For many years United States immigration policy has provided programs

which ease the process for those Vietnamese associated with the United States war effort. We do so because it is our obligation to our wartime allies. All that the cosponsors of this amendment are asking is that we similarly honor the full extent of our obligations to the commandos and correct this gross injustice.

One of the commandos is quoted in Saturday's New York Times as saying, "They didn't want to remember us because we represent the failure of the United States in Vietnam." I have always made the case that as a nation, and as individuals, we must put the Vietnam war behind us. To continue to deny the service of these men is not the way to do it.

I also strongly subscribe to the words of President Reagan who said it as succinctly and coherently as possible when he stated that: "The Vietnam veterans who served, served in a noble cause." I repeat, "a noble cause," as did these South Vietnamese commandos.

Mr. President, we send a bright signal by passing this legislation today: The United States of America lives up to its agreements with its friends because it is a nation of honor and a nation of laws.

Mr. President, I strongly urge the adoption of this amendment. I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I am very pleased to join with my colleagues in cosponsoring this particular amendment. The case for support has been eloquently stated by the distinguished Senator from Massachusetts, the distinguished Senator from Arizona, and could be made by others. I will not repeat it.

I will simply say that what was done in the name of the United States in the instance of these particular commandos is appalling and unconscionable. This is clearly the right thing to do to atone for the actions that were taken some time ago and without the knowledge of apparently very many people in the Government at that particular time. In any event, I applaud my colleagues for taking this particular action.

AMENDMENT NO. 4052

Mr. ROBB. Mr. President, while I have the floor for just one moment, the last amendment that was debated, and on which the yeas and nays have been ordered, and which was temporarily set aside for a vote at 2:15, I would like to just say—as I was prepared to say at that time, but could not—that I am a cosponsor of that particular amendment. I reiterate for my colleagues, particularly on this side of the aisle who may not have heard the arguments, this is simply a sense-of-the-Senate resolution which is attempting to deal with a very difficult problem here in the Nation's Capital.

It does not direct the President or the Secretary of the Treasury or the Secret Service to do anything. It is a sense-of-the-Senate resolution that asks them, in effect, to work together to try to solve the problem. I hope my colleagues will join in this case in opposing the motion to table when we vote on it at 2:15.

Mr. REID. Mr. President, would the Senator from Virginia yield for a question?

Mr. ROBB. Mr. President, I am happy to yield to the Senator.

Mr. REID. Mr. President, I say to my friend, it is a sense of the Senate that the President should direct, and lists a number of people.

Mr. ROBB. Mr. President, I respond to my friend that it is a sense of the Senate. We are simply expressing the sense of the Senate that that is what we hope the President will do in that particular instance. It is not statutory. It does not require that particular action.

I might also say, Mr. President, when the distinguished Senator from Minnesota initially drafted the particular piece of legislation and sent it to my office, there was some language I felt could easily be interpreted as partisan in nature. I did not think it was appropriate. I asked him if he would be willing to make some concessions in that regard, which he was kind enough to do, so we would approach it on a bipartisan basis and attempt to deal with the problem in a way that involved the various agencies of Government that have some responsibility for this particular action.

Again, I agree wholeheartedly with my distinguished friend from Nevada that the floor of the U.S. Senate is not the place to debate or make a decision. This is simply a request to go through the kinds of procedures that I think will lead to a proper decision.

More importantly, this is the best solution to this particular problem. No one wants to place either the First Family of the United States or others in particular jeopardy. I agree with the Senator from Minnesota that any inclusion of some of the additional street closings would also be appropriate for study and consideration.

I ask unanimous consent a letter from the president of the U.S. Chamber of Commerce be printed in the RECORD as part of that debate.

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

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, June 19, 1996.

MEMBERS OF THE U.S. SENATE: The U.S. Chamber of Commerce—the world's largest business federation, representing 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 76 American chambers of commerce abroad—urges your support for Senator Rod Grams' resolution calling for the reopening of Pennsylvania Avenue, which will appear as an amendment to the Defense Appropriations Bill for FY97.

A little over a year ago, Pennsylvania Avenue was closed between 15th and 17th Streets. The U.S. Secret Service requested this action be taken following the bombing of the Murah Federal Building in Oklahoma City. At the time, it was said to be a temporary measure. Interestingly, two former presidents—Gerald Ford and Jimmy Carter—have said the closure was requested during their presidencies as well, but was rejected. The National Park Service has since released a plan to turn the "temporarily" closed portion of Pennsylvania Avenue into part of Lafayette Park at a cost of $45 million. The U.S. Chamber does not feel this is an expense that should be spent on a "temporary solution." Furthermore, an unfair burden of economic loss and traffic congestion has been placed on the local residents of the park and this city without appropriate consultation.

The U.S. Chamber of Commerce has been a resident of historic Lafayette Park since 1924. Now with H Street a main east/west thoroughfare, the northern boundary of the park has been damaged. This boundary is represented by historic buildings such as the Decatur House, St Johns Church, the Madison House, and the Hay-Adams Hotel.

The closure of Pennsylvania Avenue has taken away one of the main symbols of democracy and American freedom. While the President's safety is of the utmost importance, according to security experts the closure of Pennsylvania Avenue does not make the White House complex significantly more secure. It will, however, result in having one of our symbols of freedom and democracy become more distant from the people. We have allowed fear to dictate our actions. Returning Pennsylvania Avenue to the people will restore the freedom for which it stands.

Now, with the June 28th deadline approaching for public comment on the proposed closure, we must work together to give Pennsylvania Avenue back to the people. We urge you to support this amendment.

Sincerely,

RICHARD L. LESHER.

AMENDMENT NO. 4055

Mr. ROBB. Mr. President, it is my understanding with respect to the amendment before the Senate, there is no objection from either side. The Senator from New Hampshire may wish to comment. If he does not, I ask that the Senate proceed to take action on that amendment by voice vote at this time.

The PRESIDING OFFICER. The Senator from New Hampshire, Mr. SMITH, is recognized.

Mr. SMITH. There is no objection on this side, and we have no objection to voice voting. I do have a few remarks I will make. Subsequent to that, we can proceed to do that.

Prior to that, Mr. President, in regard to the previous unanimous consent for a vote at 2:15, there are some Members who apparently are tied up at a White House meeting. I ask unanimous consent that the vote which was previously scheduled for 2:15 now occur at 2:30 today.

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

Mr. SMITH. Mr. President, I am pleased to join the Senator from Massachusetts, Senator KERRY, the Senator from Nebraska, Senator KERREY, and the Senator from Arizona, Mr. MCCAIN, in offering this amendment. It is an amendment that needs to be offered. It is one of those very painful chapters in American history that occasionally we have to deal with. It is a great tribute, I think, to America that when we find a wrong, that we do have the capacity to admit that wrong and to right it.

Over 35 years ago, the United States Government asked the Republic of Vietnam to provide some South Vietnamese military personnel for special commando missions into North Vietnam. The best figures that we have, and there is some variation here, but approximately 350 of these commandos were trained by U.S. Government agencies.

They were inserted into North Vietnam by our military forces, and, as has already been said, they were captured by the Communist forces and forced to spend the next 20 to 30 years in reeducation camps. The term "reeducation camp" does not really, Mr. President, accurately define what exactly these men went through. We know they were tortured. So reeducation is hardly the correct word.

For the record, Mr. President, it is clear that these commandos knew what they were doing. They knew they were taking great risks. Indeed, many of their fellow comrades died during these very operations, and some died after the missions while they were in North Vietnam. They also knew what was at stake with the Communist aggression if we did not contain the Communist aggression in Southeast Asia.

More importantly, the United States certainly was aware of the dangers involved with these missions. That is why I believe a solemn commitment was made to these commandos and their families that they would be compensated for the sacrifices they made.

It is interesting, these Vietnamese worked for the CIA and the United States military in, basically, a doomed effort to infiltrate North Vietnam between 1961 and 1969. They were dropped behind enemy lines by parachute. Some secretly swam ashore after being taken there in speedboats, and then they were captured.

It is clear that as we stand here now, the United States has yet to live up to that commitment that was made to these South Vietnamese commandos in the 1960's. In point of fact, a cold and uncaring bureaucracy was allowed to write these men off, literally, as dead three decades ago, even though there was convincing evidence that many had been captured. To put it bluntly, their families were told they were dead when, in fact, they were alive.

It is a documented historical fact that in 1969, in then secret testimony before the Joint Chiefs of Staff, a DOD official stated: "We reduced the number of commandos on the payroll gradually by declaring so many of them dead each month until we had written them all off and removed them from the monthly payroll."

It is really bizarre to think these kinds of things do happen in our Government, but, as I said earlier, the fact that we right these wrongs is perhaps a better comment about what America is like. The families were paid a very small token of death gratuity, and that was it. Knowing these men were alive, the DOD official told the Joint Chiefs of Staff that we were writing them off as dead, and the widows and surviving family members were paid a small stipend and then informed that these people were dead when, in fact, we knew they were not.

The majority of those men had put their lives on the line for the United States' national interests. They were not Americans, but they put their lives on the line for America, and they were shackled in North Vietnamese prisons, and our Government knew it and our Government never told the families.

The amendment that my colleagues are offering today, along with me, will authorize back pay, very simply, for the men who participated in these daring missions. It is a bit late, for sure, but it comes out to about $2,000 per commando for each year spent in North Vietnamese prisons. It is the least we can do.

I note as a comparison that our distinguished colleague from Arizona and many others who were captured by the North Vietnamese and imprisoned and tortured, they received full pay, as they should have, during the time they were in Communist activity. So there is certainly a well-established precedent for this amendment. There is nothing dramatic about it. It is just the right thing to do.

Let me also point out after a year of fighting this case in U.S. claims court, the administration has decided that granting this back pay to these commandos is the right thing to do. I think we should give credit to National Security Adviser Tony Lake, because he has been very supportive and very helpful in getting this done.

I think that the tragedy which befell these commandos was only made worse by the initial attitude of the Justice Department and DOD and the CIA in the claims court. Again, we had to drag them kicking and screaming in to right the wrong, but the wrong is righted. I commend, again, Tony Lake for reversing this attitude and coming out in support of the amendment.

Finally, Mr. President, as we continue to seek answers about the fate of our own missing American servicemen from the Vietnam war, I think it is imperative for the administration to assure that each of these South Vietnamese commandos has been interviewed for any information they might possess on any missing American, dead or alive. This is very important. Some of these men have been in prison in North Vietnam for 20 years. Who knows what they might know. They all should be debriefed thoroughly. This would include making arrangements to speak to all of them who are reportedly still in Vietnam awaiting approval for departure to the United States.

Let me commend my colleagues, again, who served with me on the Senate committee in 1992, including the Senator from Virginia, who is here on the floor, for working with me on this amendment. We were all concerned when we saw the news accounts, and we were all committed to doing something about it. We reacted quickly. I am proud to be an original cosponsor, and I urge all of my colleagues to support it.

Mr. President, I might say that there is no one on our side that I know of who wishes to speak on the amendment. I yield to the Senator from Virginia to move the amendment.

Mr. ROBB. I know of no one else who has requested an opportunity to speak on this amendment. I, therefore, urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 4055) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada, Mr. REID, is recognized.

Mr. REID. Mr. President, what is the order of business now before the Senate?

The PRESIDING OFFICER. Under the previous order, the Grams amendment has been postponed until 2:30.

AMENDMENT NO. 4052

Mr. REID. Mr. President, I will give some general statements. We have been called upon to vote on a motion to table at 2:30 today. There being no other business here on the Senate floor, I will talk a little bit about that amendment and the motion to table that sense-of-the-Senate resolution.

Mr. President, it seems unusual to me that, with all the many problems we have in America today—and there are significant problems—such as minimum wage, problems dealing with health care reform, significant problems dealing with the environment, we are here today talking about a block of Pennsylvania Avenue.

The loudest complaints we hear about Pennsylvania Avenue being

blocked off for the security of the people that live in, work in, and visit the White House, come from lobbyists. Most of the lobbyist offices are downtown, on the 18th Street corridor, down that way. It makes it difficult for them to travel back and forth. It is very difficult for many of them to maneuver their limousines through some of the small, closely packed District of Columbia streets with the big pot holes. But that is not what we should be debating here.

We should be talking about whether or not, if someone has health insurance and they leave a job, they can take it with them, or whether or not someone who has a son or a daughter with a preexisting condition, when they graduate from college, can they still get insurance someplace, or someone is injured on a job and, for whatever reason, loses that job and now wants to get insurance for them and their family. Under present conditions, most times they cannot do that because of preexisting condition restrictions that insurance companies place on obtaining insurance. I have spoken to people in the insurance industry. They are hoping that this is debated to a finality and that there is a decision made.

So I hope the motion to table is agreed to. If it is not, there is going to be a series of amendments offered to improve the amendment that is now before the body.

Mr. President, in the break that we have had, I went back to the cloakroom and received a call from the Secretary of the Treasury. The Secretary of the Treasury, who is head of the Secret Service, wanted me to inform the U.S. Senate—and these are his words, not mine—that "It is imperative that that street remain blocked off."

We cannot be sending a message to terrorists around the world, or to anyone else, that we are going to ease up on our security. I served for several terms as chairman of the Legislative Branch Appropriations Committee, where we funded the Capitol Police force. We had hearings on their important duties and how they have changed as a result of international terrorism.

Mr. President, we all know how weaponry has changed. No one now needs to drive a tank next to the White House to blow it up, or on Pennsylvania Avenue. You can have a vehicle loaded with plastic explosives that would blow up the White House. This is an issue that we should not be involved in.

It is difficult for me to understand, with all of the priorities we have, how we can be debating for the people of Nevada whether or not a block of Pennsylvania Avenue should be closed. What I would like to be talking about is minimum wage, as an example. Minimum wage, as you know, is not just for teenagers flipping hamburgers at McDonald's. The fact of the matter is that 60 percent of the people who draw minimum wage are women, and for 40 percent of those women, that is the only money they get for their families. That is one of the issues we should be talking about.

There is talk that the Treasury Department decision to close Pennsylvania Avenue in front of the White House was nothing more than a knee-jerk reaction to fear. Well, the fact is, it was done under very strong consultation. And, also, Mr. President, what we have to appreciate is that the Treasury Department came to Capitol Hill and briefed the leadership of both the Senate and the House, the Republican and Democratic leadership, and told them what they were going to do. There was no objection from any of the leadership.

I also say that we have to understand that any Member of the U.S. Senate can have a briefing. If they had a briefing, I am sure they would be enlightened as to how little it takes to do a lot of damage. For us to stand on the Senate floor and say, well, this resolution really is only a sense-of-the-Senate resolution, it does not mean anything, I respectfully suggest that it does mean something. The U.S. Senate is going on record and saying it is the sense of the Senate that the President should direct the Secret Service to develop a plan for the permanent reopening of vehicular traffic on Pennsylvania Avenue in front of the White House. That is about as direct as you can get and about as assertive as you can get. I think it is wrong that we would even consider doing something like that.

Mr. President, in fact, earlier this month, the directors of the U.S. Secret Service stated, the Secret Service "remains steadfast in its belief that the threat to the White House complex by explosive-laden vehicles is genuine, and that given an opportunity, an attack will occur."

That is about as direct as you can get, Mr. President. The Secret Service "remains steadfast in its belief that the threat to the White House complex by explosive-laden vehicles is genuine, and that given the opportunity, an attack will occur." That is not some kind of bureaucratic jargon where you have to read between the lines. It is direct and to the point.

The avenue in front of the White House should be closed to vehicular traffic. The decision to close Pennsylvania Avenue was, in part, based on the recommendation of the Advisory Committee of the White House Security and Review, a nonpartisan distinguished panel of experts. The committee was impaneled following several security incidents at the White House, most notable being the air crash on the south grounds.

Do not forget, also, colleagues and Mr. President, that the White House was sprayed with gunfire within the past year. Someone came to the front of the White House and Pennsylvania Avenue and simply sprayed the White House with gunfire. This was not a knee-jerk reaction. The recommendation was based on a thorough technical analysis. Concerns about the vulnerability of the White House were heightened by the truck bombing of the U.S. Marine barracks in Beirut—we all remember that—and confirmed by the bombings of the World Trade Center in New York and the Murrah Federal Building in Oklahoma City. It was only about 2 weeks after the White House was closed and Pennsylvania Avenue was closed to vehicular traffic that the Federal building in Oklahoma City was destroyed and 140 people were killed.

So we have heard it from the head of the Secret Service. We have heard it from the Secretary of the Treasury, and his words I repeat. "It is imperative that the area be closed."

On this defense bill we are dealing with billions and billions of dollars of taxpayers' money that will be spent during this next year for the security of this Nation, and hopefully the peace and security of the rest of the world—very important, weighty issues. I personally, respectfully suggest that our talking about a block of Pennsylvania Avenue closed to vehicular traffic that has caused some inconvenience to lobbyists and some of the people trying to get home at night should not be what we are spending our time about here. I believe we should be talking about doing a better job of balancing the budget. I think we should be talking about doing something about the delivery of health care to the people across America. I think we should be talking about doing something to make sure that we have clean air and clean water, and that our cities are areas where there is job growth rather than job drought. We talk about the drought happening all across the United States. We have had a drought of jobs. We need to get involved.

I do not think we should be worrying about Pennsylvania Avenue. I think we should leave that to the experts. I do not believe we should be micromanaging what the Secret Service says.

The general scheme of things, it seems to me, is that we should not be concerned about a block of sidewalk when we should be talking about minimum wage, welfare reform, and health care reform. We could come on the Senate floor and talk about some of the good things that are happening. There are good things happening, too. It is not all bleak. It will be the fourth year in a row where we have had declining deficits—not declining enough in my mind and in the minds of others. But for the fourth year in a row, we have had declining deficits.

For the first time since the Civil War years, we have had 4 years in a row of

declining deficits, and the lowest unemployment and the lowest inflation in some 40 years. Job creation: Over 9 million jobs, and 60 percent of them are high-wage jobs. We are doing some good things. We should be talking about that rather than the sidewalk in front of the White House that is the travel route for the lobbyists in their limousines.

If I thought in good faith that we are going to have a sense-of-the-Senate resolution directing the President to open Pennsylvania Avenue to vehicular traffic, should we not at least say that we should be letting the Secretary of the Treasury and the Secret Service tell us that it protects the people who live in the White House and who work in the White House?

We have problems with welfare. If there is an issue that the people in Nevada would like to hear some conversation about here on the Senate floor, it should be welfare reform. I cannot guarantee the viewing audience much, but I can guarantee that the viewing audience would rather we were talking about welfare reform than whether or not the street in front of the White House is closed.

What about Medicare? We know that Medicare is something that we should be talking about here. And Medicaid we need to talk about.

So I hope that my colleagues will see this sense-of-the-Senate resolution for what I respectfully suggest it is. It is something that we should not be involved in. Whether or not the White House is secure or not cannot be decided here on the Senate floor.

I heard an astounding remark from the question I asked of my colleague. "Well, we are going to hold hearings later." Well, I have served in legislative bodies for many years in my life. I believe we should hold the hearings first and then do our voting later. There are ways we can determine if, in fact, the vehicular traffic in front of the White House should be cut out.

On this east front of the Capitol of the United States, when the Presiding Officer and I came to Washington, as you will remember, this was a parking lot. Hundreds and hundreds of cars were parked out here. Because of security threats, those cars were eliminated.

What are we going to do out here? We are going to build a beautiful mall. We are going to have a visitors center where people who come and want to visit the Capitol do not have to do it in the blaring sun with the humidity of the summertime in Washington or the terrible winters we have here on occasion. But we will have a visitors center where people can come in out of the elements and come in order into the Capitol, one of the most sought after places in America. That is the same thing they are basically going to do at the White House. As indicated, there are institutions which are now studying the best way to do that.

Mr. President, I hope when this matter is voted on at 2:30 that my colleagues will support the motion to table. This should not be a partisan issue. The security of the White House and the Capitol complex should not be a part of this issue. We should, on a bipartisan basis, vote to table this sense-of-the-Senate resolution, which I think is ill-placed, ill-timed, and really something that we should not be debating here. I believe this is something that should be done in the security offices throughout this Government. I think the two intelligence committees of the House and Senate can give us all the vision as to why it is important that we have security.

I think on this defense bill we should get to the many issues that are now going to take up days of our time. The ranking member of the full committee indicated in the meetings that we had yesterday that we are going to have a very hard time with the schedule that is now before us to complete this bill next week. I am paraphrasing what he said. But it is going to be almost impossible to finish this bill within the next day or two.

So, Mr. President, I hope that we will join together, join hands and table this sense-of-the-Senate resolution. If we do not, then the Senator from Nevada—and I am sure others—will offer amendments to, in effect, not let the U.S. Senate micromanage what the Secret Service and the Capitol Police do, and put us back in the business we should be in—and that is legislation.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I just want to take a couple minutes to talk a little bit about the pending vote coming up and that is on the question of Pennsylvania Avenue. I know and I agree with my colleague from Nevada that there are many, many important issues before the Senate and that we could debate them if we had the opportunity. Many of those issues have been brought to the floor, and we have never had the opportunity to debate those. But that does not take away from the question that we have at hand, or the issue that we are facing.

I know there is a concern about whether there has been hearings held or whether we should wait for hearings. I should like to remind my colleague from Nevada and others that the House has already held an entire day of hearings, having witnesses from all sides of this issue. And what came out of those hearings already was an overwhelming support for this amendment, and that is just to ask the President to reopen Pennsylvania Avenue.

Now, the committee chairman in the Senate has also said that he plans on holding hearings, and he has told me that this sense-of-the-Senate resolution is complementary to what he plans to do in holding these hearings. So this sense-of-the-Senate by no means is going to interfere with gathering more information and being able to listen to the public and get an idea of their feelings.

By the way, we have a web page on the Worldwide Web asking the people from around the country. The Senator from Nevada says the people in Nevada are not that concerned about this, but they should be. On our Worldwide Web, over 3,100 people have contacted our web page in just over 2 weeks, and the overwhelming number, nearly 85 percent—this is people from around the country, not just the nearly 100 percent of the residents in this area—want this street reopened but for many reasons. The people around the country see the same concern, that you cannot put a wall around freedom; you cannot give in to the terrorists by erecting walls in front of the White House.

Now, the question was raised about whether we should or not. I do not think alternatives have been fully explored. And we talk about closing off Pennsylvania Avenue, that it would eliminate some of the problems that have already happened, such as snipers and a plane crashing into the south lawn of the White House. Closing Pennsylvania Avenue would have done nothing to prevent that type of activity.

When you talk about whose opinion is this, this is not only my opinion or the opinion of many others as well, but two former residents of the White House have come out in support of reopening Pennsylvania Avenue. Former President Jimmy Carter said closing the avenue was a mistake. Every President since John F. Kennedy has been given the same briefings by the Secret Service with their same reasoning for closing off Pennsylvania Avenue, to provide more protection to the President, but each one of those Presidents—John F. Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, George Bush—has said no, after hearing those same briefings from the same Secret Service with those same reasons. They have all said not on my watch, we are not closing what Thomas Jefferson called America's Main Street.

Now, this is not Tiananmen Square. Is not Red Square. We cannot wait for the Park Service to put in $40 million worth of mall before we make some kind of a decision, or at least ask the President to reconsider. Are we going to spend $40 million, are we going to allow the Park Service to railroad this through, to impose this edict as they have not only on the District of Columbia but the entire country as well and we are going to stand back and say, well, go ahead, spend $40 million and make a park out of this and then what,

tear it up? There are a lot of things that are done when you have a bureaucracy with a right hand that does not know what the left hand is doing.

I just think this is not out of order. I think this is complementary to the process that is going forward, that we should at least ask the President and the Secret Service and the Treasury to open hearings on this to the public. Let the public voice their concerns. They have not done that. The only comments they are taking now are, what kind of park do you want? That is not a very good alternative.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. GRAMS. Yes.

Mr. FORD. On the Worldwide Web the Senator is talking about, that you got 1,300 responses, and so forth, did they respond to your explanation of Pennsylvania Avenue or were they responding to the Secret Service's explanation of closing it?

Mr. GRAMS. We have posed the question of what has happened and what can be done, and their response has been by 83.9 percent to reopen Pennsylvania Avenue.

Mr. FORD. So, Mr. President it has been the response of what you put on the web not what the Secret Service put on the web and therefore is a political grandstand.

Mr. GRAMS. No, Mr. President, it is not. The only response that the Park Service is taking is something they believe is their grandstand, and that is to say, what kind of park do you want? They are not opening their web page. They are not opening their comment period to any individual to voice their opinion, only to comment on the Park Service opinion.

Now, I do not think that is very democratic. I do not think that is an open process. In other words, I think the decision has been made on their part and they are going to drive it no matter what it takes. They are not asking people whether it should be opened or reopened. They are just saying, well, we are going to do this and what color do you want it.

I do not think that is fair either. All we are asking is to give this some open air. Let the people decide. Have some public input. In fact, that is the way the process should have worked. And the only reason people allowed the street to be closed to begin with without raising an uproar is because it was posed to them as a temporary closure of Pennsylvania Avenue in the wake of Oklahoma City, and then they were going to determine what would be the best course of action in the future.

Well, there have been no talks. There has been no discussion, no public hearings or anything. So I am not trying to say that the Secret Service is not well intended, and they are taking this job of theirs very seriously. But again, they have used the same arguments for the last 35 years and not one President in that period of time has taken those arguments and said, yes, I need this additional security to protect myself.

I think they provide adequate security for the President. I think they have done a great job. I think right now this President decided that he would listen to the arguments, and that is fine—on a temporary basis. But we should have an opportunity, before it is permanently closed and before this is done, for the people to have a chance to make that decision. Again, the decision to close it a year ago might have been prudent, on a temporary basis, until we could stand back, look at it, look at the alternatives to see how we can, first and foremost, keep the avenue open and then provide absolute security.

Closing Pennsylvania Avenue is not going to remove 100 percent of the risks. This is a democracy. We have risks every day. And there are many, many other opportunities. This is a President who likes to jog up and down The Mall. He wants to be near the public. I do not know why closing Pennsylvania Avenue is the only alternative.

So I urge my colleagues when they come to the floor to at least consider that. Give democracy a chance to work a little bit. Get some input and have hearings. And I think if you listened to the hearings that were held in the House just last week, all the comments that were made, the vast, vast majority of the people who were there supported reopening Pennsylvania Avenue.

Now, you might say, well, it does not matter much here, and the people in Nevada might not care, but I would pose it, in my city of Minneapolis-St. Paul, if we would close one of our major streets such as Hennepin Avenue, what would that do to the downtown. I think you would have a lot of complaints. And in Las Vegas, if you closed off the strip because of possible dangers to some of the people there, I do not think you would be able to go for a couple minutes without hearing an outcry from the businesses and public in general.

So to impose this on a main street, America's main street, and a vital artery in one of the major cities in the world and to say it will have no impact, I do not think is logical.

Again, I urge my colleagues when they come to the floor to take that into consideration, and I hope they vote to override the motion to table and give us a chance to have a vote on this.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Las Vegas Strip, as important as it is, is not the center of Government of this country. The White House and the Capitol complex is. I would also say to people within the sound of my voice, in the statement of Director Bowron of the U.S. Secret Service, about a week ago, June 7, in a House committee he testified:

> The Secret Service also identified a need to quantify the vulnerability of the complex to explosive detonations outside the perimeter. Southwest Research Institute, one of the oldest and largest independent, nonprofit research organizations in the United States, was selected to conduct this classified study. Their methodology involved obtaining structural data on the White House and selecting likely explosive detonation points on the streets surrounding the complex.

The Director went on to explain how you can use fertilizer to blow up huge buildings, like they did the building in Oklahoma City. He went on to say:

> The Secret Service is committed to the use of technology in furtherance of our protective and investigative missions. Alternatives to closing Pennsylvania Avenue were examined without success.

It is not that they walked in and said, "We are going to close Pennsylvania Avenue." The President did not want Pennsylvania Avenue closed. He told me and told many others that. The advisory committee required full explanations of all the possible options and why the options would not work before they concurred that the avenue should be closed. The panel had concluded that the closing was justified, even before the bombing in Oklahoma City. Their decision was made before that bombing. It was not a knee-jerk reaction to Oklahoma City. The bombing occurred after Pennsylvania Avenue was closed—I should say a portion of it. The Director went on to say:

> Although specific intelligence information cannot be discussed in an open forum, it is known that members of certain foreign and domestic terrorist groups operate within the United States. Those terrorist and extremist groups have demonstrated a propensity for mounting their attacks to coincide with symbolic dates or at symbolic targets. The White House is one of the most symbolic targets in the United States. There is every reason to believe that given the opportunity, these groups will strike. This matter does not only concern the protection of the President and other government officials and a national landmark—it is a tremendous public safety issue with respect to individuals in and around the complex. Devices similar to those used at the World Trade Center and in Oklahoma City can cause destruction as much as five blocks away from the target. The fact of the matter is—the people who would undertake that type of act are present in this country. The means and ability to carry out this type of act are available. The only thing that is preventing the terrorist or extremist from mounting an attack is the lack of access. If you open Pennsylvania Avenue—they can, and at some point, they will destroy the White House.

If we have people around the country who are burning churches, do you think there is not someone going to try to blow up the White House? They have already tried to blow up the White House. We know that. We talk about our Government being open and free.

You still have access to the White House. You just do not have the traffic jam in front of it, mostly taxicabs and lobbyists. That is all you eliminate. And you make it inconvenient because some of the other streets are a little more crowded.

But this is going to make the White House, in the opinion of most, better. It is going to be a nice mall, park out there. The Park Service is working on it now. Just the same as we are going to do out here at the east front of the Capitol. We are going to remove the asphalt. We are trying to raise the money. It is a private-public partnership.

I just have to say access to the White House is not harmed in any way. I spoke to Secretary Rubin within the past hour. These are his words, not mine: "It is an imperative that that short piece of Pennsylvania Avenue be closed." What are we doing here today? We are being asked to vote to open Pennsylvania Avenue without a congressional hearing. Remember, the Secret Service, the Treasury Department came up here and briefed us all, they briefed all the leadership, Republican and Democrat, House, Senate, said they were going to close it. There was not a single objection.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Kentucky is recognized.

Mr. FORD. Mr. President, this amendment bothers me and many of my colleagues very much. As my friend from Nevada has said, we were briefed. After that briefing, there was no objection whatsoever. Now we want, without any other consideration—many of us not having had the opportunity to hear the briefing—to vote to open up Pennsylvania Avenue. I think it has been important that, in the years that I have been here and when we have had to make hard decisions, we err on the side of safety. I do not want any of those living or working in the White House to be exposed.

There are a lot of things the Secret Service has told us that cannot be public. The Senator from Minnesota knows that. He will not reveal that because he cannot. One of the reasons that Pennsylvania Avenue was closed was because of that unavailable information.

If you want to take the blood on your hands and say, "We want to open up that 800 feet of pavement up there," and something occurs after that, then you are not going to do it with my vote. I want the safety of the First Family. I want the lives of those people who work there day and night to be as safe as possible.

I do not understand what is going on here. I really do not understand it. Oh, I can go back in history. I can quote Henry Clay. I can do lots of things. But today is today, not history. Today we have the problems. Today we have terrorists operating in this country. They will tell you that much. I have been there when we had to put out agents in many of the ports, waterways, and airways to check on people departing other parts of the world.

To say we want to take an opportunity here this afternoon to possibly eliminate the safety of the First Family? If President Bush had been reelected and he made this decision, the Senator from Minnesota would not be standing. He would not be standing making this effort today. It is because another President is in the White House he is making this decision. This is grandstanding.

I read the articles in Minnesota. They say he is more interested in 800 feet of pavement in Washington, DC, than he is the big issues of Minnesota. That is in his papers. I just paraphrase it. But why do we want to possibly jeopardize the lives of the people that are running this country? That is No. 1. I suspect, if those people who had answered him on the web had the ability to listen to the Secret Service and their briefing of the leadership of this Senate, they would change their minds. So I encourage my colleagues not to vote for this. Let us have another briefing. Let us try to do the right thing. Let us not expose people, particularly the President and his family and those who have the responsibility of leading this country.

So, Mr. President, I am hopeful the Senator will be kind enough to withdraw this amendment and let us sit down and try to understand the problems that are there. You cannot tell the American people all the problems that were given to us by the Secret Service. There are a lot of things you just do not do. And the decision was made based on that.

I am one who believes, after you weigh the facts, you err on the side of safety. So I believe the right vote here today is to table the amendment of the Senator from Minnesota and let us have an opportunity, if there is a need for it, to have more scrutiny, more input, and do the right thing.

I was there yesterday afternoon, along with leadership from both sides.

I did not see anybody protesting. I did not see anybody walking up and down Pennsylvania Avenue with signs saying, "Open this street." I saw people enjoying it, walking back and forth across the street, looking at the White House, not being interfered with at all, did not have to worry about the traffic, were enjoying the park. I thought it was a right congenial group. There was no one there protesting the closing of Pennsylvania Avenue, and they were there from all across this great land of ours and foreign countries.

So, Mr. President, I encourage my colleagues to table this amendment.

The PRESIDING OFFICER. The time of 2:30 p.m. having arrived, by previous agreement, the motion to table the Grams amendment is subject to a vote. The yeas and nays have been ordered. The question is on agreeing to the motion to lay on the table the Grams amendment. Those in favor of tabling the Grams amendment will vote "aye; those opposed will vote "no." The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO] is necessarily absent.

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

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

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—39

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Murray
Boxer	Harkin	Pell
Byrd	Heflin	Pryor
Cochran	Hollings	Reid
Cohen	Hutchison	Rockefeller
Conrad	Inouye	Sarbanes
Daschle	Kassebaum	Simon
DeWine	Kennedy	Warner
Exon	Kohl	Wellstone
Feingold	Lautenberg	Wyden

NAYS—59

Abraham	Graham	McConnell
Ashcroft	Gramm	Mikulski
Bennett	Grams	Moynihan
Bond	Grassley	Murkowski
Bradley	Gregg	Nickles
Breaux	Hatch	Nunn
Brown	Hatfield	Pressler
Bryan	Helms	Robb
Burns	Inhofe	Roth
Campbell	Jeffords	Santorum
Chafee	Johnston	Shelby
Coats	Kempthorne	Simpson
Coverdell	Kerrey	Smith
Craig	Kerry	Snowe
Dodd	Kyl	Specter
Domenici	Leahy	Stevens
Dorgan	Lott	Thomas
Faircloth	Lugar	Thompson
Frahm	Mack	Thurmond
Frist	McCain	

NOT VOTING—2

Bumpers	D'Amato

The motion to lay on the table the amendment (No. 4052) was rejected.

The PRESIDING OFFICER. The Grams amendment is still the pending business before the Senate.

AMENDMENT NO. 4056 TO AMENDMENT NO. 4052

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 4056 to amendment 4052.

At the end of the amendment add the following: "*Provided*, That the Secretary of the Treasury and the Secret Service certify that the plan protects the security of the people who live and work in the White House."

Mr. REID. Mr. President, this amendment to the sense-of-the-Senate resolution now pending would state simply

that prior to opening the street to vehicular traffic, the Secretary of the Treasury and the Secret Service would certify that the plan protects the security of the people who live and work in the White House.

It seems to me if we are not willing to adopt this amendment, then this body will go on record saying that there should be vehicular traffic on Pennsylvania Avenue in front of the White House, whether the people who live and work there are safe or not. I do not think we should go on record stating that.

As I indicated, Mr. President, the record is clear that the Secret Service is very concerned about opening this avenue in front of the White House. The Secret Service has said closing the avenue was not a unilateral Secret Service decision, but rather was the recommendation of the Advisory Committee to the White House Security Review, a nonpartisan distinguished panel of experts. This committee included former directors of both the FBI and the CIA, former chairmen of the Joint Chiefs of Staff, and others. The proposal to close the avenue was made before the Oklahoma City bombing. The panel had concluded, prior to Oklahoma City, that closing of the avenue was, indeed, justified.

Historically, people focus on security features after significant events. For example, ValuJet Airlines. Now we hear a lot about oxygen canisters in cargo holds. It is better we do something before. That is, in effect, what we did at the White House. The Treasury Department said, as previously stated on the record here, that there are terrorists who simply are waiting around for an opportunity to blow up the symbol of the American people.

Mr. President, during the last vote, some people told me, "Well, people can walk in and blow up the White House." Not true. We are told that you need the trunk of a car to put the explosives in. You cannot put enough explosives on a bicycle or on the back of a skateboard or whatever gets in there now. You need a vehicle. You need access to a large area to blow up the White House. But if you did have the trunk full of explosives, and they simply pulled up in front on Pennsylvania Avenue, you would damage and destroy the White House.

What this amendment does is ask the Secret Service to certify that the plan protects the security of the people who live in and work in the White House. That does not seem like that is too outlandish. There have been many alternatives considered and suggested, but the options have simply been deemed unworkable. The panel required full explanation of all possible alternatives and why these would not work before concurring to close the avenue. Closing the avenue was something that was done as a last resort. In addition, physical barriers such as walls and berms were not viable for a number of obvious reasons.

Mr. President, in the last 4 years, studies have revealed that 45 percent of terrorist incidents have included the use of explosives. What greater symbol is there in the United States than the White House? I guess the second greatest symbol would be the Capitol complex here. For terrorists, vengeance is a motive, and the White House is a symbolic target.

The means are available to attack the White House if the avenue remains open. It does not have to be a sophisticated apparatus. An abundance of explosive materials is available to the public with an ease of delivery and destruction of a target. You need a vehicle to do it. In fact, the World Trade Center conspirators were convicted of conspiracy to blow up symbolic targets. Not only the World Trade Center, which they blew up, but the Holland Tunnel and the FBI office in New York.

To illustrate the effect of an incident to the American people, 33 years after President Kennedy was assassinated, this country continues to deal with the ramifications from that incident. It is impossible to have a public debate on the issues prior to the closure of the avenue. This would have created a window of opportunity. Therefore, the information was held to a small group of people. In fact, since closure of Pennsylvania Avenue, more information is available than the Secret Service would like with respect to the vulnerability of the White House.

In recent years, other official residences of heads of State have closed off vehicular traffic in proximity to their facilities. We know that canines remain the best source of explosive detection. We are not talking about a perceived threat, Mr. President. The threat is a real threat. I repeat again, the Secretary of the Treasury said within the last hour and a half that it is imperative that area remain blocked off.

There are terrorists here in this country, and it is everyone's responsibility to limit the opportunity for them to carry out their evil acts. The closing of Pennsylvania Avenue contains a real public safety issue. If you provide access to the target, then you are endangering the public and both those who work in and around the White House.

Mr. President, I do not think we should consider this giving in to terrorists because we blocked off Pennsylvania Avenue.

I do not think we should consider it a victory for terrorists because we have closed off Pennsylvania Avenue. Rolling up the White House would be a victory for the terrorists, not limiting their access to it. If this is perceived as giving in to terrorism, then what about people at night when they lock their doors before they go to sleep? Are they giving into the unlawful elements of our society? When you leave your home to go shopping or go to work and you lock your door, are you giving in to the unlawful elements of your community?

I think, Mr. President, that we should not allow the sense-of-the-Senate resolution to be adopted, unless we put this simple amendment on it, saying let us at least have the Secret Service certify that it is safe, whatever plan we come up with, whether it is vehicular traffic or otherwise.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I want to back the statement of the Senator from Nevada. There has been no committee hearing on this. This bill is pending before the Governmental Affairs Committee. We have not had the hearing, we have not had the Secret Service people up, and we have not had testimony on what the danger is. Much of it, as I understand it, is classified. So we can have closed hearings, and everybody would know then what we are doing.

If we want to be this cavalier about how we are treating people at the White House, let us take all the flower pots out that protect the Capitol here, which prevent vehicular traffic here; let us take them out. I was amazed to find out that L'Enfant and George Washington did not somehow think it was nice to have a Capitol like this. But George Washington and L'Enfant did not have to deal with things like the Oklahoma bombing, the Unabomber, and everything else.

We have not had the first hearing on this, and here we are voting to take this off from in front of the White House after danger has been assessed, and it is done by a bipartisan group—Coleman and Webster were both on that. We are so cavalier about the White House, why do we not include this and have a second-degree amendment and take off all the protection all over the Nation's Capital, including at the Capitol right here—if we are so brave about this. Let people pull their vans up beside the Russell Building, which is blocked off, and behind the Hart Building, where my office happens to be.

We have very good reasons for thinking some of these protections are necessary and so does the White House. I think this vote was ridiculous. If we are going to take it off at the White House, take it off here and let us face the same danger together. Otherwise, let us agree with the people that have made this assessment, who were on this review committee, and say, yes, we need to assess this very carefully. We are about to do, with legislation, here what we should not be doing unless we have a very thorough hearing and understanding of the White House personnel.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in support of the measure of the Senator from Nevada. I would like to put it in a certain context. The first thing to know, if we are talking about our original plans, is that the L'Enfant plan connects what was termed the "Congress' House" with the "President's House," at either end of Pennsylvania Avenue. It is the center of the plan. It is in a sense a diagram of the Constitution—the separation of powers in a unified Government.

Pennsylvania Avenue, in that original plan, comes to the Capitol Grounds, stops at the west end, and then resumes at the east end. That is the present arrangement on Capitol Hill. The identical arrangement was to be found at the west end of the avenue. The avenue moved up to the Presidential grounds, then stopped and resumed further west. That was before the Treasury Building was built, and before any roads were built. The city, at that point, was still very much a marshland, with this magnificent plan still to be realized.

I have been working for 35 years on the redevelopment of Pennsylvania Avenue, from the time President Kennedy, in his inaugural parade, looked to his left and to his right, south and north, at the avenue and found it was being abandoned. The center of the city, as the center of many cities, was just falling down. The city was moving out Wisconsin Avenue, out Connecticut Avenue. The Federal triangle was unfinished on the south side, which had begun under Andrew Mellon and President Hoover, following the McMillan plan of 1900, which gave us Union Station. It got the railroads off The Mall, for example. To the north, the Avenue was all but abandoned—two- and three-story buildings were empty, except for the occasional storefront selling firecrackers.

President Kennedy proposed redevelopment of the avenue. A commission was established. Nathaniel Owings was Chairman. Presidents Johnson, Nixon, Ford, Carter, Reagan, Bush, and now President Clinton, have worked on it with great care. We are just about completed. The Ronald Reagan Building, now three-quarters completed, will finish the Federal triangle. That site, sir, was cleared in 1928. So you cannot say we have been in any great rush to do this. And now just as we finish the route to the White House, we have this security problem.

I say to my friend from Nevada that President Clinton did a fine thing in establishing a committee headed by Roger Kennedy, who is the Director of the Park Service, an architectural historian of great talent. His works are incomparably intelligent. Orders From France, is but one example.

The committee has come up with a plan, which would extend the park northward in the manner envisioned by L'Enfant. But it need not be a barrier to the movement of people and vehicles along the avenue. An underpass could be completed that would serve this purpose. It is just so important that we not define ourselves as a beleaguered, besieged nation. Suggestion has been made by the ranking member of the Governmental Affairs Committee, the distinguished Senator from Ohio, that we get rid of the pots and barriers around the Capitol. Fine. We could extend the Capitol park down the western side of the Russell Office Building, add to that whole park complex, do everything that is desired, without putting up what look like emergency barriers.

That is not the message we want to send to ourselves and to the world. We can also do what is necessary for security at the White House without declaring us to be a nation under siege. We are not, and we should not say so. We are the most powerful nation on Earth. With equanimity and care we can take care of these difficulties. I hope we do.

Mr. REID. Will the Senator yield?

Mr. MOYNIHAN. I yield the floor.

Mr. REID. Before the Senator leaves the floor, Mr. President, through you to the distinguished Senator from New York, I want the RECORD to be spread with the fact that because of his diligent work—I do not know of anyone who is more responsible for driving down Pennsylvania Avenue today and seeing beautiful buildings and structures. The Pennsylvania Avenue Development Corporation in itself was a work of art.

One of the first things I did upon coming here on the Appropriations Committee was sit in on occasion for the distinguished senior Senator from West Virginia and conduct those hearings on the Pennsylvania Avenue Development Corporation and listen to the enthusiasm of the people on that corporation and what they were going to do. Now you drive down the street, and it has been done.

I further want the RECORD to be spread with the fact that I serve on the Public Works Committee with the distinguished senior Senator from New York. I can remember when we legislated a building on that ugly Federal triangle, a blank piece of dirt that was there. Now you drive by there and you see the thriving work that is there and that building which will add to the beauty of our Nation's Capital.

So I appreciate the Senator and what the Senator from New York said. But I also want to make sure to say some things that the Senator could not say for himself. But for him, we may still be where we were when President Kennedy had his inaugural parade. It is a beautiful parkway.

I also will read something that I think the Senator from New York would agree with. This is from a tour magazine which people get when they come to the Nation's Capital. L'Enfant had hoped that the grass "* * * would serve as an extension of the White House grounds."

So the original vision of L'Enfant was to have that whole area as an additional containment of the White House. Jefferson decided that was not the thing to do at the time.

But I just want to make sure that the Senator from New York knows and appreciates that the people will know, when the history books are written, about the work which he has done to make this city beautiful as the Nation's Capital.

Mr. MOYNIHAN. Mr. President, I am very grateful to the Senator from Nevada.

Might I close with just one line? In President Kennedy's proposal for the redevelopment of Pennsylvania Avenue, which we are talking about, he said the avenue "should be lively, friendly, and inviting, as well as dignified and impressive."

I think we can achieve that in the immediate environs of the White House. It is just the next challenge. Let us go forward and do it in good spirit and unity.

I thank again the Senator from Nevada.

Mr. NUNN. Mr. President, it is my understanding that the Senator from Nevada has a second-degree amendment now pending. Is that correct?

Mr. REID. Yes. I received word, I say to my friend, the ranking member, from one of the managers of this bill. I understand from what the note said that they will accept the amendment.

Mr. NUNN. I believe we are willing to accept the amendment on both sides who favor the original amendment. So I would suggest that the Senator might call the question on this amendment, and we can move on.

I hope on Senator BINGAMAN's amendment on ASAT, we can get a time agreement, if that is satisfactory to the Senator from South Carolina. Then it is my understanding that Senator MURRAY has an amendment on abortion in overseas hospitals. If we can get a time agreement on both of those, I believe we can move both of those along in the next couple of hours. I would like Senator BINGAMAN to be notified that we are prepared to take up his amendment on ASAT and also enter into a time agreement that is satisfactory to him.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Virginia.

Mr. ROBB. Mr. President, as the Senator from Georgia just indicated, those of us who are cosponsoring the amendment are entirely prepared to accept the language proposed by the distinguished Senator from Nevada. Indeed,

the language is entirely consistent with the intent of the sponsors of this particular amendment. At the conclusion of the consideration of this amendment, I am going to propose a motion to change one word in the amendment, and then I hope we will be able to take up the matter on final passage. But the language that the Senator from Nevada has suggested is not only consistent but entirely appropriate. I fully support it. I believe the distinguished Senator from Minnesota shares that same opinion.

Mr. REID. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I wanted to concur with what the Senator from Virginia said. Without objection, we are willing to accept the second-degree amendment of the Senator from Nevada. We would like to go ahead with a voice vote on that.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am willing to lend my encouragement to end this debate. But I do not want to close it without a brief statement. I have an amendment that I was about to send to the desk that said, if we think that we can expose the White House with the infrastructure and the President of the United States and the people who work in the facility to passersby, then I think we should do the same thing out here on the Capitol Grounds. I think we ought to say that no life here is worth more than a life there and nothing that goes on here is more important than what goes on in the White House in the executive offices of this country. I am willing to forgo it. But, Mr. President, I want to make the point, before we close the debate as far as this Senator is concerned, that "do unto others" is not an admonition that ought to pass by here. I think we ought to treat this facility no differently than we treat the White House.

If we are going to open up that street, I assure you that I will be here with an amendment that says open up the whole plaza here. Let of the traffic come through. Let them park cars, vans, whatever they choose. Let them park at the Hart, Dirksen and the Russell Buildings. I love this picture that says for the American people we are going to protect the Capitol, protect the Senators, and protect the Congressmen, but the President, let him beware.

That is the conclusion of my remarks. Mr. President, I congratulate the Senator from Nevada for his amendment to this proposition. Thank you.

The PRESIDING OFFICER. The question is on the second-degree amendment of the Senator from Nevada.

The amendment (No. 4056) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 4052, AS AMENDED, AS MODIFIED

Mr. ROBB. Mr. President, the amendment was never designed to be partisan nor to attack, certainly, the President. I would never have been a part of it. It was designed to try to clarify something that has been very troubling to many of the people who are directly involved, both for symbolic reasons as well as for practical reasons, in terms of the traffic flow of the Nation's Capital. I have lived in and around this area for 40 of my 57 years, or most of the last 40 of my 57 years. I am quite familiar with the traffic patterns and the inconvenience to those who have to traffic the area every day. I am very conscious of the symbolism of our Nation's Capital, and particularly the President's house.

I have discussed with the chief sponsor of the amendment the changing of one word that I think might make our intention even clearer. That would be to substitute the word "request" for the word "direct" which is contained on page 3, line 18. It would then read that it is the sense of the Senate that the President should request the Department of the Treasury and the Secret Service to work with the government of the District of Columbia to develop, et cetera.

I think there have been connotations that this is attempting to micromanage, or to take action that would be inappropriate. I fully respect those who have spoken and those who have concerns. It ought to be considered appropriately by the committees of jurisdiction. But we need to have a resolution of this question.

I applaud the Senator from Minnesota for bringing the question to our attention.

I move, Mr. President, to strike the word "direct" and insert the word "request" on line 18, page 3.

The PRESIDING OFFICER. Is there objection to modifying the amendment?

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

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I shall not object. I would like to make an observation. I would like to wait until other Senators have spoken.

What is the parliamentary situation at the moment?

The PRESIDING OFFICER. A unanimous-consent request is pending to modify the existing amendment.

Mrs. BOXER. Let me just make a very brief remark reserving my right to object, if I might, which is this: I am going to support this amendment. I am glad there is agreement. But I really wonder sometimes where I am around here, if this is the city council or if this is the Senate of the United States of America.

I think it is very important that we address the issue of security for the President. We are in this amendment. And that we look at how we can make Pennsylvania Avenue work. But I have to say, Mr. President, and the reason I reserve my right to object, it is awfully frustrating to someone who would like to see us raise the minimum wage and to someone who would like to see us get to the issue of health care that we are on the defense bill and we are talking about Pennsylvania Avenue. With all due respect, I would not object at this time, but I do hope we can move forward and get on with this bill and others to make life better for people.

I yield the floor.

The PRESIDING OFFICER. Without objection, the modification is made.

The amendment, as amended, as modified, is as follows:

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

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 1791, President George Washington commissioned Pierre Charles L'Enfant to draft a blueprint for America's new capital city; they envisioned Pennsylvania Avenue as a bold, ceremonial boulevard physically linking the U.S. Capitol building and the White House, and symbolically the Legislative and Executive branches of government.

(2) An integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as "America's Main Street".

(3) 1600 Pennsylvania Avenue, the White House, has become America's most recognized address and a primary destination of visitors to the Nation's Capital; "the People's House" is host to 5,000 tourists daily, and 15,000,000 annually.

(4) As home to the President, and given its prominent location on Pennsylvania Avenue and its proximity to the People, the White House has become a powerful symbol of freedom, openness, and an individual's access to their government.

(5) On May 20, 1995, citing possible security risks from vehicles transporting terrorist bombs, President Clinton ordered the Secret Service, in conjunction with the Department of the Treasury, to close Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House.

(6) While the security of the President and visitors to the White House is of grave concern and is not to be taken lightly, the need to assure the President's safety must be balanced with the expectation of freedom inherent in a democracy; the present situation is tilted too heavily toward security at freedom's expense.

(7) By impeding access and imposing undue hardships upon tourists, residents of the District, commuters, and local business owners

and their customers, the closure of Pennsylvania Avenue, undertaken without the counsel of the government of the District of Columbia, has replaced the former openness of the area surrounding the White House with barricades, additional security checkpoints, and an atmosphere of fear and distrust.

(8) In the year following the closure of Pennsylvania Avenue, the taxpayers have borne a significant burden for additional security measures along the Avenue near the White House.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should request the Department of the Treasury and the Secret Service to work with the Government of the District of Columbia to develop a plan for the permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House in order to restore the Avenue to its original state and return it to the people.

At the end of the amendment add the following: *Provided*, That the Secretary of the Treasury and the Secret Service certify that the plan protects the security of the people who live and work in the White House.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Minnesota and the Senator from Virginia.

The amendment (No. 4052), as amended, as modified, was agreed to.

AMENDMENT NO. 4057

(Purpose: To express the sense of the Senate that the United States-Japan Semiconductor Trade Agreement should be renegotiated)

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Kyl amendment and the pending committee amendments be laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, Mr. BINGAMAN, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. BURNS, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEVIN, Ms. SNOWE, Mr. MURKOWSKI, Mrs. BOXER, and Mr. COHEN, proposes an amendment numbered 4057.

Mr. CRAIG. 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 subtitle F of title X, add the following:

SEC. . SENSE OF SENATE REGARDING THE UNITED STATES-JAPAN SEMICONDUCTOR TRADE AGREEMENT.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and Japan share a long and important bilateral relationship which serves as an anchor of peace and stability in the Asia Pacific region, an alliance which was reaffirmed at the recent summit meeting between President Clinton and Prime Minister Hashimoto in Tokyo.

(2) The Japanese economy has experienced difficulty over the past few years, demonstrating that it is no longer possible for Japan, the world's second largest economy, to use exports as the sole engine of economic growth, but that the Government of Japan must promote deregulation of its domestic economy in order to increase economic growth.

(3) Deregulation of the Japanese economy requires government attention to the removal of barriers to imports of manufactured goods.

(4) The United States-Japan Semiconductor Trade Agreement has begun the process of deregulation in the semiconductor sector and is opening the Japanese market to competitive foreign products.

(5) The United States-Japan Semiconductor Trade Agreement has put in place both government-to-government and industry-to-industry mechanisms which have played a vital role in allowing cooperation to replace conflict in this important high technology sector.

(6) The mechanisms include joint calculation of foreign market share, deterrence of dumping, and promotion of industrial cooperation in the design of foreign semiconductor devices.

(7) Because of these actions under the United States-Japan Semiconductor Trade Agreement, the United States and Japan today enjoy trade in semiconductors which is mutually beneficial, harmonious, and free from the friction that once characterized the semiconductor industry.

(8) Because of structural barriers in Japan, a gap still remains between the share of the world market for semiconductor products outside Japan that the United States and other foreign semiconductor sources are able to capture through competitiveness and the share of the Japanese semiconductor market that the United States and those other sources are able to capture through competitiveness, and that gap is consistent across the full range of semiconductor products as well as a full range of end-use applications.

(9) The competitiveness and health of the United States semiconductor industry is of critical importance to the overall economic well-being and high technology defense capabilities of the United States.

(10) The economic interests of both the United States and Japan are best served by well functioning, open markets, deterrence of dumping, and continuing good cooperative relationships in all sectors, including semiconductors.

(11) A strong and healthy and military and political alliance between the United States and Japan requires continuation of the industrial and economic cooperation promoted by the United States-Japan Semiconductor Trade Agreement.

(12) President Clinton has called on the Government of Japan to agree to a continuation of a United States-Japan Semiconductor Trade Agreement beyond the current agreement's expiration on July 31, 1996.

(13) The Government of Japan has opposed any continuation of a government-to-government agreement to promote cooperation in United States-Japan semiconductor trade.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is regrettable that the Government of Japan has refused to consider continuation of a government-to-government agreement to ensure that cooperation continues in the semiconductor sector beyond the expiration of the Semiconductor Trade Agreement on July 31, 1996; and

(2) the President should take all necessary and appropriate actions to ensure the continuation of a government-to-government United States-Japan Semiconductor Trade Agreement before the current agreement expires on that date.

(c) DEFINITION.—As used in this section, the term "United States-Japan Semiconductor Trade Agreement" refers to the agreement between the United States and Japan concerning trade in semiconductor products, with arrangement, done by exchange of letters at Washington on June 11, 1991.

Mr. CRAIG. Mr. President, I will keep my remarks brief because it is my understanding that the amendment I have just sent to the desk has, in fact, been cleared by both sides.

Mr. President, as we surf the Net, drive our car to work, or complete a training mission in our F-16 fighter, we do not ask "How is this possible?" We simply go about the task at hand.

However, there is a common thread that drives technology in our lives, the everpresent semiconductor. Semiconductors are an increasingly pervasive aspect of everyday life, enabling the creation of the information superhighway and the functioning of everything from automobiles to advanced medical equipment.

Semiconductors are also the linchpin of our national defense capabilities. For example, the current design of the F-16 fighter includes 17,000 electronics components.

Mr. President, that is why I am offering an amendment today, with Senator BINGAMAN and 11 of our colleagues, that express the sense of the Senate that the United States-Japan Semiconductor Trade Agreement should be renegotiated.

The United States-Japan Semiconductor Trade Agreement is due to expire in July of this year. This trade agreement has a successful track record in opening Japanese markets and discouraging the dumping of semiconductor products by Japanese companies in the United States.

Mr. President, the United States and Japan have had a long history of difficulty in this area of trade relations. In 1986, when the first United States-Japan Semiconductor Agreement was signed, foreign share in the Japanese semiconductor market averaged only 8.4 percent annually. In the mid-1980's, the International Trade Commission determined that Japanese companies had dumped DRAM's, a commodity memory chip, into the United States market in an attempt to gain market share through predatory pricing. As a result, 9 of 11 American DRAM manufacturers were driven out of the market.

The United States-Japan Semiconductor Trade Agreement has made significant progress in countering these unfair trade practices. The agreement has opened the Japanese semiconductor market to foreign producers,

with foreign market share growing to 25 percent in 1995.

The agreement has also discouraged dumping practices by requiring Japanese firms to have appropriate data regarding costs available on a standby basis. This allows the Department of Commerce to conduct a fast track investigation, so that there is a swift imposition of a remedy if dumping is found, or ends the possibility of litigation if there is no evidence of dumping.

Mr. President, the agreement has been very effective in easing the problems associated with this area of United States-Japan trade relations.

Earlier this week, the United States Trade Representative's office announced that the foreign share of Japan's semiconductor market increased during the first quarter of 1996 to a record high of 30.6 percent.

Acting USTR Charlene Barshefsky responded in a written statement, that this improvement "demonstrates the progress that can be achieved when the United States and Japan work together in a cooperative spirit and is a tribute to strenuous efforts that both sides have made to improve market access and strengthen industry cooperation under the United States-Japan Semiconductor Agreement. It is essential that we preserve and continue this effort."

Mr. President, this, and other recent developments are positive news. However, they provide added incentive to ensure that this important trade agreement be renewed. Given the range of trade issues currently being addressed between the United States and Japan, it would not be in our interest for another area of contention in trade to develop.

There is some evidence that the worldwide semiconductor industry may now be entering into a period when supply will exceed demand. Renewal of the United States-Japan Semiconductor Agreement has become even more important because of the recent drop in DRAM memory semiconductors. Prices, which have fallen by over 70 percent since the beginning of the year, are now at levels which are below many producers' costs.

This kind of dumping has thrown the market into uncertainty and has injured U.S. producers. This type of injury and uncertainty is what the agreement is designed to address, and has done so successfully for years.

If current trends continue, the United States-Japan agreement becomes even more vital to our national interest, since the protection it provides is doubly necessary to discourage dumping in a period of oversupply.

American semiconductor manufacturers are among the most efficient in the world, but they cannot be expected to compete against unfair trade practices.

More important, it is vital to our defense interests, because we cannot afford to lose this important industry as a result of predatory dumping, similar to what existed prior to the agreement.

In his speech at the Semiconductor Industry Association's annual awards dinner, Secretary of Defense William Perry noted the importance of this industry in meeting our defense and security needs.

In short, the competitiveness and health of the U.S. semiconductor industry is of critical importance to the overall economic well-being and high technology defense capabilities of the United States.

THE CASE FOR RENEWAL OF THE AGREEMENT

The purpose of both the 1986 and the 1991 United States-Japan Semiconductor Agreements is to allow foreign manufacturers equitable access to the Japanese semiconductor market, and to discourage Japanese dumping in the United States market. In short, the goal of the agreement is to open the Japanese market to the point where sales generally occur without respect to the nationality of the supplier.

U.S. semiconductor manufacturers are extremely competitive in all open markets across a wide range of applications and a wide range of products. However, there remains a sharp disparity, between the market share United States manufacturers account for outside the United States and Japan, and the share they account for inside Japan.

In the world market, excluding the United States and Japan, American manufacturers accounted for 40 percent of all semiconductor sales in 1995. United States semiconductor makers accounted for only 18 percent of sales in the Japanese market that same year.

The significant disparity between United States sales outside Japan and sales inside Japan indicates that sales in that country are not always made solely on the basis of market forces such as technology, price, quality, service, and delivery.

It is important to note that the disparity is not explained by the argument that the United States industry does better in the United States and the Japanese industry does better in Japan.

A comparison of the 40-percent share United States firms earn in world markets outside both the United States and Japan with the 18-percent share United States firms have in Japan demonstrates that a significant gap remains. But there is only a small difference between the 23-percent share Japanese firms have in the United States market and the 27-percent share they have in world markets outside both the United States and Japan.

KEY POINTS FOR A RENEWED AGREEMENT

Mr. President, as I already mentioned, the current semiconductor agreement expires July 31, 1996. It is essential that a new government-to-government agreement be negotiated with Japan before that time.

The Japanese electronic industry has proposed an industry-to-industry agreement with no government involvement as a replacement for the current agreement. An industry-level agreement is completely unacceptable. It would not ensure continued progress in increasing foreign market access in Japan, nor would it provide the necessary guarantee against Japanese dumping in our market.

Important features of a new government-to-government semiconductor agreement are:

It should provide for joint United States-Japanese Government calculation and publication of foreign market share in Japan;

And, it should provide for regular government-to-government consultations to assess progress in increasing foreign market access. These provisions regarding the governments' oversight roles are critical to ensuring continued progress.

Market access in Japan is critical for the continued growth and strength of the United States semiconductor industry. In 1995, the Japanese semiconductor market was $39.6 billion. It is expected to grow to $57.1 billion by 1999. Every percentage point increase in United States market access in Japan is therefore worth hundreds of millions of dollars in increased United States exports, thousands of additional jobs in the United States, and a stronger domestic industry to meet our growing national security and defense needs.

STATUS OF NEGOTIATIONS

Mr. President, bilateral talks are expected to begin this week. There is reason to be cautiously optimistic about this development; however, it is imperative that the Japanese Government be prepared to discuss in good faith the role that government must continue to play in deregulating the Japanese semiconductor market and continuing the process of opening that market.

Mr. President, the deadline for the expiration of the United States-Japanese Semiconductor Agreement is fast approaching. No new progress toward renegotiation of this important trade agreement has been made. Meetings have now occurred, which is certainly a step in the right direction. However, Japanese and American officials just ended 12 days of unofficial semiconductor trade talks yesterday in Tokyo that yielded little progress. The next step will be a sub-Cabinet-level meeting held here in Washington tomorrow and Friday between MITI Vice Minister of International Affairs Yashihiro Sakamoto and Ira Shapiro, Ambassador in Charge of Japan and Canada at the Office of the United States Trade Representative.

Mr. President, these current events emphasize the importance of the message being sent today by the Senate,

and that is that the United States-Japanese Semiconductor Agreement should be—and, most importantly, must be—renegotiated. Given the range of trade issues currently being addressed between our two nations, it would not be in either of our interests for another area of contention in trade to develop. Therefore, it is essential that a new government-to-government agreement be negotiated with Japan before the current agreement expires on July 31.

Mr. President, I have no further comments on this amendment.

Mr. HATCH. Mr. President, I want to add my support to the amendment regarding the United States-Japan Semiconductor Agreement.

The United States-Japan Semiconductor Agreement, first concluded in 1986, and renewed in 1991, has led to tremendous progress in opening the Japanese market. It has provided the framework for discussing trade issues before they became problematic and has been the catalyst for increasing cooperation between United States semiconductor makers and Japanese semiconductor-consuming industries. It has also promoted fair trade in the marketplace and, at least until recently, has helped to avoid situations of injurious dumping.

The current agreement expires at the end of July. It must be renewed. Moreover, both governments must play a significant role in any renewed agreement. Government-to-government involvement provides essential support and encouragement to all industry efforts, and permits the collection of relevant data regarding the calculation of market share. The agreement will not work unless this data can form the basis of the accountability in product pricing that can avoid antidumping actions.

Renewal of the United States-Japan Semiconductor Agreement has become even more important because of the recent dramatic price declines for memory chips. Average sales prices have fallen by over 70 percent in recent months. These prices are so low, in fact, that the specter of significant injurious dumping is again a reality. Dumping throws markets into a panic. This type of uncertainty and disruption must not take place again. I urge the President to use all the means at his disposal to conclude a renewed agreement before the current one expires on July 31.

Mr. KEMPTHORNE. Mr. President, I rise today in support of an amendment to express the sense of the Senate that the United States-Japan Semiconductor Trade Agreement be renegotiated. The current semiconductor agreement expires July 31, and it is essential that a new government-to-government agreement be negotiated with Japan prior to the expiration date.

The importance of semiconductors should not be underestimated. They are an increasingly pervasive aspect of everyday life, enabling the creation of the information superhighway and the functioning of everything from automobiles to advanced medical equipment. Semiconductors are also the fulcrum of our national defense capabilities. U.S. semiconductor manufacturers employ 260,000 people nationwide. Their products are the driving force behind the nearly $400 billion U.S. electronics industry, which provides employment for 2.5 million Americans. Our semiconductor industry is the world's largest and it has habitually been the market leader. U.S. sales, last year, totaled $59 billion, representing almost 41 percent of the $144 billion global market.

It is anticipated that the world semiconductor market will double by the year 2000, with projected sales of over $300 billion. Market access in Japan is critical for the continued growth and strength of the United States semiconductor industry. In 1995, the Japanese semiconductor market was $39.6 billion. It is expected to grow to $57.1 billion by 1999. It is well accepted that every percentage point increase in United States market access in Japan is worth hundreds of millions of dollars in increased United States exports and approximately thousands of additional jobs in the United States.

In 1986, President Reagan vigorously sought and concluded a 5-year agreement with the Government of Japan to grant foreign access to its semiconductor market. The primary purpose of the 1991 United States-Japan semiconductor agreement, like the 1986 agreement which preceded it, is to allow foreign manufacturers equitable access to the Japanese semiconductor market. The objective of the agreement is to level the playing field and open the Japanese market to the point where sales generally occur without respect to the nationality or origin of the supplier. The semiconductor agreement has led to tremendous progress in opening the Japanese market. Foreign share increased from 8.5 percent in 1985 to 25.4 percent in 1995. Of this 25.4 percent foreign share, the U.S. industry has 18 percent market share.

It is quite apparent that U.S. semiconductor manufacturers are extremely competitive in all open markets across a wide range of applications and a wide range of products. There remains a sharp disparity, however, between the share United States manufacturers account for in the neutral world markets outside the United States and Japan and the share they account for inside Japan. In the world market, excluding the United States and Japan, American manufacturers accounted for 40 percent of all semiconductor sales in 1995. United States semiconductor makers accounted for only 18 percent of sales in the Japanese market that same year. This huge difference in United States sales outside Japan and sales inside Japan is further evidence that sales in that country are, unfortunately, still not always made solely on the basis of market forces such as technology, price, quality, service, and delivery.

Statements that attempt to rationalize the inability of American manufacturers to gain adequate access to the Japanese semiconductor market tend to focus on the belief that it is purely natural that the United States industry does better in the United States and the Japanese industry does better in Japan—this is simply not true. A comparison of the 40 percent share United States firms earn in world markets outside both the United States and Japan with the 18 percent share United States firms have in Japan demonstrates that significant gap remains. But there is only a small difference between the 23 percent share Japanese firms have in the United States market and the 27 percent share they have in world markets outside both the United States and Japan.

This week, acting-U.S. Trade Representative Charlene Barshefshy is in Tokyo to hold inform bilateral talks. Although, I am cautiously optimistic about this development, it is imperative that the Government of Japan understand and be prepared to discuss in good faith the role that government must continue to play in deregulating the Japanese semiconductor market and continuing the process of opening that market. The Government of Japan must also resist efforts by its electronics industry to install an industry-to-industry agreement with no government involvement as a replacement for the current agreement. Such an industry-to-industry agreement would not ensure continued progress in increasing foreign market access in Japan and is totally unacceptable.

A government-to-government semiconductor agreement will provide for joint United States-Japan Government calculation and publication of foreign market share in Japan and that it provide for regular government-to-government consultations to assess progress in increasing foreign market access. These provisions regarding the governments' oversight roles are critical to ensuring continued progress and are totally within the true spirit of competition.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Craig-Bingaman amendment, urging the renewal of our semiconductor agreement. The agreement has reduced trade friction and promotes private sector cooperation. It is essential that a new government-to-government agreement is negotiated with Japan before the current agreement is allowed to expire on July 31.

The United States and Japan have a significant stake in trade harmony in this important economic sector. The

current $100 billion world market for semiconductors is expected to grow to $300 billion by the year 2000. The semiconductor industry is the basis of our electronics industry and an increasingly pervasive part of our everyday life.

This agreement, first signed in 1986, creates a regular framework for business and government leaders to meet and review trade issues and business trends. This framework has helped build smooth, steady growth in the industry, defused potential disputes, and promoted trade harmony, rather than the hostility that has characterized other trade sectors.

As a replacement, the Japanese electronics industry proposes an industry-to-industry agreement with no government involvement. This industry agreement is unacceptable.

It would take no action to ensure continued progress to increase foreign market share in Japan. Without an agreement, in a market downturn, United States producers could be cut out of segments of the Japanese market.

A strong government oversight role is fundamental to enforcing the integrity of the semiconductor market under the agreement. The government-to-government semiconductor agreement must be renewed in order to provide for the gathering and publication of market share data and provide for the regular meetings of industry leaders to review market and industry issues.

Market access in Japan is critical for the continued growth and strength of the United States semiconductor industry. The $39 billion Japanese semiconductor market is expected to grow to $57.1 billion by 1999. Each percentage point increase in United States market access in Japan represents hundreds of millions of dollars in increased sales and United States jobs.

Representatives of the United States semiconductor industry recently met in Hawaii with their Japanese counterparts to try to reach agreement on future United States-Japan cooperation on semiconductor issues. During the meetings, the Japanese company executives submitted a confidential proposal to continue cooperation in semiconductors, but refused to discuss the role of the Government in ensuring the agreement.

At the same time, the Japanese Government insisted it could not discuss the agreement with the United States Government unless and until an industry level agreement is reached. This rigid insistence appears deliberately designed to deadlock discussions until the current agreement expires in July.

The United States industry—in close consultation with USTR—has decided that it cannot and will not continue to meet with Japanese company leaders under these circumstances, but will respond to proposals put forth by the Japanese companies.

Mr. President, the purpose of the 1991 agreement, like the 1986 agreement which preceded it, is to allow foreign manufacturers equitable access to the Japanese semiconductor market. The agreement seeks to open the Japanese market to the point where sales generally occur without respect to the nationality of the supplier.

The semiconductor agreement has been a tremendous success and must be continued. Under the agreement, the foreign share of the Japanese increased from 8.5 percent in 1985 to 25.4 percent in 1995. Of this 25-percent share, the U.S. firms have an 18-percent market share.

The United States semiconductor manufacturers, many of them based in my State of California, make the best product in the world and are extremely competitive in all open markets across the full range of applications and products.

However, United States manufacturers have been less successful in the Japanese market than in the neutral world markets outside of the United States and Japan.

In neutral markets, American manufacturers represent 40 percent of all semiconductor sales last year.

In Japan, United States semiconductor makers accounted for only 18 percent of 1995 sales, a gap consistent across the full range of semiconductor products and applications.

By contrast, there is only a small difference between the 23-percent share Japanese firms have in the United States market and the 27-percent share they have in neutral markets.

The disparity between United States sales outside and inside the Japanese market suggests semiconductor sales in that country are, unfortunately, still not always made solely on the basis of market forces such as technology, price, quality, service, and delivery. Current market conditions require the continuation of the United States-Japan agreement.

Mr. President, the United States-Japan semiconductor agreement reduces trade friction and promotes private sector cooperation, rather than Government enforcement. For both countries, the extension would represent an opportunity to continue the current, mutually beneficial relationship and should not to be allowed to slip by.

The Clinton administration deserves credit for endorsing renewal and raising this issue during bilateral meetings. However, the Japanese Government should understand very clearly that the desire to extend the agreement is shared by Congress as well. I am pleased to support the amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, we favor the Craig amendment on this side, and I recommend it be accepted.

Mr. THURMOND. Mr. President, we favor the Craig amendment and recommend it be accepted.

Mr. CRAIG. Mr. President, I urge adoption of my amendment.

The PRESIDING OFFICER. The question now occurs on agreeing to the Craig amendment.

The amendment (No. 4057) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

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

Mr. THURMOND. I ask unanimous consent that the time on the Bingaman amendment be limited to 40 minutes equally divided in the usual form, that no amendments be in order, and that following the use or yielding back of time, the Senate proceed to vote on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 4058

(Purpose: To strike out provisions that predetermine the outcome of an ongoing Department of Defense study on space control and to provide a framework for space control decisions to be made)

The PRESIDING OFFICER. The Senator from New Mexico.

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

The PRESIDING OFFICER. Without objection, the pending amendments will be laid aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 4058.

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

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

The amendment is as follows:

Beginning on page 32, strike out line 22 and all that follows through page 33, line 21, and insert in lieu thereof the following:

SEC. 212. SPACE CONTROL ARCHITECTURE STUDY.

(a) REQUIRED CONSIDERATION OF KINETIC ENERGY TACTICAL ANTISATELLITE PROGRAM.—The Department of Defense Space Architect shall evaluate the potential cost and effectiveness of the inclusion of the kinetic energy tactical antisatellite program of the Department of Defense as a specific element of the space control architecture which the Space Architect is developing for the Secretary of Defense.

(b) CONGRESSIONAL NOTIFICATION OF ANY DETERMINATION OF INAPPROPRIATENESS OF PROGRAM FOR ARCHITECTURE.—(1) If at any

point in the development of the space control architecture the Space Architect determines that the kinetic energy tactical antisatellite program is not appropriate for incorporation into the space control architecture under development, the Space Architect shall immediately notify the congressional defense committees of such determination.

(2) Within 60 days after submitting a notification of a determination under paragraph (1), the Space Architect shall submit to the congressional defense committees a detailed report setting forth the specific reasons for, and analytical findings supporting, the determination.

(c) REPORT ON APPROVED ARCHITECTURE.—Not later than March 31, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the space control architecture approved by the Secretary. The report shall include the following:

(1) An assessment of the potential threats posed to deployed United States military forces by the proliferation of foreign military and commercial space assets.

(2) The Secretary's recommendations for development and deployment of space control capabilities to counter such threats.

(d) Funding.—(1) The Secretary of Defense shall release to the kinetic energy tactical antisatellite program manager the funds appropriated in fiscal year 1996 for the kinetic energy tactical antisatellite program. The Secretary may withdraw unobligated balances of such funds from the program manager only if—

(A) the Space Architect makes a determination described in subsection (b)(1); or

(B) a report submitted by the Secretary pursuant to subsection (c) includes a recommendation not to pursue such a program.

(2) Not later than April 1, 1997, the Secretary of Defense shall release to the kinetic energy tactical antisatellite program manager any funds appropriated for fiscal year 1997 for a kinetic energy tactical antisatellite program pursuant to section 221(a) unless—

(A) the Space Architect has by such date submitted a notification pursuant to subsection (b); or

(B) a report submitted by the Secretary pursuant to subsection (c) includes a recommendation not to pursue such a program.

Beginning on page 42, strike out line 15 and all that follows through page 43, line 9.

Mr. BINGAMAN. Mr. President, this is a very simple amendment. It proposes to delete two provisions that have been included in the bill. The effect of the provisions that are in the bill is that they would prejudge an ongoing study that the Pentagon is doing on space control and antisatellite weapons. These provisions that I am proposing to delete would impose on the Pentagon a kinetic energy antisatellite weapon which is generally referred to as KE–ASAT, which may well be one of the least attractive options available to the Pentagon for space control.

My amendment instead sets up a process whereby the Pentagon can complete its analysis of the ongoing space control architecture study and fund the KE–ASAT, the kinetic energy ASAT, only if the Secretary of Defense decides that it is a desirable option.

My amendment was defeated in the committee when I offered it by an 11-to-10 vote. I hope that we can succeed on the floor because we simply should not be imposing a technical solution to a complex problem on the Pentagon before they have told us what their space control architecture will be.

Mr. President, this is a fairly esoteric subject. There is no doubt that our military forces deployed overseas will be made more vulnerable by the proliferation of foreign military commercial satellite imaging capabilities in the coming years. I have been among several here in Washington and around the country pointing to that threat and urging the administration to develop diplomatic and military options to deal with the threat.

The Pentagon's own April 1996 report, "Proliferation Threat and Responsibilities," pointed to the growing availability of satellite imaging and noted—and here is a quote from that report:

> Iraq, for example, might have used such capability to discover that coalition forces had shifted their positions prior to ground operations in Operation Desert Storm. Obviously, such a discovery by Iraq could have cost many allied lives. A future General Schwarzkopf may not have absolute dominance of the space above the battle area that the real General Schwarzkopf enjoyed during Desert Storm as a result of the U.N. sanctions on Iraq.

To deal with this threat, a threat that the Pentagon does take seriously, the Pentagon has launched a space control architecture development effort under the Pentagon's space architect, Maj. Gen. Robert Dickman. The results of the study may be available as early as this fall, according to the testimony that was received in the Armed Services Committee. Unfortunately, instead of waiting for this study, section 212 of this bill, this defense authorization bill that we are considering today—section 212 of the bill takes all funding away from the space architect unless the Secretary of Defense includes the kinetic energy ASAT in the space control architecture being developed. Section 221(c) denies all funding for technical analysis, that is $35 million, denies all that funding to the Under Secretary for Acquisition and Technology unless the kinetic energy ASAT Program is pursued.

Mr. President, this is, I believe, the first example I have seen of a sort of double mandate being put into law, where we are saying not only will we deny all funds to the space architect in the Department of Defense if they do not come to the conclusion we want in this study, but we will also deny this $35 million to the Under Secretary for Acquisition and Technology unless they decide to pursue this particular option.

In my view we should not be using such a mandate to influence the outcome of an ongoing Pentagon study. The real reason for this mandatory language, I am afraid, is that many are concerned that the kinetic energy ASAT option will prove to be a very poor alternative in this ongoing study. Most previous studies of antisatellite capabilities have pointed toward directed energy options as preferable to the kinetic energy ASAT mandated by the bill. For example, the Air Force Science Board, in its "New World Vistas" study in air and space power for the 21st century earlier this year recommended both ground-based lasers and high-powered microwave systems over the kinetic energy ASAT systems. Here is a quote from that "New World Vistas" study. It says:

> Kinetic energy systems . . . are expensive. The vehicles are complex, and tracking and guidance must be precise. Most of the cost, however, is the result of maintaining readiness to launch within an acceptable time.

Mr. President, I am not opposed to the Pentagon's developing antisatellite capabilities to deal with the proliferation of foreign high-resolution imaging satellites. But we have to understand that these capabilities will be in the hands of a limited number of nations for the next 10 to 15 years, nations such as France, Russia, Israel, China, possibly India, and Japan. Would we really use a kill capability—which is what the kinetic energy ASAT is? This kinetic energy ASAT capability would collide with the satellite which it is directed against at very high speed. Would we really use this ability against one of those nations which I just listed, simply because they were making imagery available to a potential foe, such as Saddam Hussein, during a regional confrontation? Would our national leadership not prefer a capability that would disable or jam such a satellite when it was over our deployed forces but which would not permanently damage it?

The Air Force Science Board study to which I referred earlier points out that high power "microwave systems could be attractive because they have the potential to produce electronic upset without damaging the structure of a threat satellite." Similarly, a mobile ground-based laser system might be developed that can only damage a threat satellite if its shutters were open, not if it were in a shutdown mode. Such systems would provide our military commanders a military option to ensure the dominance of space by this country above the battle area, which General Schwarzkopf enjoyed during Desert Storm, without resulting in the escalation of a regional conflict.

The ideal space control capability is not one that destroys a foreign imaging satellite by colliding with it at high velocity and creating a diplomatic crisis that broadens a conflict as well as a cloud of space debris that will have adverse effects on peaceful space activities.

Mr. President, if there are more cost effective and more diplomatically effective approaches to space control, should we not allow the Pentagon to

pursue those? The amendment I am offering leaves the $75 million in the bill which is presently there for tactical ASAT technology, without specifying what technologies we might be using it for. It eliminates the mandate forcing the use of the kinetic energy ASAT by the Pentagon. The amendment instead directs that the kinetic energy ASAT option be explicitly evaluated by General Dickman for the space control architecture, but it leaves the choice of whether to fund that option to the Pentagon. The Pentagon must also give Congress the results of its space control study by March 31, 1997.

This is the way in which we normally proceed when the Pentagon defines a threat, as they have in this case, and launches an effort to deal with that threat. We do not impose our solution to a highly complex problem before we have heard the Pentagon's own recommended solution.

Mr. President, the only testimony which the Senate received this year on this whole issue was from Gil Decker, the Assistant Secretary of the Army for Research and Acquisition, who told the Armed Services Committee that this is not an Army priority. This funding did not appear on any service wish list. This is hardly the basis for imposing this kinetic energy ASAT system on the Pentagon.

I urge my colleagues to support the amendment. That concludes my statement in support of it and I yield the floor.

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

Mr. COATS. Mr. President, it is my understanding the Senator from New Hampshire will be seeking some time to respond to the Senator from New Mexico and will be available to speak shortly. Let me just state we appear, now, to be making some progress on the bill. Relevant amendments are being debated and discussed and time limits are being sought. To the extent Members with amendments can notify us of their amendments and we can work out a time agreement, that would be preferable to keep us working late into the night.

REMOVAL OF INJUNCTION OF SECRECY—INTERNATIONAL NATURAL RUBBER AGREEMENT OF 1995, TREATY DOCUMENT NO. 104–27

Mr. COATS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 19, 1996, by the President of the United States.

International Natural Rubber Agreement of 1995, which is Treaty Document No. 104–27.

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

Mr. COATS. Mr. President, I further ask the treaty be considered as having been read for the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the International Natural Rubber Agreement, 1995, done at Geneva on February 17, 1995. The Agreement was signed on behalf of the United States on April 23, 1996. The report of the Department of State setting forth more fully the Administration's position is also transmitted, for the information of the Senate.

As did its predecessors, the International Rubber Agreement, 1995 (INRA), seeks to stabilize natural rubber prices without distorting long-term market trends and to assure adequate rubber supplies at reasonable prices. The U.S. participation in INRA, 1995, will also respond to concerns expressed by U.S. rubber companies that a transition period is needed to allow industry time to prepare for a free market in natural rubber and to allow for the further development of alternative institutions to manage market risk. The new Agreement incorporates improvements sought by the United States to help ensure that it fully reflects market trends and is operated in an effective and financially sound manner.

The Agreement is consistent with out broad foreign policy objectives. It demonstrates our willingness to engage in a continuing dialogue with developing countries on issues of mutual concern and embodies our belief that long-run market forces are the appropriate determinants of prices and resource allocations. It will also strengthen our relations with the ASEAN countries, since three of them—Malaysia, Indonesia, and Thailand—account collectively for approximately 80 percent of world production of natural rubber.

Therefore, I urge the Senate to give this Agreement prompt consideration and its advice and consent to ratification to enable the United States to deposit its instrument of ratification as soon as possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 19, 1996.*

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana retains the floor.

AMENDMENT NO. 4058

Mr. COATS. Mr. President, I wonder if I can inquire from the Senator from New Hampshire what amount of time he requests we yield on this?

Mr. SMITH. I believe under the request I had 20 minutes. Probably very close to that amount of time.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, may I just make a unanimous-consent request before the Senator makes his statement? I ask unanimous consent that Linda Taylor, a fellow in my office, be given the privilege of the floor during the pendency of S. 1745.

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

Mr. COATS. Mr. President, I yield 20 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire has 18 minutes remaining.

Mr. COATS. I yield all time remaining to the Senator from New Hampshire.

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

Mr. SMITH. Mr. President, some things are very predictable around here. One of the most predictable is that somebody every year gets up there in the authorization debate and tries to kill the ASAT Program. This is not a harmless amendment. This is a very serious amendment that can do damage to the national security of the United States.

I might say very bluntly and honestly, I do not have any parochial interest in this. I have a national interest in this. There is not anybody working on this in my State. It is not a jobs issue in my State. This is a national security matter, and year after year I stand up and engage in debate on this, and in committee, as the opponents continue to go after this program.

This amendment is designed to kill ASAT, to kill the kinetic energy program plain and simple. That is exactly what it is designed to do. That is what they are trying to do. We have invested $245 million in this program. We have 2 years left, at approximately $75 million a year, to complete this program. This technology works. It has already been tested. It works. We are going to throw it down the tube, throw it away.

What is ironic to me is that some of the things that Senator BINGAMAN has said on this issue are reasonable. In fact, I offered to work with the Senator in committee to address his concerns over the section dealing with the space architect. But, we could not reach a compromise. There was no interest in having a compromise. He wants the whole thing. He wants to defeat it.

So here we are again, rather than simply addressing the concerns that he has over the space architect issue, the Senator from New Mexico now is going

after the entire program—all or nothing.

The truth is, this amendment circumvents the authorization and appropriations process totally. It allows the space architect to singlehandedly decide if the Pentagon spends the money that has been authorized and appropriated in both 1996 and 1997 for ASAT. That is an assault on the jurisdiction of this committee, the Armed Services Committee, and the Appropriations Committee. There is a process in place, a correct process, to seek reprogramming or rescissions, and that works pretty well around here. But to say that the space architect, whose identity I would venture to say very few of my colleagues even know, can decide whether or not he wants to comply with the law, this represents an enormous erosion of the Senate's jurisdiction and particularly that of the Armed Services and Appropriations Committees.

We voted on this issue many times, both Republicans and Democrats, under Democrat control, under Republican control. The Senate has always gone on record in support of this program, and yet the assaults continue. The Armed Forces have testified that they need this capability. The Armed Forces have said they need this capability. The taxpayers have invested millions in its development. Now, when we are so close to completing the program, why kill it? You should not kill it on the money, because you have invested so much, but more important—much more important—you should not kill it because of the technology.

Let us talk a little bit about why it makes no sense to kill it and why it is a threat to our national security to do that.

The global spread of advanced satellite technology has made it possible for countries to obtain this high-definition imagery for satellites in low orbit or to buy that information. This data is crucial because in a future conflict, the United States has to be able to neutralize a hostile satellite. How are you going to do that? This is how you do it, with kinetic energy ASAT. But at present, we do not have that capability. We simply do not have the capability.

If you think back, during the gulf war, the Iraqi Air Force was destroyed or forced out of the air in the first few days of fighting, and Iraq had no reconnaissance capability. This lack of Iraqi overhead surveillance made it possible for the allies to mass their forces and sweep across the desert to bring a swift conclusion to a war that could have cost thousands—thousands —of American casualties.

Gen. Charles Horner, Desert Storm air commander, said that the diplomacy that we used convinced France and Russia not to sell reconnaissance data to Iraq. Suppose they had it? We had no way to stop them with that kind of reconnaissance. ASAT destroys those satellites, Mr. President. Why would anyone want to stop that technology?

Satellites that can be placed up in the air, over the Earth in low orbit with a capability to spy on the United States, spy on our forces, collect data, transmit data, what does ASAT do? What does this satellite do? It disables. It disables that satellite and keeps that enemy from collecting that information.

Why would anyone want to deny the United States of America the capability to do that? It baffles me. I cannot understand it. Every year, year after year, we have to take the same position—for 6 years I have done it—defending this system, while those in this Congress and some in the administration try to kill it, try to kill the capability of the United States to take out a satellite that could destroy American forces.

Some say, "Well, nobody out there has any capability for satellites. What do we need ASAT for?" According to the U.S. Space Command, Argentina, Australia, Brazil, Canada, China, the Czech Republic, France, Germany, Great Britain, India, Indonesia, Iran, Israel, Italy, Japan, Korea, Luxembourg, Malaysia, Mexico, Norway, Pakistan, Portugal, Russia, Saudi Arabia, South Africa, Spain, Sweden, Thailand, Turkey, and Ukraine, to name 30. They do not have any capability? It is out there, folks.

You say some of those are friendly countries. That is right, and they sell this technology and there are a lot of people out there buying it.

"Why not just jam them?" they say. We do not have the capability to do that.

A U.S. antisatellite capability—and this is a very important point, I cannot emphasize this strongly enough to my colleagues—is a disincentive for a potential adversary to spend their resources on military satellites. A U.S. kinetic energy ASAT could help constrain the proliferation of such systems. Why would somebody want to spend hundreds of millions of dollars to develop satellites to put in space to spy on us or to use to collect data against our forces if they know we can disable them or disarm them? The chances are they will not. Yet, here we are, here we are, saying, "Let's kill the program."

Russia leads the world in space launches of military satellites.

Ukraine is building a series of radar satellites.

China is launching military recon satellites and have been doing it for 20 years. They are selling space launches and satellite technology all over the world.

United Arab Emirates reportedly has ordered a military reconnaissance satellite from a consortium of Russian firms.

On and on and on, and yet we stand here on the floor today having to defend attacks on us, those who support this system. I have had enough of it, Mr. President, to be very blunt about it. I have had enough of it. I am tired of it. I think it is outrageous that people come down on this floor and put our forces at risk to try to kill the technology that works, that protects us.

Let me repeat, had Saddam Hussein had the capability, had he had these satellites, we would have lost thousands of Americans because we could not have disabled them. We have the technology. It works. Why are we not using it?

It does not make any sense, Mr. President, not to continue this technology. This technology was designed, developed, manufactured, and integrated under the Kinetic Energy ASAT Demonstration Validation Program from 1990 to 1993 and ground tested, and it works. Here we are having to defend it from these attacks.

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

The PRESIDING OFFICER. The Senator has 7 minutes 30 seconds remaining.

Mr. SMITH. The distinguished chairman, Senator THURMOND, has asked for a little of my time, so I will just conclude by saying, if we lose this vote and lose this technology and end this technology, ASAT, it, in my opinion, will be a direct threat to the thousands of American men and women all over the world who wear the uniforms of the Armed Forces of the United States.

It is an unprecedented erosion of our constitutional prerogative. When we take the oath to the Constitution, we take an oath to protect and defend America. This protects and defends America. I have been hearing a lot of this talk. I have heard some of it already, and we will hear a lot more, about how we are going to do this stuff with lasers, disable all these satellites with laser technology, that that is the thing of the future. It might be, but it is not here yet. What are we going to do here in between?

For those who might not care about the military application—or maybe you care about space junk—kinetic energy ASAT disables satellites. It does not break them up into hundreds of pieces and create space junk. It disables them. It is a very important point.

I would think the Senate would want to think long and hard before ending this technology because this amendment will do that. That is what it is designed to do.

There will be another amendment coming to cut the funding off just in case this one does not work. We face that every year.

I want to conclude on this point, Mr. President. I have been on the Armed

Services Committee here in the U.S. Senate under Democrat and Republican leadership. We have fought this fight every year. And Democrats, when they were in the majority, were some of the strongest supporters on that committee of this program.

This is not a Republican-Democrat issue here. This is a national security issue. It deserves to be supported. Why some in the administration have taken the position that it ought not to be, and some in the Senate, I do not know. But I know this is dangerous. This is a dangerous amendment. I do not say that about very many amendments on this floor. This is a dangerous amendment. This could cost American lives, and not too far in the distant future either. This could be very close in the immediate future. This could cost American lives.

We have the technology to disable satellites. We ought to use it. It is proven. We have expended roughly two-thirds of the money. It is in place. The military supports it. And those policymakers who do not are ill-advised. They are wrong. They are absolutely wrong. We have an obligation to stand up and be heard on this, when these kinds of things happen.

So I am proud to say, Mr. President, that I support this program, not for any parochial reasons, but for national security reasons. I am standing here on the floor today because this system works. It is necessary for the security of the United States of America. It protects American lives. It ought to be funded fully. It ought not to be in any way diminished.

So I ask my colleagues, please, do not fall for this faulty line, this false information, and to support kinetic energy ASAT.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from South Carolina has 3 minutes, 20 seconds.

Mr. THURMOND. Mr. President, first, I want to commend the able Senator from New Hampshire for the excellent remarks he has made on this subject. He has made a very emphatic case for our side. I am very proud that he has done that today.

Mr. President. I rise in opposition to the amendment offered by the Senator from New Mexico. A similar variation of the amendment was offered in the committee during markup and it was not accepted.

The Congress has authorized and/or appropriated funds for the kinetic energy antisatellite technology program since 1985. For the past 3 years the administration has not complied with the law and obligated the funds for the program. Every year, as a result, we have to take actions to force the Department to comply with legislation to compel them to obligate the funds for this particular program.

Mr. President, the Under Secretary of Defense for Space, Bob Davis, has stated on many occasions that there is a need to develop systems to counter the space threat. The Congress has supported the kinetic energy antisatellite technologies for that purposes, as well as other technologies which are not ready for production or are years away from deployment. The KE-ASAT program is the only near-term program to meet a potential enemy satellite threat.

The U.S military relies on space for surveillance, communications, navigation, and attack warning. It is important for the United States to ensure its freedom to use space. If our adversaries achieve the ability to control space and the United States does not have the capability to turn this around, we will lose our military advantage.

Mr. President, I, again, oppose the amendment offered by the Senator from New Mexico and I urge my colleagues to vote against it.

Mr. President, I ask unanimous consent that a memorandum for Robert T. Howard, Deputy Assistant Secretary of the Army for Budget by Jay M. Garner, Lieutenant General, USA, commanding, be printed in the RECORD.

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

DEPARTMENT OF THE ARMY,
SPACE AND STRATEGIC DEFENSE COMMAND,
Arlington, VA, January 3, 1996.

Memorandum for MG Robert T. Howard, Deputy Assistant Secretary of the Army for Budget.

Subject: Kinetic Energy Anti-Satellite (ASAT) Technology Funding Reduction.

1. USASSDC nonconcurs with action proposed by Program Budget Decision 719, which rescinds $30M from the ASAT program in support of the Bosnia Supplemental. USASSDC believes kinetic energy technology will prove to be a vital capability for the future. In addition, the kill vehicle currently being tested may have applicability to other programs.

2. The total KE ASAT technology program encompasses four years (FY96–99) at a cost of $180M, which includes the $30M currently being considered for rescission. The program is structured to develop incremental technology improvements (and possible insertion into other programs), necessary kill vehicle and booster procurements, and testing. For example, in FY96, weapon control system integration, software upgrades, and kill vehicle refurbishment will be accomplished in support of a planned hover test. This hover test, along with kill vehicle qualification testing and hardware in the loop simulation planned for FY97 will facilitate full up flight tests during FY98. As in the past, we expect continued Congressional funding and support of this program to not affect Army's research and development account, or overall total obligation authority (TOA). Based on this level of funding a contingency deployment capability will be achieved by FY99.

3. The current contract with Rockwell will terminate on January 31, 1996. If allowed to do so, ASAT contingency capability will be delayed by a minimum of one year depending on when funding is made available.

4. Point of contact for this action is LTC Robert M. Shell at (703) 607–1934.

JAY M. GARNER,
Lieutenant General,
USA, Commanding.

Mr. LEVIN. Mr. President, I rise in support of the Bingaman amendment on ASAT programs. His amendment would simply remove two very onerous provisions from the bill and permit the Department of Defense "Space Architect" to complete a study we have required, and determine which anti-satellite technologies are most appropriate for the U.S. military.

His amendment would not kill the ASAT Program, as its opponents have charged. In fact, his amendment would leave in place $75 million for U.S. ASAT programs, which was added by the committee majority, for the ASAT Program. This is funding the administration did not request, but which was added by the majority.

I believe it would be appropriate to eliminate the funding as well as the two provisions in the bill, because I do not believe there is a need to fund this ASAT Program. But this amendment by Senator BINGAMAN is a compromise that would leave in place all the funding added by the Committee majority, but strip out the two provisions that were in the bill. It would leave the Department of Defense the option of pursuing the kinetic energy ASAT Program if it is considered appropriate technology. But the bill mandates that the Pentagon choose the KE ASAT, without even knowing the results of the current study being conducted by the "Space Architect."

So the amendment offered by Senator BINGAMAN is a very reasonable compromise that leaves open all ASAT options while keeping $75 million that was not even requested by the Administration. Although I do not believe that this funding is justified, I think the underlying provisions in the bill are totally unjustified and should be rejected by the Senate.

I urge my colleagues to vote in favor of the Bingaman amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. At this time, not to interrupt the debate, I would like, if the Senator from New Mexico is finished, to move the amendment, or at least ask for the yeas and nays. Let me just ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

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

Mr. BINGAMAN. Mr. President, I did want to conclude my debate.

The PRESIDING OFFICER. The motion to table is not in order at this point.

Mr. SMITH. I will withhold.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico controls 10 minutes, 52 seconds.

AMENDMENT NO. 4058, AS MODIFIED

Mr. BINGAMAN. Mr. President, first, I am informed by the floor staff that I need to send a modification to the desk. It is a technical modification to make it clear as to which page and which line is being proposed for striking in this amendment. I send that modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

Beginning on page 33, strike out line 3 and all that follows through page 34, line 2, and insert in lieu thereof the following:

SEC. 212. SPACE CONTROL ARCHITECTURE STUDY.

(a) REQUIRED CONSIDERATION OF KINETIC ENERGY TACTICAL ANTISATELLITE PROGRAM.—The Department of Defense Space Architect shall evaluate the potential cost and effectiveness of the inclusion of the kinetic energy tactical antisatellite program of the Department of Defense as a specific element of the space control architecture which the Space Architect is developing for the Secretary of Defense.

(b) CONGRESSIONAL NOTIFICATION OF ANY DETERMINATION OF INAPPROPRIATENESS OF PROGRAM FOR ARCHITECTURE.—(1) If at any point in the development of the space control architecture the Space Architect determines that the kinetic energy tactical antisatellite program is not appropriate for incorporation into the space control architecture under development, the Space Architect shall immediately notify the congressional defense committees of such determination.

(2) Within 60 days after submitting a notification of a determination under paragraph (1), the Space Architect shall submit to the congressional defense committees a detailed report setting forth the specific reasons for, and analytical findings supporting, the determination.

(c) REPORT ON APPROVED ARCHITECTURE.—Not later than March 31, 1997, the Secretary, of Defense shall submit to the congressional defense committees a report on the space control architecture approved by the Secretary. The report shall include the following:

(1) An assessment of the potential threats posed to deployed United States military forces by the proliferation of foreign military and commercial space assets.

(2) The Secretary's recommendations for development and deployment of space control capabilities to counter such threats.

(d) FUNDING.—(1) The Secretary of Defense shall release to the kinetic energy tactical antisatellite program manager the funds appropriated in fiscal year 1996 for the kinetic energy tactical antisatellite program. The Secretary may withdraw unobligated balances of such funds from the program manager only if—

(A) the Space Architect makes a determination described in subsection (b)(1); or

(B) a report submitted by the Secretary pursuant to subsection (c) includes a recommendation not to pursue such a program.

(2) Not later than April 1, 1997, the Secretary of Defense shall release to the kinetic energy tactical antisatellite program manager any funds appropriated for fiscal year 1997 for a kinetic energy tactical antisatellite program pursuant to section 221(a) unless—

(A) the Space Architect has by such date submitted a notification pursuant to subsection (b); or

(B) a report submitted by the Secretary pursuant to subsection (c) includes a recommendation not to pursue such a program.

Beginning on page 42, strike out line 15 and all that follows through page 43, line 9

Mr. BINGAMAN. Mr. President, let me just respond briefly. I do not think I will take the full 10 minutes. The Senator from New Hampshire says that this amendment that I have offered is an effort to kill the ASAT Program. That is clearly not true. There is nothing in the amendment that I have offered which in any way tries to delete or reduce or diminish funding for an ASAT Program. I made it very clear that I support that funding. The funding remains in the bill.

The Senator from New Hampshire is saying that the Pentagon is trying to kill its own ASAT capability. I have real trouble understanding that logic or believing that that is a credible line of argument.

The real question we are trying to pose here, Mr. President, is, should we allow the Pentagon to come forward with their own recommendation on what makes the most sense, what is the best option for an ASAT capability, or should we prejudge that?

I remember a story that I heard when I was in school about how Henry Ford used to say, "You can have any color of Model-T Ford that you want as long as it's black." What we are saying here in the existing bill to the Pentagon is, "You can pursue any option you want to obtain ASAT capability as long as you take the one we want you to take." That is not a smart way for us to proceed. We do not have the technical capability here in the U.S. Senate to prejudge this study that the Pentagon is engaged in.

My colleague from New Hampshire says that the military supports this kinetic energy ASAT capability; they want to go ahead and fund it. If that is true, then why do we have to mandate in the bill that they have to fund it? Why do we have to mandate in the bill that they cannot spend any money for these other purposes unless they fund it, unless they choose that option?

I think clearly what the majority in the committee is trying to do in this bill is to take away the options of the Pentagon and say the Pentagon has to fight the way we say or else we will impose sanctions upon them.

My colleague from New Hampshire says that anyone who would support this amendment, the amendment I have offered, is trying to put our forces at risk. Why is it putting our forces at risk to let the Pentagon decide what makes the most sense, what is the most effective for protecting our forces? I have real difficulty understanding that kind of logic.

Mr. President, the amendment that I have offered is not an effort to kill the ASAT Program. It is not an effort to reduce funding for the ASAT Program. There is nothing in the amendment that does either of those things. What it says is, let us give them the money, let us give them the ability to come back and recommend to us the proper use of that money to gain the greatest capability for protecting our own forces. To me that is common sense. I have great difficulty seeing why we even have to argue about it.

I am reminded, as I hear the debate raging around here, that when I was practicing law, a more senior member of the bar early on in some of the trial practice I engaged in said there is a simple rule in trying a lawsuit. When the facts are on your side, pound away at the facts; when the law is on your side, pound away at the law; when neither are on your side, pound away at the table. That is what is happening here. Neither the facts nor the law nor common sense are on the side of those who put this provision in the bill.

We clearly should delete this provision. Let the Pentagon make its own recommendations as to what option is best for our troops. That is what I favor doing. I urge my colleagues to support the amendment. I yield the floor.

Mr. THURMOND. I yield the remainder of the time to the able Senator from New Hampshire, and I ask unanimous consent that 2 additional minutes be allowed the Senator from New Hampshire.

Mr. BINGAMAN. Mr. President, I have no objection to an additional 2 minutes, but I would like 2 minutes on my side.

Mr. THURMOND. I have no objection.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered. The Senator from New Hampshire is recognized for up to 2 minutes and 58 seconds.

Mr. SMITH. I will respond to my friend from New Mexico. We worked very closely together on the Acquisition and Technology Subcommittee. I will not pound the table. I am not even going to raise my voice. The truth of the matter—and the Senator knows this full well—the administration did not request any funding in their budget for the ASAT Program.

Unless I am missing something in the logic here—I do not believe I am; maybe the Senator would like me to miss it and would like others to miss it—unless I misunderstand something, if the administration does not request it and the policy folks do not want it, if we send it back to the space architect, who is a policy person, to study

it, you can pretty well conclude what the results will be. They will not fund it.

When I say this is a deliberate attempt to kill the Kinetic Energy ASAT Program, I mean what I say. It is true. It will kill it. The other thing that we need to understand here, the Army supports the Kinetic Energy ASAT Program. They objected to the rescission list. They objected to this being listed as a rescission item. They did not win the debate. The policy people won.

The Senator's amendment sends this back to the space architect. He will study it diligently over the next few weeks, months, whatever it takes, and then announce that we do not need it, and kill it. This is not an objective decision here. This person was not objective. This person made up his mind already. He does not want it. If he wanted it, he would have funded the remainder of it, which has already been—as we said earlier, we have already expended $245 million on this program, and we have already proven that it works, and we already have the technology in place. All we are asking for is the completion. That is the reason why this is a killer amendment.

We should not be cute about the process here. When somebody opposes something, you give it back to them to make the decision, you can pretty well guess what the decision is going to be. That is a little bit disingenuous. They did not fund it. The administration does not want this program. The administration is getting quite a reputation around here for not expending moneys that we have appropriated and authorized. They are getting pretty good at it, and they are doing it without legislation. They are just doing it. They are just saying, "We do not want this, so even though you authorized it and appropriated it, we are not going to spend it."

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Mexico has 7 minutes 45 seconds.

Mr. BINGAMAN. Mr. President, again I will not take the full 7 minutes, but let me conclude by saying that I think there is clearly a failure to communicate here on this issue.

My colleague from New Hampshire says that the Army wants this program. Looking at the facts: The administration asked for a fairly healthy defense budget; the Armed Services Committee, in the bill that is before the Senate here, added about over $12 billion to that—something in that range. In order to come up with that additional money, we went to each of the services and said, "What is on your wish list? Are there things you would like to have funded that we were not able to fund, or that the President did not request, or that the Pentagon did not request, the Secretary of Defense did not request?" The Army gave us over $2 billion worth of those, more like $3 billion. I am not sure of the exact amount.

Again, there was nothing in there for this ASAT capability. The argument that the Army wants this, they just never want us to give them any money for it, is a hard one for me to understand. I think, clearly, this is not a program I am trying to kill. We are not touching the money. The money has been added here, and we are saying, "Fine, let's go ahead and spend the money for whichever option the Pentagon wants to pursue." But let the Pentagon make the judgment. Do not try to prejudge the right technology in order to develop this ASAT capability. That is all we are saying.

The end of the amendment that I have offered, I think, makes it very clear that not later than April 1, 1997, the Secretary of Defense shall release to the kinetic energy antisatellite program manager any funds appropriated in 1997 for the Kinetic Energy Tactical Antisatellite Program pursuant to section 221(a) unless the space architect has by such date submitted a notification; or a report submitted by the Secretary pursuant to subsection (c) includes a recommendation not to pursue such a program.

What I am trying to do in my amendment is to protect the ability of the Pentagon to use the money in the most effective way. We are not in favor of mandating a result in an ongoing study where they are trying to make a judgment as to what is the best use of this money to protect our own forces.

I have confidence that the Pentagon will make a judgment based on their honest and expert opinion as to what makes sense for the country and for our own forces. I do not think we need to prejudge that. Accordingly, I hope very much that my amendment will be agreed to.

Mr. President, I ask that Senator BUMPERS be added as a cosponsor to my amendment.

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

Mr. BINGAMAN. Mr. President, I have no additional debate.

Mr. THURMOND. Mr. President, I ask unanimous consent upon disposition of the Bingaman amendment, that Senator ASHCROFT and Senator KENNEDY be recognized to speak as in morning business for up to 10 minutes each.

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

Mr. THURMOND. Mr. President, I move to table this 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

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 Arkansas [Mr. BUMPERS] and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. BUMPERS] would vote "no."

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—52

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hatch	Shelby
Chafee	Heflin	Simpson
Coats	Helms	Smith
Cochran	Hutchison	Snowe
Cohen	Inhofe	Specter
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frahm	McCain	

NAYS—46

Akaka	Ford	Lieberman
Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Hatfield	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bryan	Jeffords	Pryor
Byrd	Johnston	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	Wyden
Feingold	Leahy	
Feinstein	Levin	

NOT VOTING—2

Bumpers	Rockefeller

The motion to table the amendment (No. 4058), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Senator FAIRCLOTH is recognized for 10 minutes.

Mr. FAIRCLOTH. I thank the Chair.

(The remarks of Mr. FAIRCLOTH, Mr. KENNEDY, Mr. HEFLIN and Mr. NUNN pertaining to the introduction of S. 1890 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that floor privileges be granted to Randy O'Connor, a defense fellow in my office for the duration of the consideration of the fiscal year 1997 Defense authorization bill.

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

Mr. NUNN. Mr. President, I believe the Senator from Washington would like to be recognized. I think there has been a unanimous-consent request. I believe the Senator from South Carolina will be asking unanimous consent that Senator MURRAY be recognized for the time agreement specified. I believe, also, the Senator needs to ask the amendments be set aside that are now pending.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that the time on the Murray amendment related to abortions in military hospitals be limited to 2 hours equally divided in the usual form, that no amendments be in order, and that following the use or yielding back of time, the Senate proceed to vote on or in relation to the amendment.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, reserving the right to object, I would like to include in the unanimous-consent request, if I might, that I be recognized to offer an amendment immediately upon the disposition of the Murray amendment.

Mr. THURMOND. 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. THURMOND. 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. THURMOND. Mr. President, I suggest we begin debate on this amendment.

The PRESIDING OFFICER. There is a pending unanimous-consent request. Is there objection?

Mr. PRYOR. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THURMOND. Mr. President, I suggest we now proceed to debate.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, can I inquire, has the Senator from Washington been recognized to offer her amendment?

The PRESIDING OFFICER. Not at this point. There was an objection to the unanimous-consent request.

Mr. COATS. But that would not prevent the Senator from going ahead and offering her amendment; there would just not be a time constraint?

The PRESIDING OFFICER. That is correct.

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

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

Mr. NUNN. Mr. President, if the Senator from South Carolina propounds the unanimous-consent request, I believe it will be agreed to now. I know the Senator from Arkansas first would like to make his position clear, and perhaps if he is recognized at this point for that, he can make his brief statement and then the Senator from South Carolina can propound the unanimous=consent request, and I believe it will be agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the distinguished ranking member of the Armed Services Committee for allowing me to make a statement, and I will say to my distinguished chairman of the Armed Services Committee, my statement will be about just one moment, and then we will allow Senator MURRAY to go forward with her amendment.

Mr. President, the amendment that I am going to offer, and it may not be after the disposition of Senator MURRAY's amendment but it may be after the disposition of a subsequent amendment, is the so-called GATT Glaxo amendment. I have been attempting all of this year, during the entirety of 1996, to bring this amendment to the floor, to have it debated and have it voted on. I have asked for 1 hour of debate, 30 minutes on a side, and then let us vote up or down and dispose of this matter to see if we are willing or not willing to correct a massive abuse that we created by mistake in the GATT treaty.

This is allowing one drug firm to prevent other generic firms from coming in and competing fairly in the market. It is also allowing an extra $5 million each day—each day—of profits that we hesitate and fail to correct.

It should be a matter of honor that we correct this matter, and I am going on the Department of Defense bill to continue attempting to find a slot where Senator BROWN, Senator CHAFEE, and the Senator from Arkansas, Senator PRYOR, may offer this amendment and have the U.S. Senate go on record, once and for all, as to whether we are willing to correct this abusive flaw created by mistake.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Arkansas for taking the position he has. I will now proceed to make the request.

Mr. President, I ask unanimous consent that the time on the Murray amendment, relating to abortions at military hospitals, be limited to 2 hours, equally divided in the usual form, and that no amendments be in order; and that following the use or yielding back of time, the Senate proceed to vote on, or in relation to, the amendment.

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

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 4059

(Purpose: To repeal the restriction on use of Department of Defense facilities for abortions)

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

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Mr. KENNEDY, Mr. ROBB, Mr. LAUTENBERG, Mr. SIMON, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 4059.

Mrs. MURRAY. 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 end of title VII add the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out "(a) RESTRICTION ON USE OF FUNDS.—".

Mrs. MURRAY. Mr. President, the amendment that I am offering to the fiscal year 1997 Department of Defense authorization bill—and I am offering it on behalf of myself, Senator SNOWE, Senator SIMON, Senator LAUTENBERG, Senator ROBB, Senator MOSELEY-BRAUN and Senator KENNEDY—is very simple. It strikes language adopted in last year's defense authorization and appropriations bills that would prohibit privately funded abortions from being performed at overseas military hospitals. This ban places women stationed overseas in an unsafe and unfair situation and blatantly restricts their constitutional right to choose.

Women in our armed services sacrifice each and every day to serve our country. They should receive our utmost respect, honor, and gratitude. They certainly do not deserve to be told they must check their constitutional rights at the door when they are stationed overseas. My amendment protects their precious rights and ensures their safe access to quality medical services.

Mr. President, let me just say a few things about my amendment to clear away any confusion that may exist.

First, this amendment simply restores previous DOD policy. From 1973 to 1988, a woman stationed overseas was allowed to obtain an abortion if she paid with private, nondefense funds. Likewise, this was DOD policy from 1993 till 1996. This is not some radical new idea. Quite the contrary, in fact. This law was in place for almost two full terms of the Reagan White House.

We have had many debates on the floor of this Senate over the past 2 years about abortion, about Federal funding, about Federal workers, about Medicaid. Let me be very clear, this issue is different. My amendment simply ensures the same rights for women in our armed services enjoyed by every other woman in this country.

This amendment is merely an effort to return us to the policy of the past which protected women stationed in a foreign country from having to seek medical care from inexperienced or inadequately trained personnel. It is dangerous and unnecessary and just plain wrong to put these women, who are serving our country overseas, at risk.

Furthermore, my amendment does not force anyone to perform an abortion at a military facility.

Currently, all departments of the military function under a conscience clause which states that medical personnel do not have to participate in an abortion procedure if they have a religious, moral, or ethical objection.

This amendment preserves that important conscience clause. Most importantly, Mr. President, it deals only with an individual's private funds. The 104th Congress has spent almost 2 years trying to return flexibility and authority to States. But under the fiscal year 1996 DOD bill, we have a fundamental inconsistency. We have a problem telling our States how to spend their money, but women in our own military are not afforded that privilege.

Mr. President, I remind my colleagues that a woman stationed overseas does not always have the luxury of access to safe and quality medical care other than at the military hospital on her base. It is dangerous to force her to seek medical care in the local area. We are sending our women in uniform to the foreign back alley. And that is wrong.

My amendment seeks to prevent our women in uniform from having to make a very difficult and potentially dangerous, life-threatening choice. My amendment seeks to restore our women in uniform, women stationed overseas, a right they have had for most of the last 23 years. My amendment seeks to protect the constitutional rights of our women in uniform. They sacrifice every day for every single one of us, and we owe them that much. I urge my colleagues to vote for this amendment. I withhold the balance of my time.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Indiana.

Mr. COATS. Mr. President, in response to the Senator from Washington and the amendment that was just offered, it is true this is not some radical new idea. This is an issue that has been debated by this body on a number of occasions over the past several years.

Since 1979, the Department of Defense has had a policy of prohibiting the use of Federal funds to perform abortions except where the life of the mother would be in danger if the fetus were carried to term. The bill before us today carries that ban, which was enacted in last year's authorization bill, and it incorporates also the exceptions for rape and incest.

What the Congress has always debated are the two separate questions, both of which are legitimate questions and both of which need to be debated. The separate questions are, one, whether or not a legislative body ought to intervene in the decisions made in Roe versus Wade by the Supreme Court and enact restrictions or a constitutional amendment on the issue of abortion. The second issue, however, is a separate issue. That is whether or not a taxpayer ought to be coerced into supporting something that goes against his or her moral conscience or moral beliefs.

So in 1979, Congressman HYDE introduced the Hyde amendment, which essentially said that taxpayers' funds would not be used in support of abortion.

The amendment offered by the Senator from Washington attempts to address the situation as it applies only to military personnel and their dependents, under the argument that many of these individuals are deployed overseas and may find themselves in situations where performance of an abortion is either banned by the laws of that country or there are situations which are not of the quality or safety that women would seek.

But it ignores the fact that the Department of Defense has had in place a policy which allows women the opportunity to seek an abortion with their own funds at essentially a hospital of their choice. The Department of Defense makes military transportation available to these women.

What we are really dealing with here is the question of whether or not Federal funds should be used in the performance of abortions. It is also important to note that during the time that the policy prohibiting the use of Federal funds to perform abortions in military facilities, during the time that that policy has been in effect, there has been no difficulty in implementing the policy, there have been no formal complaints filed concerning the policy, there have been no legal challenges instituted concerning this policy, and no members of the military or their dependents have been denied access to an abortion as a result of the policy.

So it is simply not accurate to say that the policy currently in effect places women in an unfair situation and, to quote the Senator from Washington, "blatantly restricts their constitutional rights." This does not restrict the constitutional rights of women at all. Let me repeat that. This policy currently in effect does not restrict the constitutional rights of any woman in the service, or her dependents. That woman has full access to an abortion, to a legal abortion under the law. I do not condone that. I do not support that. But that is not the issue we are arguing.

The issue that we will be voting on is not whether you are pro-choice or pro-life. It is not whether you think a woman ought to have the right to choose. Military women have the right to choose. No one is denying their opportunity to have an abortion.

We are simply saying that the use of Federal facilities which are paid for, operated by the use of Federal funds, is violative of a policy that the Congress has adopted on numerous occasions, described as the Hyde amendment, which says that essentially no Federal funds will be used for the performance of abortions except in certain cases, life of the mother, and more recently life of the mother if the fetus were carried to term or in the cases of rape or incest.

There have been no recorded or official complaints, not only for women in uniform being denied access to an abortion, but their dependents being denied access to military transport for the purpose of procuring an abortion.

This, I believe, was a sound and a fair policy. It worked. If it had not worked, there would have been complaints filed, there would have been challenges issued concerning the policy, there would have been military personnel or their dependents denied access. That was not the case.

It remained in place until 1993 when President Clinton issued an Executive order reversing it. Under the Clinton policy, defense facilities were used for the first time in 14 years, not to defend life, but to take life, and to do so with taxpayer funds.

Last year the House and the Senate reversed that policy when we voted to override the President and make permanent the ban on the use of Department of Defense medical facilities to perform abortions except in the case of rape, incest or to save the life of the mother. So today we are faced again with this issue, because this amendment would strike that ban and reinstate the former Clinton policy regarding military facilities.

Supporters of the Murray amendment will argue that this policy does not involve the use of taxpayer funds since women are required to pay for

these abortions. But to maintain that fiction is simply to misunderstand the nature of military medicine. Unlike other medical facilities, military clinics and hospitals receive 100 percent of their funds from Federal taxpayers. Physicians in the military are Government employees, paid entirely by tax revenues. All of the operational and administrative expenses of military medicine are paid by taxpayers. All of the equipment used to perform the abortions are purchased at taxpayer expense.

So that is the issue that is before us. Are we going to require the taxpayers of America, whose fundamental religious beliefs or whose moral beliefs or values are such that they do not approve of the use of their tax dollars for the Government providing an abortion, to fund abortions?

It is true that the payment for this abortion will be made by the person seeking the abortion and not the taxpayer. But it is not true that taxpayers' funds are, therefore, not used in the procedure, because the procedure is being performed by employees whose entire salary is paid by the taxpayer, in a facility whose entire cost of construction is paid for by the taxpayer, whose entire operating costs are paid by the taxpayer, and which equipment used in the procedure is purchased at taxpayer expense.

It is therefore impossible to imagine that taxpayer money can be preserved from entanglement of abortion in military medicine. Any attempt to do so would present an accounting nightmare, according to the Defense Department's own analysis. The only way to protect the integrity of taxpayer funds is to keep the military out of the abortion business. We must not take money from citizens and use it to vandalize their moral values.

Mr. President, I suggest the Murray amendment is a solution in search of a problem. No problem has been identified. When the prohibition was in place, no one was denied access to an abortion.

I repeat that for my colleagues to consider: When this policy was in place banning the use of military facilities to provide abortions, no one was denied access to an abortion. If safe, acceptable facilities for elective abortion were not available to military women based on where they were stationed or living, these women were permitted to use military transport, for whatever reason they chose, to go wherever they wanted to go to have that abortion.

Supporters of the Murray amendment have argued that in the past, women in the military have been stripped of their rights, but not a single case has been filed challenging this policy. The bottom line is that the need for the legislation or the President's policy has not been proven.

Therefore, I urge my colleagues to reject this amendment, to retain the present policy as enacted last year in the House-Senate conference, and now as part of current law, to retain that policy, because that policy makes imminent sense. To repeal that would violate what this Congress has adopted as policy many, many times over. That is, the intermingling of taxpayer funds for the provision of abortion.

I reserve the balance of my time. I yield the floor.

Mrs. MURRAY. I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want the Senate to support the amendment offered by Senator MURRAY to ensure that women in the armed services serving overseas can exercise their constitutional right to choose safe abortion services. It does not require the Department of Defense to pay for abortions. But it repeals the current ban on privately funded abortions at U.S. military facilities overseas. Our servicewomen should not lose their rights granted by the Constitution when they serve the country in foreign lands.

This is an issue of fairness to the women who make significant sacrifices to serve our nation. They go to military bases around the world to protect our freedoms, but when they get there, they are denied access to the kind of medical care available to all women in the United States. Military women should be able to depend on their base hospitals for all their medical services. This amendment gives them access to the same range and quality of health care services that they could obtain in the United States.

In many countries where our forces serve, that quality of care is not available. Without adequate care, an abortion can be a life-threatening or permanently disabling operation. In some countries, the blood supply may pose an unacceptable health risk for military personnel.

We have a responsibility to provide safe options for U.S. servicewomen in these situations. Those who oppose this amendment are exposing servicewomen to substantial risks of infection, illness, infertility, or even death. We can easily avoid such risks by making the health facilities at overseas bases available, and it is irresponsible not to do so.

In addition to the health risks of the current policy, there is a significant financial penalty on servicewomen and their families. Round-trip travel costs for a woman stationed at our Air Base in Turkey to travel privately back to Washington for an abortion totals over $2,500 and that figure does not include the cost of the medical procedure. For a young enlisted woman whose pretax monthly income is about $1,400, that cost is a significant financial hardship that women serving in the United States do not have to bear.

If the enlisted woman does not have the financial means to travel privately to the United States, she could face significant delays waiting for space available military transportation. The health risks increase with each week. If the delays are too long, the servicewoman may well be forced to rely on questionable facilities in the country where she is stationed. For all practical purposes, she is being denied her right to choose.

The decision on abortion is very difficult and extremely personal. It is unfair and unreasonable to make this decision so dangerous for women who serve our country overseas.

Every woman in America has a constitutional right to choose to terminate her pregnancy. It is time for Congress to stop denying this right to military women serving overseas and to stop treating them as second-class citizens. I urge the Senate to support the Murray amendment.

Mr. President, I find it very difficult to follow the logic of those individuals who oppose abortions at overseas Government-supported medical facilities because tax payers' dollars are involved, and yet somehow distinguish that from the Government-supported air transportation required to fly individuals back to the United States to obtain abortion services. Who in the world pays for the air transportation, the aircraft, and the personnel that fly the aircraft?

The issue ought to be what is the best in terms of the health care for that individual. We insist on that for our military personnel. They are entitled to it—the very, very best. We are committed to make sure they get the best.

Why should we be able to say we are going to provide quality health care services with this one exception, with this one area, where a woman is going to have to roll the dice and take her chances, based upon availability of flights, based upon the particular location where the woman is stationed? Are we going to effectively wash our hands of any kind of responsibility? It makes no sense. It is cruel. It is inhumane. It is failing to meet the health care needs of military personnel. We should not be able to say we will provide the best in health care with the exception of this one procedure.

I think the amendment is commendable. I congratulate the Senator from Washington for offering it. I hope the amendment is carried.

Mrs. MURRAY. Mr. President, I ask the Senator from Maine how much time she desires.

Ms. SNOWE. I would like 5 minutes.

Mrs. MURRAY. I yield 5 minutes to the Senator from Maine.

Ms. SNOWE. Mr. President, I rise in support of the amendment offered by Senator MURRAY to repeal the ban on abortions in overseas military hospitals. I am very pleased to cosponsor this amendment as well.

In listening to the debate here this afternoon, I cannot help but think "here we go again" on this issue, on a woman's personal right to choose. We have this debate year in and year out. Congress revisits this issue of reproductive freedom by seeking to restrict, limit, and eliminate a woman's right to choose.

This ban on abortion in overseas military facilities, reinstated last year, represented just more of the same. I point out these efforts to turn back the clock on a woman's reproductive rights will never erase the fact that the highest court in the land reaffirmed a woman's basic and fundamental right to a safe and legal abortion time after time, again and again, in decision after decision.

Last year's successful effort to reinstate that ban was another frontal assault on the principle of reproductive freedom and the dignity of women's lives. We all know that this ban denies the right to choose for female military personnel and dependents. It denies those women who have voluntarily decided to serve our country in the Armed Forces safe and legal medical care, simply because they were assigned to duty in other countries.

What kind of reward is that? Why does this Congress want to punish those women who so bravely serve our country overseas by denying them the rights that are guaranteed to all Americans under the Constitution?

It did not occur to me that women's constitutional rights were territorial. It did not occur to me that when American women in our Armed Forces get visas and passports stamped when they go abroad, they are supposed to leave their fundamental constitutional rights at the proverbial door.

I think it is regrettable that in this debate we are talking about denying women their rights because they are serving in our military in overseas facilities. We are denying them their option to have a safe and legal medical procedure because they happen to be working for this country overseas. The taxpayers are not required to pay for this procedure. This procedure is paid for by the woman's personal fund. That is the way it was, under the law, between 1979 and 1988. And as we know, at that time, in 1988, the policy was reversed. It was reinstated to lift the ban in 1993.

I, frankly, cannot understand why we are suggesting that there should be a two-tiered policy for women if they happen to serve in the military overseas. We are saying, by virtue of that fact, you will not have the same medical care in this legal procedure that is recognized under the law in this country, and has been reaffirmed time and again by the highest court in the land.

Military personnel stationed overseas still vote, they pay taxes, they are protected and, as well, are punished under U.S. law. Whether we agree about the issue of abortion, or not, we do not have the right to deny them their right to have access to a legal and safe medical procedure. What we are saying is that this ban, basically, forces women to put their health at risk. They will be forced to seek out unsafe medical care in countries where the blood supply is not safe, in many instances, where the procedures are antiquated, where their equipment may not be sterile. I do not believe it is appropriate, nor right, to force our military personnel to make additional sacrifices beyond the ones they are already making in serving their country.

Now, we are not saying that we should force any medical personnel to perform this procedure. There is a conscience clause for all three services in the Armed Forces. No one is required to perform this procedure. If they have a moral, religious, or ethical objection to abortion, they do not have to participate in this procedure. I think we all think that is reasonable. But what is unreasonable is saying to women: Sorry, we are not going to allow you to have the same medical rights if you serve in the military because you happen to be overseas. I do not see anything reasonable about that standard. It is unfair, and it is dangerous.

Last year, the New York Times, I think, expressed the bottom line on this ban when they said in an editorial: "They can fight for their country, they can die for their country, but they cannot get access to a full range of medical services when their country stations them overseas."

I really think that this becomes an extreme policy. It puts women in a crisis position, and we in this Chamber have to stand up and say enough is enough. Unfortunately, someday, it may be too late when we finally do.

So I hope that the Members of this Senate will support the amendment that has been offered by Senator MURRAY from Washington, because it is an appropriate, reasonable approach to a very difficult issue. I do not think that we want to be in a position of requiring women who serve in our military to be subjected to or be victim to unsafe medical procedures because we happen to differ with that procedure. This is their money, and it is their right to make this decision. It is a procedure recognized by the law of this country and by the Supreme Court. We owe it to them to have the right to make that decision and, obviously, they are going to pay for it. And now we are saying that we are sorry, we are going to deny them this option under very difficult circumstances.

There are not many options available to a woman stationed overseas, who has to make this very difficult and personal decision to terminate a pregnancy. So I hope that we will consider this in the proper context. It is her right to make that decision under the law of this land. That should apply to them when they are serving this country overseas.

I yield the floor, Mr. President.

Ms. MOSELEY-BRAUN. Mr. President, I rise today to join Senators MURRAY and SNOWE in offering an amendment to repeal the restrictions barring American women serving overseas from accessing abortion services in military hospitals.

This amendment simply grants women who have volunteered to serve and protect their country the same rights as every other American woman. This amendment allows them to pay their own funds to access medical care at a military hospital if they choose to terminate a pregnancy. This amendment allows women serving this country to avoid increasing military expenses by having to leave the host country to travel to the United States to seek medical care that is available in a nearby military medical facility.

Women in the military are fighting to protect the constitution of the United States. We should not deny these women their constitutional rights, rights enjoyed in every State in the Union. The right to choose to have an abortion is protected by our Constitution.

It would be unconscionable to force women serving overseas to seek the services of hospitals in host countries. We have no way of ensuring that these hospitals have sufficiently trained employees, standards of sanitation comparable to those in America, or adequate facilities. Our military hospitals maintain world class facilities.

Before 1974, hundreds of women died or suffered terribly because they had abortions outside of proper medical facilities. Women serving this country should not face that prospect again.

One of the reasons we have military hospitals is to ensure that our military personnel get the best medical treatment possible. Women serving overseas have already volunteered to risk their lives in order to protect this country. We cannot place an additional and senseless risk upon them by turning them away from military medical care.

This ban also affects women who are not even in the military themselves. Wives of military personnel also utilize military hospitals overseas. These women have sacrificed in order to move overseas to keep their families intact. Denying their access to quality care if they choose to terminate a pregnancy is no way to thank them.

I would like to point out that this amendment in no way forces anyone to abrogate their religious or moral beliefs. All three branches of the military have a "conscience clause" which will remain intact. The clause permits medical personnel who have any objection to abortion to not participate in the procedure.

There was never any Congressional consultation when, in 1988, the Department of Defense issued an administrative order prohibiting women from obtaining abortion services in military facilities overseas. Prior to 1988, women could obtain abortions in military facilities with private funds. President Clinton lifted the ban by Executive Order on January 20, 1993. This amendment merely upholds a policy that is currently in effect and was before 1988 as well.

We are here today to improve the safety of women serving in the military overseas. We are here today to protect wives living overseas with their military husbands. We are here today to uphold what has been confirmed as a constitutional right time and time again since Roe versus Wade in 1974. I urge my colleagues to support this amendment today.

Mrs. FEINSTEIN. Mr. President, I support Senator MURRAY's amendment to repeal the provision of current law that prohibits a woman in the armed services from using her own funds to pay for an abortion in an overseas U.S. military facility. I support this amendment for several reasons.

First, the Supreme Court has clearly established a woman's right to choose. That right is not suspended simply because a woman serves in the U.S. military or is married to a U.S. servicemember.

Second, women based in the United States and using a U.S.-based military facility are not prohibited from using their own funds to pay for an abortion. Having a prohibition on the use of U.S. military facilities overseas creates a double standard, and an undue hardship on women servicemembers stationed overseas.

Third, private facilities may not be readily available in other countries. For example, abortion is illegal in the Philippines. A woman stationed in that country or the spouse of a servicemember would need to fly to the U.S. or to another country—at her own expense—to obtain an abortion. We don't pay our servicemembers enough to assume they can simply jet off to Switzerland for medical treatment.

Fourth, if women do not have access to military facilities or to private facilities in the country they are stationed, they could endanger their own health by the delay involved in getting to a facility or by being forced to seek an abortion by someone other than a licensed physician.

We know from personal experience in this country that when abortion is illegal, desperate women are often forced into unsafe and life-threatening situations in back alleys. If it were your wife, or your daughter, would you want her in the hands of an untrained abortionist on the back streets of Manila or Cordoba, Argentina? Or would you prefer that she have access to medical treatment by a trained physician in a U.S. military facility?

Not only would these women be risking their health and lives under normal conditions, but what if these women are facing complicated or life-threatening pregnancies and are unaware of the seriousness of their condition?

We are asking these women to risk their lives in the service of their country.

Current law does not force any military physician to perform an abortion against his or her will. All branches have a "conscience clause" that permits medical personnel to choose not to perform the procedure. What we are talking about today is providing equal access to military medical facilities, wherever they are located, for a legal procedure paid for with one's own money.

Abortion is legal for American women. U.S. servicemembers would pay with their own funds. To deny them access to medical treatment they can trust is wrong. It's that simple. I urge my colleagues to vote for this amendment.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Murray amendment.

This amendment will repeal the bill's ban on privately funded abortions at military medical facilities overseas.

Let's be very clear what we're talking about here today. It is a very simple question. Are women who are defending our Nation women who sacrifice every day in military service to our country going to be treated as second class citizens when it comes to the health care they receive?

The bill before us answers "yes" to that question. Mr. President, that is simply unacceptable. Our military women are not second-class citizens and we cannot treat them as if they were.

Mr. President, safe and legal access to abortion is the law of the land. It is a matter of simple fairness that our servicewomen, as well as the spouses and dependents of servicemen, be able to exercise that right when they are stationed overseas.

When people enlist in the Armed Services, they do not choose where they are to be stationed. They go where our military decides they are needed. They are often sent to remote locations where the only access to quality, safe medical care is in a military facility.

While they are sent all over the world to defend our freedoms, isn't the very least we owe them the right to exercise the same freedoms they would enjoy if they remained here at home?

By adopting this amendment we will enable military women to exercise their right to reproductive freedom. The amendment does not involve the use of any taxpayer funding. What this amendment will ensure is the right of women to obtain a safe and legal abortion paid for with their own funds. And, of course, under this amendment the conscience clause for military personnel who do not wish to perform abortions would be retained. So no military personnel would be compelled to perform abortions.

Adoption of this amendment will ensure that women in the Armed Services have access to safe medical care. Let's do the right thing. Let's not treat our servicewomen like second-class citizens. They give so much in service to our country. They deserve no less than to be treated fairly by us.

I urge my colleagues to join me in supporting this important amendment.

Mr. BINGAMAN. Mr. President, the language in this bill is an unsupportable effort to take away a fundamental, legal right from women in uniform and female military dependents overseas—the right to use their own funds to obtain a legal abortion.

The amendment we are considering today is simply a return to previous DOD policy that stood for many, many years.

It is, quite simply, about treating these women fairly and equitably, and giving them the same rights that women in this country have.

These women are in service to their country—our country—overseas, protecting our fundamental freedoms.

But this ban would deny them the same freedom that women in this country are granted—the right to safe, legal, and comprehensive reproductive services.

I urge my colleagues to support the Murray-Snowe amendment, and strike this offensive language from the bill. We have no right to ask these women to sacrifice more than they already have in service to their country.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator yield 3 or 4 minutes?

Mrs. MURRAY. I yield 4 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would just like to inquire of the Senator from Washington. If I understand the situation correctly, if a woman were coming back to the United States, by and large she has to ask for leave, does she not, to be able to come back to the United States?

Mrs. MURRAY. Mr. President, it is my understanding that she would have to ask for leave to come back to the United States in order to have the medical procedure take place.

Mr. KENNEDY. It is my understanding that there may have to be reasons stated for the leave, in some circumstances, depending on the particular situation. I would call that sort of a violation of privacy. But in some areas, in some situations, as I understand it, they may very well have to reveal the reasons for that leave. Or if

they were to return to the United States and have the procedure and develop complications and needed more time, they would have to request additional leave time and, more often than not, they would have to indicate their reasons for it.

Now, of course, if a woman made the decision here in the United States and then ran into complications, they would have to justify why they were not meeting military requirements, in any event. But it seems to me that while imposing the requirements for leave, you are also stating, more often than not, as I understand it, that they have to give reasons or a justification, which is a privacy issue. If they run into any complications, there are additional issues both in terms of leave and additional privacy issues. It seems to me that this is another factor that might not make the greatest difference to some individuals. But I would think that adding this kind of emotional trauma that is being experienced through this whole kind of a procedure is particularly unfortunate, and I think probably unfair, certainly, to the women as well. I was just interested in the Senator's understanding about the situation.

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely correct. With the language as it is currently written in the DOD bill, without my amendment, this will force women in the military overseas—in Bosnia, in Turkey, or in many other places—to go to their supervisor and request a leave. Most likely, they would be asked to tell them why, which would be a very difficult situation for many. They would be subject to their supervisor's decision about whether or not they would be granted leave. That would put women in a very awkward and unfair position.

I should add that, if the abortion is delayed, the woman's life becomes more in danger. In many circumstances, that would be delayed if she requested leave. It could be delayed if she traveled to this country. If she is granted leave and traveled to this country, as the Senator has stated, if the complications arise, as they can, she would then be subject to having to go back to that supervisor again and ask for additional leave.

This is an extremely unfair situation. It can be rectified very easily by this amendment that would allow a woman to use her own private money. We are not asking for taxpayer dollars. We are saying that a woman can use her own money to go into the military facility where we have excellent personnel overseas to perform a safe medical procedure.

Mr. KENNEDY. Finally, the point was made here on the floor that the facility will have been built with American taxpayers' money and the doctors are going to be paid their salary with taxpayers' money. Does the Senator not find the distinction between that and having space available on a plane which is paid for by the taxpayers, piloted by the taxpayers—does the Senator find that the logic is failing in those who are opposed to the amendment to say that on the one hand it looks like it is being tax supported and on the other hand it is not? I have been singularly unconvinced about that part of the argument which we have heard time and time again this afternoon. I do not see how that logic holds up to the light of day.

I do not know whether the Senator had some additional insight that might be able to clarify that.

Mrs. MURRAY. I am really glad that the Senator asked about the taxpayers' funds being used to build a military facility. Frankly, I find those arguments very offensive because, as taxpayers in this country, we provide dollars for many facilities across this country. But we have singled out women who are overseas serving us in countries overseas, and have told them that they cannot use their own private dollars to pay for a medical service in those facilities. We pay for many other services in those facilities, but we will not provide an abortion for those women. Yet, the Senator is absolutely correct; she will have to fly back to this country in a military plane paid for by taxpayer dollars. She will eat meals on that plane paid for by taxpayer dollars. All of us use taxpayer dollars when we travel on the roads, when we use our public schools, when we go to our colleges, when we have the police come to our house, or when we have a firetruck come to the House.

Why are we singling out women who need a medical procedure and expanding the use of taxpayers' funds in that terminology? I find that very offensive.

Mr. KENNEDY. Does the Senator find offensive as well the fact that a woman who is in the service is paying taxpayer dollars and others who might want to use those facilities for this purpose are contributors and paying taxes? The last time I checked on it, they were. So here they are paying their fair share of the taxes into it. But in this particular time of medical need there is this arbitrary policy which would deny the best in terms of health care. It is being denied to them.

I thank the Senator. I think she has made a very powerful case, and others have added to it. I hope her position will be sustained.

Mrs. MURRAY. I thank the Senator from Massachusetts. I will add that not only is that woman paying her taxes but she is serving our country overseas. She is serving every single one of us; making us safe here at home. She deserves to have us take care of her when she has a medical need.

Mr. President, I ask unanimous consent to add Senator BINGAMAN and Senator INOUYE as cosponsors to this amendment.

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

Mrs. BOXER. Will the Senator yield?

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

Mrs. MURRAY. I yield for a question to the Senator from Maine.

Ms. SNOWE. I thank the Senator for yielding.

Would the present description of the law place an undue burden on women serving in the military overseas? In 1992, the Supreme Court decision about Planned Parenthood said that Government regulations may not constitute an undue burden on the right to an abortion, and this ban would be an undue burden by placing an obstacle in the path of the woman seeking an abortion.

So would the Senator agree that this certainly would represent an obstacle in the path of a woman making this decision and having access to a safe medical procedure? Because certainly a combination of military regulations and the practical world would mean that someone who needs it, who made this decision, would face lengthy travel, serious delays, expenses, substandard medical options, restricted information, would have to fly home, and certainly in my opinion—I ask the Senator if she would agree—this ban appears to be unconstitutionally burdening the right of a woman to make this decision because it places a number of obstacles in the way of her making that decision and having access to the procedures that are available here in the United States which are legal under the law of the land.

Mrs. MURRAY. I would agree with the Senator. This places many undue obstacles in front of the woman who is serving in the military overseas such as asking through her supervisor for permission to leave. This is not something anyone here has to ask for who is serving here or who is not serving here. It means that a woman would have to fly home—sometimes hours of travel, sometimes weeks of delay in getting a flight out of some of the countries which we are asking our young women to serve in. It means a delay in the medical procedure, and it puts an undue burden on these women which is not faced by any other woman in this country.

Ms. SNOWE. I thank the Senator for answering that question. The bottom line is we are treating these people as second-class citizens if they do not have access to the procedures guaranteed constitutionally under the law of the United States simply because of the Supreme Court ruling.

Mrs. MURRAY. They are not only making a sacrifice, but these are women who are serving our country who are every day working for every single one of us to make our lives safe

here. They should not be treated as second-class citizens. They should be treated as first-class citizens and be given the same right that every woman in this country has and the access to safe medical procedures that they deserve.

I thank the Senator from Maine.

Mrs. BOXER. Will the Senator yield to me?

Mrs. MURRAY. I yield to the Senator from California.

Mrs. BOXER. I thank my friend for her leadership on this. I am so pleased she has raised this issue for the Senate. As we know, this Congress is narrowing women's right to choose. But I think nothing would be more disturbing than what we have before us. As the Senator from Maine pointed out through her questioning and our friend brought out through her answers, these are women who are risking their lives by joining the military; are they not?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. They are risking their lives, just as the men do, to fight for their country, and indeed may die for this country. Why on Earth would this U.S. Senate put their health at risk? That is a major question.

I ask my friend. Is there any case that she knows of where a man is denied a particular medical procedure?

Mrs. MURRAY. I cannot think of any case where a man is denied a medical procedure who is serving in the military overseas.

Mrs. BOXER. I wonder what my friends of the male persuasion from both sides of aisle would be doing on this floor if suddenly it was the case that men could not get help when they were stationed abroad. They would say, "Well, regardless of what it is, we need our men in the military to be there. That is why we are sending them there." Yet, they would treat women in such a way.

I say to my friend, what happens if a woman cannot get on a plane and has to go to a hospital in a country that she is stationed in? I will half answer that. When I went to visit the troops in Saudi Arabia during the Persian Gulf war, I saw the incredible health facilities that they had there for our men and women in uniform. But what if such a woman was in pain, was in a situation where she really needed help, and she went to the facility and was told by a military doctor, "You have to go to a local hospital"? I ask my friend to talk about what that experience might be like in a place like Saudi Arabia where women cannot even drive their cars.

Mrs. MURRAY. The Senator from California brings up an excellent point. The way the current bill is drafted, without my amendment, it simply creates foreign back alleys for our women who are serving overseas—for those of us who were aware before Roe v. Wade, women got abortions in back alleys because they were not provided medical facilities. We have friends who are not able to have babies because of a procedure that was performed in a back alley. I cannot imagine this Senate and this Congress putting our women who serve in uniform overseas at risk as we did women many years ago in this country. It seems to me that is really disturbing—to create foreign back alleys as this current bill does.

Mrs. BOXER. I thank my friend. I say that of all of the issues that we face, where women's rights to choose have been narrowed dramatically—if she is a Federal employee, we know that right is narrowed. She cannot use her insurance. But at least she is in America and she is here. So she will have to make a financial sacrifice, if she exercises that right to choose, which is a legal right.

I think we need to understand what is going on here in this U.S. Senate. There are those who want a constitutional amendment to completely outlaw a woman's right to choose. They want to make it a crime. You know they cannot do it because the people of America do not support that. So what they are doing instead is attacking us—one group at a time; Federal employee women over here one day, poor women over here the next day, and women who live in D.C. the third day. And today it is women who serve in the military overseas. They are the ones who will be subjected to, as my friend says, the foreign back alley. Let me tell you, the back alleys of America were not friendly. I lived in those days. I know those days. If there is anything I can do, and I know the Senator from Maine feels as strongly—this crosses party lines—we will make sure that we never return to the days of the back alley.

I think this is just one more attempt to harm the women of this country, the women who are sacrificing for their country. By supporting Senator MURRAY's amendment, we will go a long way in telling those women we respect they should not have to answer to another set of laws to put their health in jeopardy any more than they are put in jeopardy in the fact they are willing on a daily basis to lay their lives on the line.

I thank my friend. I yield back my time to her.

Mrs. MURRAY. I thank my colleague from California for a very eloquent statement and for her support of this extremely important amendment that sends a message to women who serve our country overseas that they will be treated equal to any other woman who is a citizen in this country today.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Washington has 26½ minutes.

Mrs. MURRAY. And how much time remains on the other side?

The PRESIDING OFFICER. Forty-eight.

Mrs. MURRAY. Mr. President I ask my friend from Indiana if he intends to use any more of his time?

Mr. COATS. I would like to respond to the statements that have been made, but I would tell the Senator from Washington that depending on whether or not she has more speakers on her side, I would be prepared to yield back a substantial amount of time if we could come to agreement on both yielding back time.

I have been approached by some Members who have some conflicts this evening and are looking for a little bit of a window. One Senator on your side asked if it would be possible to yield back some time. So I guess I would inquire of the Senator from Washington what her intentions are in this regard.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

Mr. COATS. Reserving the right to object, Mr. President, I am sorry. The Senator from South Carolina was asking me a question and I did not understand or hear what was propounded.

The PRESIDING OFFICER. The request was for a quorum call, the time to be equally divided.

Mr. COATS. That is fine. And then the Senator is going to check to see what she has on her side and I will do the same, and if we can come to an agreement we will yield back our time. That is acceptable, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. LAUTENBERG. I thank the Chair. I thank my colleague from Washington for giving me some portion of the time to support the Murray-Snowe amendment.

This amendment is so basic that it, frankly, kind of surprises me that we say to people who we have recruited to serve in our military that you leave your constitutional rights on the doorstep; that if you need medical services you are willing to pay for, we are not going to give them to you.

This amendment, as it is presented, will overturn the unreasonable, harsh Republican policy that prohibits servicewomen from obtaining abortion

services in overseas military facilities, once again, even if they are willing out of their own pockets to pay for these health services.

Essentially, the current law that was passed by the Republican Congress forces servicewomen to leave their constitutional rights behind, at the water's edge.

I am familiar, Mr. President, with the struggle to protect constitutional rights of servicewomen. In 1991 and 1992, I led the fight to overturn this policy. I had an amendment pass the Senate twice to overturn this unfair restriction. Unfortunately, President Bush threatened to veto the entire defense appropriations bill over this provision and thus it was dropped in conference. But the 1992 election changed all of this. On the second day of the Clinton administration, President Clinton restored servicewomen's constitutional rights by executive authority.

Tragically, the Republican Congress reversed the Clinton policy. But they are not just reversing a Clinton policy. What they are saying to those individuals, who have every right under the law to make a choice about whether or not they continue a pregnancy, is that they will not be able, practically, to do it; they will not be able to have an abortion if they choose.

I am not promoting abortion. I am saying every woman has a right under our law to make that decision. What they are saying is if you happen to be stationed in a country that prohibits abortion and you want, nevertheless, to have quality service, you are restricted. You can choose to go to a back alley someplace and take the terrible chance that involves, or else you can sometimes be standby on a flight out of that country to a friendlier place. The problem is these flights are often filled and you could wait for months—months that would, perhaps, put a pregnancy into a stage of development that no one would want to see terminated.

So this is a terrible imposition, I think. We are asking people to serve. We are telling them they will be rewarded for their loyal service. We tell them they may undergo danger, they may in fact lose their lives, but they do so on behalf of their country. I salute their bravery and their courage. But I think it would be terrible at the same time to say, if you need a medical service that is available, that you are not going to be able to get it because you are in the military.

So I hope our colleagues in the Senate will look at this realistically and say we are not encouraging any choice for anyone to make that is not totally their own. But we are also saying if you enlist, if you raise your hand, take the oath, promise to serve your country faithfully under virtually any condition, that you do not lose your rights as a woman to make a decision that is available to every other woman in this country.

I yield the floor and hope the Murray-Snowe amendment, a very thoughtful piece of legislation, will be agreed to and will amend what I think is an egregious violation of a right that belongs to every woman in this country, particularly those who join the service.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise to oppose this amendment.

Last year, in both the National Defense Authorization Act and the Defense appropriations bill, the Congress spoke on this issue. Both of these bills included a prohibition on performing abortions in military hospitals and clinics overseas except in cases of rape, incest, and where the life of the mother is at risk. The President signed both of these bills.

Now, Senator MURRAY is proposing that we repeal the law enacted last year. I would suggest that more debate on abortion within the Senate is not going to change any Senator's vote. I hope we can agree to limit the discussion and vote.

I just want to say this. There is a question here whether you are going to have abortions wide open for any purpose, any time, any place, or you are only going to have them in cases of rape, incest, and where the life of the mother is at risk. That is the issue here. I think Senators ought to understand it.

If you want to preserve life except in cases of rape, incest, and where the life of the mother is at risk, then you oppose the amendment of the Senator from Washington. But if you favor wide open abortions, as I said, at any time, any place, for any purpose, then, of course, you support her in this amendment.

Mr. President, I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 1 minute to the Senator from Virginia.

Mr. ROBB. Mr. President, I thank the Chair and thank the distinguished Senator from Washington. I thank her for her leadership on this particular amendment.

This is a matter that we have considered a number of times. We are all familiar with the arguments. I describe my position, not as pro-abortion, but as pro-choice. I believe that abortions ought to be safe, legal, and rare. But I do not think, under any circumstances, that we ought to deprive those people who happen to be stationed overseas from having the same legal and safe medical procedures that are available to those of us here in the United States.

I respect the very significant differences of opinion for ethical, moral, and religious reasons that many hold. This is not asking that the Federal Government provide any funds. It simply is allowing those folks who are stationed overseas to use the facilities.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. I have been discussing with the Senator from Washington the timing here. I have some responses I would like to make to statements that have been made. I do not anticipate that will take more than 10 minutes at the most, probably less. I know the Senator from Washington has indicated an interest in just taking a couple of minutes to wrap up the debate in support of her amendment, at which point, I believe, we would both be ready to go to a vote.

I say that to notify Members, who may be watching the debate who are interested in when we will vote, it appears we will vote earlier than the time originally projected, in terms of the 2-hour debate, maybe as early as the next 10 or 15 minutes. I just say that to alert Members.

I would like to respond to some of the things that have been said relative to the Murray amendment. I sit here somewhat baffled by the remarks that I have heard, because it sounds to me as if a crisis situation exists that is in immediate search of solution, relative to female members of our armed services and their dependents obtaining the right to have an abortion if they so chose. But the problem described and the rhetoric used to describe the situation is totally at odds with the facts of the situation.

The picture that has been painted is a false picture. We are left with the perception, as presented by supporters of the Murray amendment, that we are placing women who serve in our military in extraordinarily dangerous situations; that the policy currently in effect is forcing them into foreign back alleys, that their health and perhaps even their life is in jeopardy if we do not immediately repeal a policy which has been in place for a very substantial period of time and has caused no problems.

There have been no complaints registered by women in the military. There have been no incidents of problems relative to women being unable to have an abortion. There has been no denial of constitutional rights. Yet we keep hearing about these terrible health risks that are being forced on women who serve in our military overseas. Terms were used: The cruel, indecent, inhumane policies; women have been victimized; it is extreme policy. I just wrote down some of the things that were said. "Placing huge obstacles in front of women."

That just simply is not the case, Mr. President. Those are not the facts. If those were the facts of the situation, there might be a basis for at least debating, in seriousness, the Murray amendment.

I would like to quote from a response to a letter that I sent to the Assistant Secretary of Defense to try to ascertain the facts of the case. I asked him several questions. I said:

Has the Department of Defense had any difficulty in implementing the current policy?

That is the policy in effect that basically said military facilities will not be used to perform abortions on the basis of an elective abortion, not an abortion in terms of a need for abortion, but an abortion which is simply elective, a woman wanting an abortion.

Has the Department had any difficulty in implementing the current policy?

Answer: No.

Have any formal complaints been filed concerning this policy, to the best of your knowledge and information?

The answer: No; no formal complaints have been filed.

Have any legal challenges been instituted concerning this policy?

The answer: No.

Have any members or their dependents been denied access to an abortion as a result of this policy?

I think that is a very important point here. I am not sure our colleagues are listening. But the question I posed to the Secretary of Defense is, have any members or their dependents been denied access to an abortion as a result of the policy that the Senator from Washington is seeking to overturn? And the answer was no.

I do not understand what the problem is. There has not been a denial of constitutional rights for women. There has not been a denial of access to abortion for women. The policy has been to enforce a policy that was adopted not just by Republicans but also by Democrats, I will state to my friend from New Jersey, that taxpayers' funds in the performance of abortions should not be used. That is a policy that has been upheld by the Supreme Court, which said simply because someone has a constitutional right to something does not mean the taxpayer has to fund that right.

That case is Harris versus McCray, which basically upheld the Hyde language.

What we are seeking to do here is uphold the Hyde language which has been adopted on numerous occasions by Republicans and Democrats, in both the House and in the Senate, as it applies to use of military facilities which are constructed, operated, paid for, doctors are paid for, equipment is purchased, all with taxpayer money.

Now, if it was a valid argument that we were forcing women into foreign back alleys, I think that is a legitimate question for us to address, because these women are serving in the interest of their country and they are being deployed to places that would not necessarily be a place of their choosing.

But that is not the case, because the Department of Defense will provide transportation back to whatever place that woman wants to go to, and I do not know of anybody who has to wait weeks for that transportation, because I asked that question also of the Assistant Secretary of Defense:

Have any members or their dependents been denied access to military transport for the purpose of procuring an abortion?

The answer is no, none. Nobody has filed a complaint saying they have been denied access. Nobody has raised a question saying they have had to wait weeks. No one has said, "I have been forced into a back alley." They have had the opportunity to seek legal, safe abortions without risk to their health.

If there is a risk to their health in such a way that it endangers their life or potentially endangers their life, or the abortion is as a result of a rape or incest, then that woman can obtain an abortion from a military facility. We do not want to deny them that opportunity in that situation. That is an abortion that is needed.

But an abortion that is just simply wanted, for whatever reason, we are simply saying we do not believe the taxpayers should have to fund an abortion simply because a woman wants an abortion. Now, if that woman wants an abortion and she has the right to get that abortion under the law, we are not denying her that right.

It is just difficult for me to understand the rhetoric that is used by people who say we are taking away the constitutional rights of women.

(Mr. GORTON assumed the chair.)

Mrs. BOXER. Will the Senator yield on that point?

Mr. COATS. I will be happy to yield for questions from the Senator from California.

Mrs. BOXER. I say to my friend, I thank you for yielding.

The issue here is equal treatment under the law, basically. You have a man who has to have a procedure performed that is a legal procedure. No one tells him he has to get on a plane. No one asks him all the details. No one puts him on a plane, takes him out of his duty station, flies him back. I tell you, if you did that to any one of these Senators here who might have been in the military, you would antagonize every man on this Senate floor.

You are not treating a woman who wants to get a medical procedure in the same fashion. You may not like it, my colleague, and I respect your view and others on the Senate floor who I see here who want to take away a woman's right to choose, who want to take women back to the old days, but the point is: How do you justify treating a woman who wants a legal medical procedure different than a man who wants a legal medical procedure?

I see my friend from Pennsylvania smiling about this. He may find it very amusing, but I might just say to my friend——

Mr. COATS. Mr. President, I ask the Senator from California what her question is.

Mrs. BOXER. Yes, I ask my friend, how does he justify treating a woman who wants to get a legal procedure in a different fashion from a man who wants to get a legal medical procedure?

Mr. COATS. Mr. President, in answer to the question of the Senator from California, I state to the Senator from California that there is a whole list of elective procedures that is not covered in military hospitals, not covered by military medicine, depending on the size of the facility, depending on the location of the facility, and, frankly, there are a series of things that are not covered, so men are denied elective procedures in a number of instances.

So it is not a question here of equal treatment under the law, that this is the only medical procedure not allowed to people who serve in the military. We are simply saying, and I think the Senator has not addressed the point, we are simply saying that in the question of the utilization—Mr. President, is the Senator interested in my answer?

Mrs. BOXER. I say to my friend, very seriously, if you look a woman in the eye who decides to exercise her legal right to choose, that she has a certain frame of time in which to make that painful, difficult, personal decision with her God, with her doctor, with her family, you do not put her on a plane. That is not an elective procedure.

My friend can view it a different way, but I seriously question the fact that this is an elective procedure when a woman finds herself in this circumstance.

Mr. COATS. Mr. President, the Senator from California and I, obviously, have a difference of opinion on this. Let me see if I can refocus the debate.

The question here is not over a woman's right to choose. The question is not over whether a woman has the right to an abortion. While the Senator from California and I disagree on the current legal status of that question, the Supreme Court has granted a woman the right to an abortion. That is not the issue that we are debating. That is not what this amendment is about.

This amendment is focused on a fairly narrow question, and that is whether or not taxpayers' dollars ought to be used to provide abortion for women who serve in the military. There would be a problem here in denying a woman's access to abortion and perhaps impeding her constitutional rights if

there were not alternatives available to that particular woman.

But there are alternatives available. And the Department of Defense has made sure those alternatives are available. There is no recorded case in the Department of Defense where there was ever a complaint raised. That is why I said this seems to be a solution in search of a problem. If we had a documented series of a list of problems—

Mrs. MURRAY. Mr. President, will the Senator from Indiana yield for a question? It is only to ask about time.

Mr. COATS. I do not wish to use a whole lot of time. But I was asked a fairly provocative question, and I thought I would give the answer.

Mrs. MURRAY. We want to give our Members a time agreement. How much more time does the Senator need?

Mr. COATS. I am hoping to wrap up very shortly.

But I hope when Members come over here we can separate fact from fiction. I hope Members will look at the facts of the case and make a decision on that basis, rather than look at the fiction that has been provided to us today by proponents of the amendment, because this is not a question of a woman's right to choose. That is a separate question. We can debate that. We are not debating that today, at least I did not think we were debating that today.

The issue here is simply whether or not a woman in the military should use a military facility for an elective abortion, paid for by her funds for the cost of the procedure, but impossible to separate from the use of taxpayer funds in constructing, operating, hiring doctors, purchasing equipment, and the other associated costs with taxpayer funds provided in military hospitals.

The military has no recorded evidence of anybody being denied access, denied transportation, denied the opportunity to get the abortion that they seek. We can deal with the other issue at another time. But to characterize this policy as cruel, indecent, inhumane, the denial of women's rights, dangerous, back-alley foreign abortions simply, I think, does not characterize and should not characterize this debate because that is not what this issue is about.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. COATS. I will be happy to yield.

Mr. LAUTENBERG. What happens if the woman wants to have the procedure done—the Senator has agreed that under present law she can request that—in a country that has a prohibition within their population? That eliminates medical service there.

The Senator further says that you cannot use the military medical facility because of the fungibility of funds. Would the Senator be willing to say to the military, that you must guarantee that a flight be made available within a 3-day period, a 5-day period, to a U.S. military medical facility that will accommodate her need and to make sure that that trip can be arranged within a 5-day period?

Would the Senator be willing to guarantee, since the Senator says he has no interest in stopping the procedure—his concern is about the fungibility of the funds—that we would guarantee that this individual would have access to an abortion, respecting the rights, by the way, of any conscientious objection by a physician who might not want to do it or medical personnel?

Mr. COATS. If that was a problem, it is something that we might want to consider. But according to the Department of Defense, it is not a problem, never been a problem. Again, it is a solution, a mandate, that is not necessary because there has never been a problem with that.

If a woman in the military is in a country that does not provide abortions by law, obviously that woman is free to travel to another country or back to the United States. In the case of—I am not even sure of what Italy allows, but if you are stationed in Italy, you usually travel to Germany to get an abortion or a neighboring country. It is just not a problem. I do not think we need to legislate something that is not a problem.

Mr. President, I am prepared to yield to anyone else that seeks time. But I think we are just replowing old ground here. If the Senator from Washington wants to wrap up, we can notify our colleagues that within a very short time we expect a vote. I am going to move to table as soon as the Senator from Washington is finished.

Mrs. MURRAY. Mr. President, if the Senator from Indiana is willing to yield back time, I will use 30 seconds.

Mr. COATS. Mr. President, I am more than willing to do that. I will yield back my time.

The PRESIDING OFFICER. The Senator from Indiana has yielded back his time. The Senator from Washington is recognized for 30 seconds.

Mrs. MURRAY. Thank you, Mr. President.

Once again, I urge my colleagues to vote for this very simple amendment. It will allow our women who serve in our military overseas to use their own private funds to get a safe, legal abortion in our military facilities overseas.

We have talked a lot about the women in our military, but this also affects the wives and the daughters of our servicemen who serve overseas. They, too, should have the ability to have a safe, legal procedure.

I have heard that no complaints have been filed. But I tell my colleagues that this puts a woman in a very serious position, if she does complain, and she is in the military. It could have career implications. And it could have personal implications. It does not surprise me that the Senator from Indiana has not heard of any complaints. But I assure you, this does put women's lives in jeopardy. It puts obstacles in front of them that clearly violate their equal protection under the law. Mr. President, I urge my colleagues to support this amendment, and I yield back my additional time.

The PRESIDING OFFICER. All time is yielded back.

Mr. COATS. Mr. President, I move to table the pending amendment.

Mrs. MURRAY. 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 the motion to lay on the table the amendment by the Senator from Washington. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO] and the Senator from Minnesota [Mr. GRAMS] are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. BUMPERS] would vote "no."

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

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—45

Abraham	Frist	Mack
Ashcroft	Gramm	McCain
Bennett	Grassley	McConnell
Bond	Gregg	Murkowski
Breaux	Hatch	Nickles
Burns	Hatfield	Pressler
Coats	Heflin	Reid
Cochran	Helms	Roth
Coverdell	Hutchison	Santorum
Craig	Inhofe	Shelby
DeWine	Johnston	Smith
Domenici	Kempthorne	Thomas
Exon	Kyl	Thompson
Faircloth	Lott	Thurmond
Ford	Lugar	Warner

NAYS—51

Akaka	Feinstein	Mikulski
Baucus	Frahm	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Gorton	Murray
Boxer	Graham	Nunn
Bradley	Harkin	Pell
Brown	Hollings	Pryor
Bryan	Inouye	Robb
Byrd	Jeffords	Rockefeller
Campbell	Kassebaum	Sarbanes
Chafee	Kennedy	Simon
Cohen	Kerry	Simpson
Conrad	Kohl	Snowe
Daschle	Lautenberg	Specter
Dodd	Leahy	Stevens
Dorgan	Levin	Wellstone
Feingold	Lieberman	Wyden

NOT VOTING—4

Bumpers	Grams
D'Amato	Kerrey

The motion to lay on the table the amendment (No. 4059) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4059) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 4060

(Purpose: To reduce the amount authorized to be appropriated for military construction in order to eliminate authorizations of appropriations for certain military construction projects not included in the Administration request for such projects for fiscal year 1997)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. GLENN, proposes an amendment numbered 4060.

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 end of title XXVII, add the following:

SEC. 2706. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS NOT REQUESTED BY THE ADMINISTRATION.

Notwithstanding any other provision of this division, the total amount authorized to be appropriated by this division is hereby decreased by $598,764,000.

Mr. McCAIN. First of all, I would like to say that I am perfectly agreeable to a time agreement to be entered into immediately. I hope that the other side understands. There is an objection on the other side. But I do not believe this amendment should take too long. I would be glad to enter into a time agreement at any time during this discussion.

Mr. LEAHY. Will the Senator yield without losing his right to the floor?

Mr. McCAIN. I ask unanimous consent to so yield to the Senator from Vermont without losing my right to the floor.

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

Mr. LEAHY. Mr. President, I do not have a particular position on this one. I would be delighted with whatever time agreement we might enter into. But I see the deputy Republican leader on the floor. I am just wondering with time agreements and all if we might have some idea. What is the schedule tonight? For those of us who have faint glimmers of family-friendly situations, I just wonder. I am perfectly willing to continue to vote for the rest of the evening, or stack votes. I am not the one to make that choice. I wonder if someone could give us an idea.

Mr. McCAIN. I ask unanimous consent to yield to the Senator from Oklahoma for purposes of answering.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, there has been no formal agreement. I will tell my colleagues that we are trying to complete this bill. We have a lot of amendments. I understand the request of the Senator from Vermont. I think it is the intention of the majority leader to press on tonight, probably until—this time has not been announced but I will guess until about 9 o'clock and then probably continue later to stack votes for a later time. It is vitally important that we move forward.

I will consult with the majority leader and will report back very soon.

Mr. LEAHY. I thank my friend from Arizona for making it possible to make that inquiry of the Senator from Oklahoma.

Mr. McCAIN. Mr. President, I ask unanimous consent to yield to the Senator from Illinois for 3 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, if I may suggest to the new leadership over there, as one who is not going to be around here too long, I think we ought to accommodate families as much as possible. So in the evenings when you can stack the votes I think it is desirable to do so. I just pass that along and suggest it to the new whip. I congratulate him publicly on that. I see that Senator CRAIG is here. I think to the extent that you can accommodate family life here it improves the United States Senate.

Mr. NICKLES. Mr. President, I appreciate the comments of my colleague from Illinois. I might mention the Senator from Arizona asked for a time limit on his amendment. If Senators and opponents of amendments are willing to enter into time agreements, it makes it a lot easier to stack votes. So for us to be cooperative, I share the concerns to be more family friendly, and if it is possible for us to stack votes for this evening so there might be time for people to have dinner with their families, or something, but to do that it is really essential to have time agreements and have a couple of other amendments in order. So if we have maybe some more help in reaching those time agreements and ordering the next amendment, that would certainly be of help.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, if I might additionally comment, we are reaching the point in the process we go through where it is about time we got hold of all of the amendments and start trying to negotiate time agreements on them. Obviously, the gestation period is a couple of days. We need to move forward with that part of this process of getting this bill through the body.

Mr. President, I would like to say again to my friends on the other side of the aisle that I would be glad to enter into a time agreement on this amendment at any time during the discussion of this amendment. As far as I know, the Senator from Ohio is the only other speaker I have on this amendment; at least who is in favor of it. We would be glad to enter into a reasonable time agreement at any time.

Mr. President, I would like to describe the amendment and make a few comments on it.

The amendment would cut nearly $600 million which was included in the bill for unrequested military construction and family housing projects. I am somewhat gratified to learn that the close scrutiny focused on military construction pork has at least forced a degree of control on the process. Most of the projects in this additional add-on of $600 million meets four of our five criteria stated in the sense-of-the-Senate language.

These criteria are that the mission is essential for, in 11 instances, quality of life not inconsistent with the BRAC process in the future years defense plans except when only designed money is authorized and executed in fiscal year 1997. Twenty-five of the added projects do not meet some other criteria. However, 10 of these are quality of life improvements, and the balance received only planning and design funding. But, Mr. President, none of the projects that were added in this bill meet the fifth criteria; that is, there is an offset by a reduction in some other defense account.

These are simply $600 million add-ons. I appreciate the fact that every effort was made to adhere to some credible criteria in selecting the projects for these add-ons. But my objection in principle to adding funds for unrequested military construction projects remains the same. During the markup of this legislation in the Armed Services Committee the Readiness Subcommittee recommended a plus of $100 million for high priority housing projects that the Secretary of Defense had come over and sought additional funding for. But the subcommittee allowed the Department of Defense to determine the allocation of these projects by military priority, not by location in any particular Senator's State.

Senator GLENN and I both voted against the addition of this $600 million in unrequested military construction when the amendment was offered in our markup. Not surprisingly we lost that vote.

Mr. President, this is a very disturbing, unpleasant, and in some ways alarming situation that has been going on for some time. Since 1990, the Congress has added more than $6 billion to the military construction accounts. I want to repeat—$6 billion to military construction accounts. This bill adds another $600 million for unrequested projects. At the same time the overall defense budget has declined by more than 40 percent despite our recent efforts to increase funding.

Mr. President, let me explain that again. While we have increased over the request of the Defense Department some $6 billion in unrequested military construction projects—some of them the most outrageous, including, for example, a foundry at a base that is being closed; construction of a health care facility at a base where down the street is another health care facility where they could have put lifetime memberships for every member of that military base; to the addition of a runway at a base where not far away is a very large, one of the largest airfields in the world. The list goes on and on. We have added $6 billion to the military construction accounts while the defense budget overall has decreased by some 40 percent.

Mr. President, we cannot do that for a whole variety of reasons, including maintaining credibility with the American people as to the need for their tax dollars which are earmarked for defense, to be spent on defense.

Let us look at the priority of these added projects in the overall budget of the military construction. Of the total of 115 added projects 72 of them were planned for the year 2000, or later. In fact, 14 of these projects were not anywhere in the future year defense plan; nowhere. Nowhere could 14 of these projects be found. Of the $600 million added for the unrequested projects, almost $350 million for these 72 projects was planned for the next century—were planned for the next century, not this century. Surely projects planned for the year 2000, 2001, 2002, or later are not as vital to the services as those that are planned to be included in next year's defense budget. Why did we not focus on fiscal year 1998 projects, if we are going to add these military construction projects? I will tell you, Mr. President, the answer is simple. Because some of these 1998 projects were not in the State or district of powerful members. It is that simple. There can be no other reason. Instead, we are reaching 4 years out in the future years' defense plan, into the next century, to find 29 projects that are planned in the States of members of the Armed Services Committee.

Let me repeat. I will be very frank. We are reaching 4 years ahead in the future years' defense plan, into the next century, to fund 29 projects that are planned in States of members of the Armed Services Committee.

Let us be realistic. This bill is $1.7 billion above the defense budget target set in the fiscal year 1997 budget resolution. That means we will have to cut out some of the programs added in this bill when we get to conference with the House.

Will military construction be part of those cuts when we reach our negotiations with the other body? I do not think so. Instead, we will probably end up cutting some of the high-priority adds for much needed modernization equipment that will enable our troops to fight and win in future conflicts.

With the authorizers and appropriators adding $900 million to the military construction request, I predict the outcome of our conference will be an agreement to fund most of what is in either bill, or more than $1 billion in unrequested projects. After all, that is the only way to keep everybody happy.

Mr. President, I am tired of seeing us acquiesce to a practice which only feeds on itself. Until we instill some discipline in our own markup process by resisting the temptation to add money simply because it serves our constituents, we cannot expect the Department of Defense to exercise discipline in resisting efforts to spend defense dollars on unnecessary nondefense projects.

Mr. President, we have made progress in reducing the total amount of pork-barreling in the defense budget. Last year, about $4 billion of the total $7 billion that was added to the defense budget was wasted on pork-barrel projects like new attack submarines, research project earmarks, medical education programs, and, of course, military construction add-ons. This year, we are only wasting $2 billion. But $2 billion is a lot of taxpayers' dollars to waste.

How do we explain to the American people why we need to spend $11 billion more for defense this year when we are spending $2 billion for projects that do little or nothing to contribute to our Nation's security?

For the sake of ensuring public support for adequate defense spending now and in the future, let us stop this practice now. I urge my colleagues to vote to cut out the $600 million in unnecessary military construction spending.

Thanks to organizations such as the Citizens Against Government Waste, Citizens for a Sound Economy, the National Taxpayers Union, and talk show hosts all over America, the American people are becoming increasingly aware of what kind of a process we are in. We might have had some rationale back in the 1980's when we continually increased the defense budget, when money for defense was quite readily available, but what we have experienced in the last 7 or 8 years is a dramatic cut in defense spending, and yet the spending on unnecessary and unwanted projects goes up. At some point, this is going to have to stop. I hope it is now. It probably will not be.

There are enough projects in here that there will be more than enough votes to defeat this amendment. But it is not fair. It is not appropriate.

Let me point out that we still have problems with our equipment. We do not have sufficient airlift and sealift and amphibious capability. According to the Chairman of the Joint Chiefs of Staff, we are underfunded as far as force modernization is concerned by some $21 billion this year, and yet we are going to spend billions of dollars on these unwanted projects.

I do not expect to win on this amendment, but I want to inform my colleagues that I will not quit on this issue. I have an obligation to the men and women in the military and the taxpayers of America to continue to ventilate this issue.

I am also pleased that we passed the line-item veto this year, which will go into next year, and next year, in partnership with my colleague from Ohio, we are going to at least send a list over to the President of the United States for his consideration so we can cut out this practice which clearly the Congress of the United States does not have the courage to do.

With that, Mr. President, at this point I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, Senator MCCAIN and I usually are on the same side, but in this particular case we are on opposite sides.

I rise to oppose Senator MCCAIN's amendment to strike the funding for $598 million for military construction projects added to the defense authorization bill during the Armed Services Committee markup. Senator MCCAIN has been persistent trying to eliminate defense spending that he believes is unnecessary and I applaud him for his persistence.

Mr. President, we have screened the projects that Senator MCCAIN is attempting to strike with the Department of Defense. They all meet the criteria that both Senator MCCAIN and Senator GLENN worked so diligently to set up. For the benefit of all Members that criteria are as follows: Is the project in the future year defense plan? Can construction on the project begin in fiscal year 1997? Is the project mission essential or a quality of life issue? And, is the project consistent with base closure action?

The committee received requests from 62 members for construction projects totaling more than $1.6 billion.

Of the projects requested, $730 million met the committee's criteria. However, because of the funding priorities, the committee agreed to fund only the highest priorities and those that would contribute to readiness and to the quality of life of our soldiers, sailors, airmen, and marines.

Mr. President, I want to point out that more than $200 million of the $700 million is dedicated to quality of life improvement projects such as barracks and family housing. Another $170 million is dedicated to training and readiness facilities. These are projects that the administration could not fund because it chose to reduce the military construction budget by almost $1.5 billion below the amount requested in fiscal year 1996.

Finally, I want to address the comment in the statement of administration policy regarding this bill. The administration states that projects for $95 million are not in the services long-range plans. It included such facilities as the troop barracks in Germany and the family housing construction in England. These projects that amount to more than $25 million were among the highest priorities on the list of unfunded projects submitted by services. The remaining projects were equally justified.

Mr. President, the $700 million added by the committee are justified and are in the best interest of our national security. I urge the Senate to support the committee and vote against the McCain amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Ohio.

Mr. GLENN. Madam President, there is not a single Senator here who does not go back home and talk all the time about how we want a balanced budget. We want a balanced budget very badly. We have the President's plan we put forward in 1993, we have the Democratic plan, Republican plan, and we all take great pride in how we want to balance the budget. Yet, when it comes down to actually doing something practical, if it impinges just a little bit in our area, or if we are not able to bring home some of the pork we would like to bring home, pump up the way people look at us back home, then our talk about budget balancing gets pretty thin around here. That is what we are talking about and that is what Senator MCCAIN has been addressing.

This amendment would cut nearly $600 million which was included in the bill for unrequested military construction. These are things the Pentagon did not say they needed. These were things the administration did not say we needed. We did not have to have this money in there. These are add-ons, strictly add-ons.

Granted, many of these are going to family housing projects and things like that. But these were not the priorities that the administration established or the Defense Department established or the Army, Navy and Marine Corps established as what they would rather have if the $600 million was available to be spent for whatever. These are things that Members of Congress just decided in their own wisdom to put in. As the Senator from Arizona has indicated, too many times it appears that these efforts to put good things in just happen to be in the home district or just happen to be in the home State. They just happen to be add-ons that all total up to $600 million. So when we talk about balancing the budget down here, are we going to walk the walk as well as talk the talk? That is basically what we are talking about.

Some years ago here, I think it was 3 or maybe 4 years ago, this idea of the pork creeping into every defense authorization bill had become so rampant, had become so out of control, that the Senator from Arizona and I started a policy. We got this through as sort of sense-of-the-Senate language that any add-ons would have to meet some criteria. We would use these as a benchmark. That does not mean they should go in if they met these five criteria; it just means we had to make a compromise and stop some of the runaway pork that was put into this legislation every year.

So what did we do? We put in several criteria. It had to be mission-essential for the long term, the future; No. 2, it could not be inconsistent with BRAC, the base closure procedure; it had to be in the 5-year defense plan; it had to be executed in the next fiscal year or at least start the contract then; and, No. 5, it had to be offset by a reduction in some other defense account if you are going to make an add-on.

That does not mean if it met these five criteria automatically you should try to put it in and goody-grab in the budget or authorization bill if it meets those five criteria. We set these criteria because that stopped some of the even more rampant requests, things that were put in the budget back then that were even worse than the things we see right now.

What happened when we take this sense-of-the-Senate criteria and apply it this year? Madam President, 25 added projects do not meet some of the criteria. It does not mean they do not meet some of them; they do. Are any of them offset by our defense accounts? No, they are not. They do not meet that criteria at all. But the basic objection is just in principle, adding funds for unrequested military construction projects. Our objection to it remains the same.

During the Senate Armed Services Committee markup, as an example, our subcommittee, which Chairman MCCAIN chairs and which I am the ranking minority on, we recommended some additions in the subcommittee to be passed by the full committee. They were substantial increases in areas we had discussed with the Pentagon. They thought they could use some more money in these areas so we recommended in the subcommittee some additions of about $100 million, additions for high priority housing projects—we agreed on that. But the subcommittee allowed the Department of Defense to determine the allocation of those projects. We did not look around the room and say, "What Senator is here we can please? What Senator can we help get reelected? What Senator can we do a favor for?"

No, we put that money in because the Defense Department indicated they could use it, and they could make the choice, they could make the choice on where the greatest need was. That was our basic criteria in markup this year, and I think it was a very sound one. Let DOD decide where their greatest need is, not try to come back and do a favor for one or more of our Members.

Senator MCCAIN and I both voted against additions of the $600 million in unrequested MilCon when it was offered in our markup. But we lost that vote, obviously. What is the cumulative effect of all this? Since 1990, it has added up to real money, as some would say here. This is not just peanuts anymore. Since 1990, we have added more than $6 billion—$6 billion—to MilCon accounts. Now we are going to add another $600 million in unrequested projects with what we are doing here.

Our overall defense budget has gone down meanwhile, so, when we make add-ons like this, they assume a more important role than they would have even normally, because they become a greater percentage of what our total military expenditures are. The defense budget has gone down about 40 percent, yet we are going ahead with these things that benefit primarily our Members.

The priority of these added projects? Do we need them now? It is my understanding that, of the 115 added projects, 72 were planned for the year 2000 or later. That does not make them very necessary right now. In the unrequested projects, almost $350 million out of the $600 million was added for these projects that are planned for after the turn of the century. No wonder the Defense Department did not request things like this. No wonder there were higher priorities in the defense budget.

So, why do we put these in? Although we objected, they are put in mainly because particular Members want to do something in their States. They want to bring home the bacon. We must be realistic. This bill is $1.7 billion above the defense budget target set in the fiscal 1997 budget resolution now. That means we have to cut out some of the programs added, and when we get to

conference with the House, how are we going to do that? What is going to be cut? Will these be out of the procurement accounts? Is that what we are going to do? Will MilCon be cut when Members just succeeded in getting something in for their States or their home districts?

MilCon is probably going to be the last thing that gets cut. So we will wind up, instead of spending some of this $600 million for much-needed modernization equipment that we will really need if we get into any future conflict, we are going to spend it for these other things that were add-ons that people wanted for their particular area.

As I understand it, the House has already passed their bill. They added, in their bill, some $900 million to the MilCon request, almost $1 billion. You know what is going to come out of the conference. What usually comes out of the conference—not cutting back on those MilCon projects, because that would offend some members of the committee who were just successful in getting these projects in for their home State.

So we are looking forward to a conference committee which usually will not cut these accounts. So if we are going to cut them, it is going to have to be here, and it will have to be done with the proposal of the Senator from Arizona, his proposal that I support very, very strongly. It is not easy to be out on point, trying to do something like this. I will say that. He and I have both received a lot of flak over the past 3 or 4 years as we have tried to cut back some of these things. We have had Members come back to us and criticize us, criticize us for being unfair and all sorts of things. I do not have any problem at all standing for some of these cuts. We have been proud to make this effort.

I will say this: I think we have been somewhat successful with this in reducing the total amount, the total amount through the years that people have requested. I will not say we have scared people off, but let us say we have made some of them think twice, anyway, about some of these things. So the requests have been going down, and we can probably point to where, compared with last year, we probably have gone from about $4 billion you can point to as questionable down to only about $2 billion this year. Is that good? No, it is not very good. But it is better than we thought we might do last year, I will say that. So maybe we are having an impact. Maybe we are heading, really, in the right direction.

But what it comes down to is, are we going to talk about budgets and talk and talk about budgets and act as though we are doing something around here all the time and worry about little tiny amounts, comparatively speaking, in the budget? Or are we going to really do something about it?

Here is what we do when it comes to trying to get something for our own States, or Members of the House of Representatives trying to get something for their districts so they can point with great pride, make a headline when they are up for reelection: I brought back the park on this. I got that road intersection, or I got something in there that is part of this $600 million.

Are we doing this for campaign purposes or are we doing it because the Pentagon really needs this as a priority item to really fulfill our defense needs?

Most of these things, by that criteria, do not even deserve to be talked about as far as being necessary. Most of them are add-ons that are favors to particular Members, and we know it, and anybody who works on this legislation knows it also.

So I say, let us just keep after this. I know Senator MCCAIN is committed to keeping after it. I am, too. I believe he wants to call for a rollcall vote on this, and I certainly support that.

For all the reasons I have stated above, I support this. I urge our colleagues to put the budget ahead of their own parochial interests, perhaps. He and I have not added things in for our own State on this. I have not added a thing. There are things in here for Ohio, but not that I asked for. I think he is in the same status, as far as Arizona goes.

So we are walking the walk on this ourselves. We are not just talking about this and talking against someone else and goody grabbing ourselves. This is something we feel strongly about. We feel this $600 million was not requested, and we think when you look at it that we can do without these things and, hopefully, get the Pentagon to prioritize what they want and support their budget, not what we can add on over here.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I certainly would never question the good intentions of my friend from Ohio or the Senator from the State of Arizona, but I think it is important to know that the chairman of this subcommittee, the junior Senator from the State of Montana, is not known for being a big spender. He came to the U.S. Senate with experience in the State of Montana working at the county level. There he was known for his frugality. He has acted the same way as chairman of this subcommittee.

Everyone should recognize that the amount that we are going to have marked up in our bill tomorrow is $200 million less than what the House has, and I do not think the House is known for spending lots of money. Our subcommittee is coming with less money than has been requested and authorized and appropriated by the House.

All of our colleagues should understand that the money that is the so-called add-ons meet the so-called McCain criteria. The distinguished Senator from Arizona said that if there are going to be add-ons, they should meet certain criteria. If there is going to be money appropriated, they should meet certain criteria.

We have met every one of the criteria in every one of the matters being questioned.

What are those criteria? That there be a 5-year plan. Everything in our bill meets that plan. Every element in these so-called add-ons are within the 5-year plan.

Second is that they be the top priority of the base commander. We have met that criteria.

That the add-ons be mission essential. We met that criteria.

That the site has been selected for the construction. That criteria has been met.

Finally, it can be executed in this fiscal year. That criteria has been met.

We have met the McCain criteria, not in some instances but in every instance.

The examples cited by the distinguished Senator from Arizona, about the health club and all that, I respectfully say I do not know what he is talking about, but they would not meet the 5-year plan or the criteria generally. Everything we are talking about meets the McCain criteria.

We should also recognize that the bill we are talking about this year is 10 percent below last year's level; $1.3 billion below last year's level. We are, of course, going to be within our 602(b) allocation.

If you look at what has happened, the moneys that we have been given by the administration suggested the grand sum for the Army National Guard of $7 million for military construction all over the country. The Army National Guard would go out of business.

I stand in strong opposition to the amendment offered by the Senator from Arizona and the Senator from Ohio. I suggest that the Senator from Nevada and the Senator from Montana are proud of what we are doing for the military. We are proud of what we are doing for the Guard and Reserve.

The amendment would not allow for authorization of construction projects that are of immediate need to those who continue to serve us so well. I urge my colleagues not to support this amendment for these and other reasons.

The Senate Armed Services Committee used stringent criteria to ensure that all projects authorized were determined to have met these criteria. These criteria are known, as I indicated, to the members of the committee as the McCain criteria.

We, as members of the Military Construction Appropriations Subcommittee, chaired by the Senator from Montana, funded all the projects that had previously met these criteria and were recommended by the authorizing committee, of which the Chair serves as a member of that committee. The projects that have been authorized are necessary to maintain the stability of our National Guard and Reserve and to continue to enhance the quality of life for our soldiers, sailors, and our airmen and women.

Of the $600 million talked about in construction projects that this amendment would eliminate, $368 million, about 60 percent of this amount, is designated for construction of National Guard and Reserve projects. Remember, the administration requested the sum of $7 million for the Army National Guard and military construction.

In addition to the $368 million, about 60 percent, as I have indicated, for National Guard and Reserve, we have requested an additional $189 million which is directly designated to build military family housing. Why? To improve the quality of life of our service members.

Nearly all of this $600 million reduction directly attacks the projects that the administration always neglects. They do not put anything in there, knowing that we have an obligation to the Guard and Reserve.

We have a National Guard and Reserve Caucus in this Senate. We have 62 Members. Why? Because administrations in years gone by have neglected the Guard and Reserve. We need to become more dependent on the Guard and Reserve rather than less dependent, as a result of the builddown of our military forces.

It is our specific task to look independently at all the military construction needs of this country. Should we be a rubberstamp of the administration and say we are not going to ask for anything other than what they request for the Guard and Reserve and from the States of Ohio, Arizona, Montana, Texas, Nevada, California, Virginia? The answer is no, we have to look beyond what the administration suggests and recommends.

It is our specific task to do just that: to look independently at all the military construction needs of this country, not just what the President sends us.

We are not appropriating moneys for programs that have not been authorized. We are not appropriating moneys for programs that have not met the criteria of the McCain criteria. The list that we receive annually from the administration continues to overlook projects we are known to support and compelled to include in our bill in order to maintain the strength of our fighting force. The administration does not have the exclusive wisdom to determine the finality of this list. A rubber stamp by our committee would take away the legitimacy of its obligation, its oversight responsibility and obligation.

Without the $600 million included in this bill, the Guard and Reserve will again be shortchanged. All over this country quality of life for our service members will be greatly deterred and the committee's need would be repudiated. We could just eliminate the subcommittee. We could just eliminate the armed services work that they have done.

I encourage my colleagues to strongly oppose this amendment. I repeat, the chairman of this subcommittee has worked very hard, along with the members of the subcommittee, to come up with something that is fair. There is talk about if these add-ons were added on—people used the term "pork." Maybe, Madam President, what we need to do is talk about some of these so-called pork projects, projects that allow our Guard and Reserve to survive and allow the quality of life for our armed service members to be enhanced. If that is pork, then we have $600 million of pork, because the $600 million will allow our Guard and Reserve to survive and will enhance and improve the quality of life of the men and women who serve us in the military.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Madam President, I rise in opposition to this amendment. I guess whenever we start talking about appropriating and budgeting for certain needs of our military, we always hear the argument that there are things unrequested by the Pentagon or unrequested by the President. I am wondering if we as individuals in this body and the House do not have the same responsibility of taking a look and making up our own minds on the needs of our men and women in uniform.

In this bill that has been authorized, the greatest share goes to quality of life. Quality of life leads to retention, the retention of the good people who are now serving in our respective services.

The Senator from Nevada and I have worked—and I do not know of anybody who is easier or better to work with when we start going down through the priority list on military construction than Senator REID from Nevada. He understands what has to be done, understands that, no, the administration never sends any request down for projects or any support for the National Guard or sometimes even our Reserve units. In fact, if we would look at the backlog of construction for our Reserve units, it is in the billions of dollars, because it has been put away.

I want to remind my colleagues that this bill, this authorizing bill, and the appropriations that we are going to mark up tomorrow is cut $1.3 billion from a year ago. So if the Senator from Ohio and my friend from Arizona say they are having an effect, they are having an effect. We are spending less money than we did a year ago in military construction.

But quality of life and readiness, because we have changed that since the cold war is over—in other words, money goes to the base closing and realignment, environmental cleanup of those bases; but for the retention of the people that we need, the biggest share of our thrust has been in the quality of life.

I will tell you that I have been in some barracks that were not very good. I would not ask my employees to live there. Those projects have to be done if we are going to retain the people in our military. And as to the morale, it adds to everything.

But keep in mind that, yes, we are $1.3 billion under a year ago. Then you have to sit down, like Senator REID and I did and our staffs, and set some priorities. But the Pentagon should not be the only one that has any kind of judgment on the needs of some of our military people, nor the administration. We have an obligation to our military people, too, just like anybody else.

So I think this is a pretty frugal bill when it comes to military construction. There is not very much in here that is not needed and requested by the military. With that, I say to my colleagues that this amendment should be defeated, and I ask for its defeat. I yield the floor.

Mr. BOND. Madam President, as cochair for the National Guard Caucus I rise to object to this amendment.

The Senate, in the past years, has voted to appropriate necessary military construction funds to offset the neglect of administrations in order to make sure that the defense infrastructure would be adequately funded.

As we have discussed on the floor before, the National Guard has traditionally been the neglected stepchild of the executive branch and the Department of Defense. They neglect the Guard because they know we will take care of it. We must. Who do we look to for every disaster? Who receives the call in every domestic emergency? And who continues to serve and implement military and foreign policy the world over? The National Guard. The military construction bill funds these mission essential and housing projects which were designated as critical by each State's adjutant general. I ask Senators to support the men and women of the Guard and support the Guard's ability to carry out its missions and vote against this amendment.

Active Forces infrastructure has traditionally been adequately funded with the Guard forces traditionally underfunded. Why has it been this way,

many have asked. And the answer which is whispered through the Halls of this building is that the Congressmen and Senators will take care of it. And we have and we do and we will because we care about the welfare and readiness of the National Guard and Air National Guard.

The administration this year funded the Army Guard to the tune of $7 million; $7 million for the entire Army Guard infrastructure. For all 50 States and Puerto Rico; $7 million for the entire Army Guard force. If the Senators here respect our citizen soldiers, then they must rectify this shoddy treatment of those who protect us. My colleagues on the committee have done just that and they have done it with strict adherence to a rigorous set of standards for these necessary quality of life and readiness projects.

The committee considered each of the programs added to this year's military construction bill for its executability in fiscal year 1997, its being of the highest priority for the base commanders and National Guard tags, its inclusion in the FYDP, and its overall criticality to quality of life and readiness.

To vote for this amendment is to turn your back on your National Guard personnel. Currently, this is the only venue we have to maintain infrastructure readiness and quality of life. We are trying to get the administration to acknowledge the Guard's requirements, but let us not hamstring our Guard for the administration's shortsightedness. Do not let this amendment pass.

Mr. FORD. Madam President, I stand in strong opposition to the Amendment offered by the Senator from Arizona [Mr. MCCAIN]. This amendment would not allow for the authorization of construction projects that are of immediate need to those who continue to serve us so well. I urge my colleagues not to support this amendment for these reasons.

The Senate Armed Services Committee used stringent criteria to ensure that all projects authorized were determined to have met these criteria. These criteria are known to the members of the committee as the McCain Criteria. We, the members of the Military Construction Appropriations Subcommittee funded all of the projects that had previously met these criteria and were recommended by the Authorization Committee.

The projects that have been authorized are necessary to maintain the stability of our National Guard and Reserve and to continue to enhance the quality of life for our soldiers, sailors, and airmen. Of the $600 million in construction projects that this amendment would eliminate, $368 million or over 60 percent of this amount is designated for the construction of National Guard and Reserve projects; and additional $189 million is directly designated to build military family housing, to improve the quality of life of our service members. Nearly all of this $600 million reduction directly attacks the projects that the administration annually neglects.

It is our specific task to look independently at all the Military Construction needs of the country. The list that we receive annually from the administration continues to overlook projects that we are known to support, and compelled to include in our bill, in order to maintain the strength of our fighting force. The administration does not have exclusive wisdom to determine the finality of this list. A rubber stamp by our committees would take away the legitimacy of its oversight.

Without the $600 million included in this bill, the Guard and Reserve will again be shortchanged, quality of life for our service members would be greatly deterred, and the committee's need would be repudiated. I encourage my colleagues to strongly oppose this amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I do not want to cut off debate. I will move to table when everyone has completed talking.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, subject to the concurrence of my distinguished colleague from Georgia, it is the intention of Chairman THURMOND to have this matter voted on, but allowing sufficient notification to Senators of the time that that vote would commence.

I understand that the distinguished Senator from Georgia will address this issue for a period. If the distinguished Senator from Nevada wishes to move to table, of course, that is his prerogative. Then if it is agreeable to the Senator from Arizona, we would lay aside the amendment and delay the voting for a stipulated period of time and allow maybe other business to come in the intervening period. That would be the desire of this manager. I presume the distinguished Senator from Georgia concurs in that.

Mr. NUNN. That is fine.

Mr. WARNER. He has indicated his assent.

Is the Senator from Arizona agreeable?

Mr. MCCAIN. I say to my friend from Virginia, I am agreeable, but I think it should be made clear. Will we have further votes tonight? This issue will be voted on at some time tonight?

Mr. WARNER. Oh, yes. Let us say, hypothetically, if the Senator from Georgia would use 10 minutes, we would have the vote commence at 8:15. In the interim period, the Senator from Georgia and I would endeavor to get more business done.

Mr. MCCAIN. Reserving the right to object, I request 3 additional minutes for comments before we close out.

Mr. WARNER. Yes.

Mr. NUNN. Mr. President, may I inquire of the Senator from Virginia whether he anticipates other rollcall votes tonight beyond this one?

Mr. WARNER. Mr. President, I am advised by Chairman THURMOND that is the desire of the majority leader.

Mr. REID. Reserving the right to object——

Mr. WARNER. I am not sure anything is pending, but that is the best I know at this time.

Mr. NUNN. The only suggestion I would make, unless we can get an amendment up that is one that is going to be debated as a rollcall vote, I would suggest—I could take no more than 30 seconds for my comments, and we could perhaps move that timeframe up a bit. That gives us a better chance of either one of two things: If we are not going to have other rollcalls, it would allow Members to be able to go back to their families earlier; if there are, we can get started on that debate. I do not know what other amendments are going to come up requiring rollcalls tonight.

Mr. WARNER. Mr. President, if the Senator would yield, I am informed that the majority leader is agreeable to having this vote on the McCain amendment at the hour of 8 o'clock tonight.

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

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I will take just about 1 minute. It is my understanding from all the information that I have been provided that every project here that is the subject of this amendment and the critique that has been laid down by our colleagues from Ohio and Arizona, each one of these projects is in the 5-year defense plan of the Department of Defense. Each project also can begin construction in fiscal year 1997. Each project is mission essential or quality-of-life related. And each project is consistent with BRAC actions.

I would like to see if there are any of these projects that are on closed military bases or ones being closed. I am informed that none of them is. That has been carefully screened. If they are, I certainly would like to have someone show me which one is on a closing military base, because that is contrary to all the information that we have.

A breakdown of the requested projects that have been added to the budget:

There has been $206 million added for quality of life improvements—barracks, family housing, fitness centers, child care centers, dining facilities,

family support centers, education centers, et cetera: $169 million for training and readiness-related projects; $81 million for maintenance shops and facilities; $51 million for general infrastructure improvement projects; $50 million for new mission-related projects; and $41 million for health/safety/environment-related projects.

Mr. President, it is true that these projects were not requested by the Department of Defense. It is also true that there is $12 billion in the bill that was not requested by the Department of Defense.

I have a very hard time understanding the distinction between the other $11.5 billion that has been added and this $500 million that has been added. The Department of Defense and the administration's official position is not in favor of any of the add-ons. The question is whether we are going to provide family housing, whether we are going to provide day care centers, whether we are going to provide fitness centers and other quality-of-life improvements, and training for our troops, or whether we are going to basically neglect them and simply add on weapon systems.

The argument about these projects not being requested, made by my good friends from Arizona and Ohio, is absolutely right. You can say that about the other $11.5 billion in this bill that has been added on. That is the reason the President says he may veto the bill. The question is, What are we going to add in terms of our judgment, because there is no request for this $11 to $12 billion that has been added on.

It has been added on because the Senate and the budget committees in the Senate and the House decided that defense was a priority and that defense was underfunded. That was a decision we made on the budget resolution. When we made that decision, by its very nature, it meant that the Congress was going to decide to add on the money, because the administration has not indicated that they favor that add-on.

I urge my colleagues to vote against this amendment or to vote to table it if the tabling motion is made.

Mr. McCAIN. Mr. President, with the greatest respect to my colleague from the State of Georgia, I just state the add-ons were not asked for.

Let me point out, in the future years' defense plan, specifically, Pohakuloa training area for $1.5 million, is not in the future years' defense plan; the Lansing CSMS, not in the future years' defense plan; the Camp Ashland training site flood control, not in the future years' defense plan; the Nellis Air Force Base FHP–111, 100 units, not in the future years' defense plan; the Air National Guard in Ontario, OR, not in the future years' defense plan; the Dallas Armory, not in the future years' defense plan; the Eastover-Leesburg Multipurpose Simulator Center, not in the future years' defense plan, and so forth; the Wyoming Air National Guard, Camp Guernsey, not in the future years' defense plan.

I do not know where the Senator from Georgia gets his information, but I hope he corrects the CONGRESSIONAL RECORD, because they are not in the future years' defense plan.

I am glad to hear a response from the Senator.

Mr. NUNN. Mr. President, I am informed that what we have tried to apply here is the McCain-Glenn criteria, which is for construction projects. All the projects that were listed by the Senator from Arizona were planning and design money, which is not part of the McCain-Glenn criteria. We have followed those criteria, but there is no 5-year defense plan for planning and design money. That is lump-sum money.

Mr. McCAIN. I am glad to point out again, first of all, the criteria is they had to be in the future years' defense plan for any funding; but, second of all, there are also projects that are more than just planning and design.

We also asked the Department of Defense which of these projects were nondefense essential. They gave us a list of over 20 of these which were deemed by the Department of Defense as nondefense essential. That is their judgment. It is hard for me to understand how that judgment could be overruled, but I also understand what we are talking about here.

Mr. President, I ask unanimous consent to have this list printed in the RECORD.

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

PROJECTS THAT DO NOT MEET SENATE CRITERIA

FOURTEEN PROJECTS THAT ARE NOT IN FYDP

1. Hawaii, Pohakuloa Training Area, Road Improvement, $1.5 million.
2. Michigan, Lansing Army Natl Guard, combined support maintenance shop, $1.3 million.
3. Montana, Billings Army Natl Guard, Armed Forces Resource Center, $1.1 million.
4. Nebraska, Camp Ashland Army Guard, training site flood control project, $665,000.
5. New York, Stewart IAP landfill cover, $2.2 million.
6. Oregon, Ontario Army Guard, armory, $226,000.
7. Oregon, Army Natl Guard, armory, $210,000.
8. Pennsylvania, Ohldale Army Reserve, USAR Center, $2.3 million.
9. Pennsylvania, Johnstown, Marine Corps Reserve, training center, $590,000.
10. Pennsylvania, Johnstown, Marine Corps Reserve, maintenance hanger, $690,000.
11. South Carolina, Eastover, Army Guard Multipurpose Simulation Center, $224,000.
12. South Carolina, Eastover, Army Guard, Leesburg, infrastructure upgrade, $280,000.
13. Virginia, Charlottesville DIA Facility, $4.4 million.
14. Wyoming, Camp Guernsey, Army Guard, combined maintenance facility, $935,000.

ELEVEN PROJECTS NOT "MISSION ESSENTIAL"

1. California, Travis AFB, two dormitories, $7 million.
2. Delaware Dover AFB, visiting officers quarters, $13.1 million.
3. Kansas, McConner AFB, dormitory, $7.7 million.
4. Maryland, Andrews AFB, family support center, $2.3 million.
5. Massachusetts, Hansuom AFB, family housing, $5.1 million.
6. Nevada, Fauon Naval Air Station, Gymnasium, $500,000.
7. Nevada, News AFB, dormitory, $10.1 million.
8. Nevada, Faron Naval Air Station, bachelor enlisted quarters, $16.1 million.
9. Nevada, Mevis AFB, family housing, $150,000.
10. Ohio, Wright-Paterson AFB, family housing improvements, $6.3 million.
11. South Dakota, Ellsworth AFB, CDC addition, $4.5 million.

Mr. McCAIN. I believe that the States in which these military construction projects are located, when correlated with membership on the Senate Armed Services Committee and the Appropriations Committee, will give a better explanation of the point Senator GLENN and I are trying to make here.

I do not believe Senator GLENN or I are unappreciative of the need for quality of life and the absolute importance that we maintain qualified men and women in the military. My question is, do we have to maintain the quality of life in the States of members of the committee, or do we have to maintain the quality of life in all 50 States in America?

Clearly, the RECORD indicates—and I will be submitting for the RECORD in the future—that there has been a dramatic, dramatic imbalance in the funding for military construction projects, which, very frankly, do not serve the men and women well who are stationed in States where there is not that membership. I do not think the men and women in the military deserve that kind of preferential treatment.

I have no illusions as to whether this amendment will succeed or not. I tell you what it does do. It makes me feel a lot better about the 10 years that I spent trying to get the line-item veto passed. It gives me enormous, enormous gratification to know that next year the President of the United States, no matter who he is, is going to take a list like this, and he is going to line-item veto it, and we will spend money on projects we need.

I want to point out again, we are short of sealift capability, Mr. President. We are short of airlift capability. We are short of amphibious capability. We do not have sufficient tactical aircraft to man our carrier decks and bases all over this Nation, including Nevada. We do not have the kind of modernization of our force that is necessary for us to fight and win battles in the next century, and our modernization force has dropped to practically zero.

There are other reasons besides military construction why that has been the case. We have had to spend such an enormous amount of money on operations, maintenance, and training in order to keep our present forces ready.

When we waste billions of dollars, as the Senator from Ohio points out—$6 billion since 1990—on military construction projects, I do not think it is fair for us to ask young men and women to fight and die in equipment that is not the very best.

I will never forget the former Commandant of the Marine Corps who testified before the Readiness Committee, General Mundy. He said, "It is very, very, very important that our Marines have decent housing, but I don't want a Marine widow to be living in a wonderful house when she is notified by the CO of the base and the base chaplain that her husband was killed in combat because he didn't have the proper equipment with which to defend himself."

Mr. President, those are not my words. Those are not my words. Those are the words of the former Commandant of the Marine Corps, General Mundy.

If we were funding modernization of our forces and keeping up with the technological requirements that gave us the kind of technological edge that won the Persian Gulf war, I would not be nearly as vociferous in my opposition to the add-ons. The reality is—and you can talk to any objective military expert—that we simply do not have the money. This is not the highest priority, although it is certainly very nice to have things for the men and women who happen to reside in the right States.

I will not inflame this debate any longer, except to say I realize it will lose. I do believe this is the last year for it because I believe the next President of the United States will exercise the line-item veto, and I will be one of the first, along with my friend and partner from Ohio, who will urge him to do so.

I yield the floor.

Mr. WARNER. Solely for the purposes of trying to clarify the parliamentary situation and to inform Senators, it is still the desire of the manager to have a vote occur on the McCain amendment, on or related to the pending order relating to the McCain amendment, at 8 o'clock.

The PRESIDING OFFICER. The Chair advises the Senator that the order was to have a vote at 8 p.m. If you want to change that, it takes a unanimous consent.

Mr. NUNN. I ask unanimous consent that we vote on the McCain amendment or on a motion related to the McCain amendment at 8 o'clock.

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

Mr. WARNER. Mr. President, further—I add this to the unanimous-consent request—that at the conclusion of this debate, I ask that the Kyl amendment and McCain amendment be laid aside so that the managers can proceed with other business. Could the Senator from Ohio tell me how much longer he wishes to debate?

Mr. GLENN. Not long.

Mr. WARNER. Let us say that at the hour of 7:50, debate on the pending McCain amendment will conclude, at which time the Senator from Virginia asks that the McCain amendment be laid aside for voting, as stipulated in the prior order, at 8 o'clock. If it is required to lay aside the Kyl amendment, I ask unanimous consent that the Kyl amendment be laid aside, and at the hour of 7:50, the Senator from Virginia be recognized for the purposes of sending to the desk an amendment, which would require immediate consideration, and that the Senator from Texas be recognized for such secondary amendments that she wishes to offer, and that there be no time agreement on the Warner-Hutchison amendment.

Mr. NUNN. Reserving the right to object, and I hope we will not have to object. We have not seen any of those amendments. I am not sure what the unanimous-consent request is.

Mr. WARNER. Merely a chance to get them in and get them up.

Mr. NUNN. Maybe we need to talk a moment.

Mr. REID. Reserving the right to object, I have a few words I would like to say after the Senator from Arizona has spoken and the Senator from Ohio.

Mr. NUNN. It sounds to me like the time between now and 8 o'clock will be used thoroughly.

Mr. WARNER. Mr. President, I would like to be recognized for 2 minutes prior to the hour of 8 o'clock. Let us say at the hour of 7:56, we could have recognition, once again, of the managers.

Mr. NUNN. I do not have any objection.

Mr. President, I add one other thing to the unanimous-consent request—that is, with the understanding that there be no second-degree amendments to the McCain amendment.

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

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I have some short remarks—not a rebuttal but a discussion regarding some of the comments that have been made.

Much has been made of this five-point criteria. Let me comment on that. Back some years ago, before we established the five-point criteria, the pork barreling that went on in the defense authorization bill was far worse than it is even now. The five-point criteria was never intended—and I think Senator MCCAIN would back this up—to be the final goal, and that anything that fit those five criteria could somehow automatically be approved and be OK, whether the Pentagon or the President's budget asked for them or not. It was not supposed to be an end-all and be-all itself. It was supposed to be a way station to get toward having a budget put together by the Pentagon and sent here, which really meant what it said and it did not need us to add on everything else under the Sun. Nobody questions for a moment the fact that some of these housing projects are needed. But are they as important as some other things that are needed if the Pentagon had the choice to make that decision.

So these five criteria, whether in the 5-year plan or future year plan, or whether mission-essential, or whether inconsistent with BRAC, when the contracts can be started or whether they are offset in some other defense account, all of these are things that were meant to tighten this up toward a way station toward getting control and budgeting the way we ought to. Whether the criteria apply or not does not mean to me they are automatically OK and that we should automatically approve them if they come in with a 5-year plan, which means we are stepping out of what the Pentagon might want to use the money for and projecting the money out to a 5-year future. So making so much out of this criteria was not meant to be the end-all or the final goal of this at all.

Now, another thing was mentioned in debate—that the Guard and Reserve are only getting $7 million. We go through an annual ritual every spring on the Guard and Reserve. It does not make any difference what administration is in the White House. We have an annual ritual where they underfund, through the Pentagon, the Guard and Reserve. I think it is done intentionally. It is done by Republican administrations and Democratic administrations. Why? Because they know good and well that we will put it in over here so the Members can take this coup back to benefit their local areas in the local armory, money to run the local armory, money to milk on it, money to rebuild the local armory, and these are things people were bringing back home, waving the flag that we did this for you in Washington.

Every administration knows that the Guard and Reserve have a big enough constituency out there that that will happen. It happens every single year. I think it is time we put a stop to it. That is the reason I think we should have honesty in budgeting. This should not be an annual budget that lets people just bring home the bacon to the local armories as a way of funding this year in and year out. It should be done on a basis of what the Guard's and Reserve's needs are. That should be established by the Guard Bureau, working closely with the Pentagon in determining what the budget will be.

So if we want to appropriate $600 million, if we went back to the Pentagon and said, we know you need some things in MilCon, in housing; you need a lot of things, but we will put this in and let the Pentagon decide, let you prioritize where the greatest needs in the services are, then this might make even a little bit more sense. But it does not to me.

Let me comment on what the Senator from Georgia said a little while ago about the add-on of $11.5 billion. I agree 100 percent with him on that. That is the reason I voted against this bill when it came out, and I will still do that if that $11.5 billion add-on stays in. I have not voted against authorization and appropriations bills for the Defense Department—except for beginning last year—in all the 21-plus years that I have been here now. I agree with him on that. I do not think that add-on was needed. I disagreed with the purpose for which it was added on. Some of those have been addressed in amendments here today. We have had a chance to vote on them.

I think that what we are trying to do is get honesty in budgeting. That is the purpose of this. The five-point criteria was never meant to be the final goal of all of this. If anything came up and qualified under that criteria, we would say, that is all right, it is approved. That was meant to be a means of trying to get some control over budgeting, which we did have some years ago, in the amount of add-ons we would make, it seemed. This was a way station toward getting to more meaningful budgeting.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, you cannot have it both ways. We have been asked to follow the McCain criteria. We do that with painstaking efforts. We meet every criteria that has been established. Every one of these add-ons meet that criteria.

Now we are being told, well, the McCain criteria really is not that important. There are other things. You cannot have it every way, both ways, or any way. I suggest that we have to stop and find out where we are. First of all, this bill is less than what the House has appropriated. Second, we are within our 602(b) allocation. Also, we are $1.3 billion less than we appropriated last year. We are 10 percent below last year's level.

Now, there is talk here about the States, where there is somebody on the Armed Services Committee or on the Appropriations Committee, and they are the only ones that get anything. That is absolutely ridiculous. I have not had an opportunity to study who got what, but I can name a few States that I looked at quickly while the debate has been going on. Delaware. There is no one in Delaware that is in Armed Services or Appropriations. Indiana, the same. Kansas, South Dakota, and North Dakota are just a few where there are add-ons. There are add-ons because they meet the criteria set by Senator MCCAIN, and every one of them meet that criteria.

Mr. President, let us stop and understand what happens when the Pentagon makes a recommendation. The active military is prejudiced against the Guard and Reserve. Everybody who has been in the military knows that. They do not favor them. They want all the money to go to them, the active military. And so in the recommendations that come to us every year they neglect the Guard and Reserve. We are the ones that save the Guard and Reserve. That is our obligation. It may not be the right way to do things, but it is the only way to protect the Guard and Reserve. We work very hard to make sure they survive. Programs funded under this budget are programs that are essential to the survival of the Guard and Reserve.

If the Guard and Reserve had to depend on the active military to give them what they wanted, they would all be out of business. The active military, frankly, mostly do not want the Guard and Reserve to be even in existence because there is competition for their dollars. That is why we are where we are.

This is not a budget breaker. We are within all the budget constraints. We are not going outside of what has been authorized. We are only going not only with what is authorized but what is authorized under the very strict criteria set by the Senator from Arizona, Senator MCCAIN. These are in the 5-year plan. They are the top priority of the base commander. They are mission essential. The site has been selected, and we can execute within fiscal year 1997, the money that is being appropriated.

What more can we do? All Senators should recognize that this is not a budget buster. I repeat, it is within all the budget constraints set by the Budget Committee. We are not going outside of the money, above what has been authorized.

I repeat, we are going one step further and following what has been set by the very strict McCain criteria. Mr. President, we believe that, if we step back and take a look at this, we find that the Armed Services Committee used very stringent criteria to ensure that all projects authorized were determined to have met the criteria that we have outlined.

The projects which have been authorized are necessary to maintain the stability of our National Guard and Reserve and to continue to enhance the quality of life of our soldiers, sailors, and airmen. Almost 60 percent of this amount that is attempted to be stripped from this bill is designated for construction of Guard and Reserve projects.

I say with all respect to the senior Senator from Arizona, these are not projects that are going to get any headlines because you strike them from the bill. These are projects that help the men and women who defend our country. The Pentagon simply did not put them in their request, knowing we would step forward and try to help them.

These projects help the Guard and Reserve from the State of Ohio. The Senator from Ohio did not ask for this money, but we felt it was important. We have two add-ons for the State of Ohio because the Ohio Guard and Reserve believe they are essential to their mission. We knew when we did this bill that the Senator from Ohio would be here with our friend from the State of Arizona complaining about these add-ons. But we felt it was important to the people of Ohio to have the Guard and Reserve strong there, as it should be all over the country.

With the downsizing of our military, we are going to have to become even more aware of the importance of the Guard and Reserve. Stories have been written and will continue to be written about how important the Guard and Reserve was in Desert Storm, how effective and important they have been in our situation in the Balkans.

So there is no apology for what we have done in the Military Construction Subcommittee. We have done what is really important, and we appreciate the direction and guidance given by the Armed Services Committee under the leadership of the senior Senator from South Carolina and the Senator from the State of Kentucky.

I move to table the McCain amendment.

Mr. MCCAIN addressed the Chair.

Mr. REID. I am happy to withhold that until the Senator from Arizona speaks.

Mr. MCCAIN. Mr. President, I thank the Senator from Nevada and the Senator from Montana. I think they have done a dedicated job. We have a disagreement, but I know for a fact that the Senator from Montana and the Senator from Nevada are dedicated to improving the quality of life for the men and women in the military. We have an honest difference of opinion. But I appreciate very much their efforts. I appreciate the cooperative spirit in which we have worked over many years, along with the Senator from Ohio. I disagree, obviously, as I have pointed out, with this add-on, but that in no way diminishes the dedication and effort on the part of the Senator from Montana and the Senator from Nevada to try to provide a decent quality of life for men and women in the military.

I also want to point out again the reason I began with. The Senator from

Nevada pointed out a very legitimate aspect of this whole process. The Guard and Reserve have now become dependent on the Congress to provide the funding that they need—the Senator from Nevada is exactly right—because they know that the Pentagon knows that, if they do not request it, it will be added on in the process that we go through here.

Mr. President, it is a stated reality, but it is wrong. It is wrong, and we have to fix this. We have to force the Office of the Secretary of Defense in the Department of Defense to come over here with legitimate needs and requirements that the Guard and Reserve have.

I look forward to working with the Senator from Montana and the Senator from Nevada in trying to fix this gross inequity which has become part of the system that we have today.

Mr. President, I understand my time has expired.

The PRESIDING OFFICER. May the Chair advise the Senate that under a previous order we have 2 minutes remaining for the managers to wrap up?

Mr. REID. Mr. President, I move to table.

The PRESIDING OFFICER. There are still 2 minutes for each manager.

Mr. WARNER. Mr. President, I yield back such time as is reserved for the purpose of the Senator from Virginia.

Mr. NUNN. Mr. President, if I could ask the Chair, would the proper motion be that we proceed immediately to a rollcall vote? As I understand it, we do not have any more time on this. We basically have an order for an 8 o'clock vote.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. We have an order for 2 minutes in behalf of the Senator from Virginia, which I yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. NUNN. I believe we object to moving up of the time. I think we need to delay the clock.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I renew my motion to table, 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.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada to lay on the table the amendment of the Senator from Arizona. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO] and the Senator from Minnesota [Mr. GRAMS] are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Illinois [Ms. MOSELEY-BRAUN] are necessarily absent.

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

The result was announced—yeas 83, nays 13, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—83

Abraham	Ford	Mack
Akaka	Frahm	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Nunn
Breaux	Hatch	Pell
Bryan	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
Daschle	Kennedy	Snowe
DeWine	Kerry	Specter
Dodd	Lautenberg	Stevens
Domenici	Leahy	Thomas
Dorgan	Levin	Thompson
Exon	Lieberman	Thurmond
Faircloth	Lott	Warner
Feinstein	Lugar	

NAYS—13

Bingaman	Harkin	Simon
Bradley	Kerrey	Wellstone
Brown	Kohl	Wyden
Feingold	Kyl	
Glenn	McCain	

NOT VOTING—4

Bumpers	Grams
D'Amato	Moseley-Braun

The motion to lay on the table the amendment (No. 4060) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The majority leader is recognized.

Mr. LOTT. Mr. President, we want to continue to move forward on this legislation. We have not made a lot of good progress, but the chairman and the ranking member are working on that, trying to get a list of amendments that can be agreed to.

I hope a block of those can be done tonight. After consultation with the Democratic leader, it is our intent at this time for the committee to take up another amendment and complete all debate on that, see what other issues can be agreed to and done tonight, and the first vote then be rolled over and occur in the morning at 9:15.

Mr. INOUYE. 9:15?

Mr. LOTT. 9:15 in the morning.

Mr. DASCHLE. Will the majority leader yield?

Mr. LOTT. Yes, I yield.

Mr. DASCHLE. Mr. President, I know we have had the opportunity to discuss what will happen after the Federal Reserve debate is completed and the votes are taken at 2:15. We have been in consultation, and it is my understanding the Senator from Arkansas has been able to work out an agreement with the Senator from Utah with regard to his amendment. I think they have also agreed to a time limit within which that amendment can be taken up.

Is the majority leader at this time ready to enter into an agreement on that, or do we need to continue some consultation?

Mr. LOTT. I would like to have an opportunity to check with the Senators who have an interest in it from a committee jurisdiction standpoint and other interests.

I am under the impression that probably can be worked out, but if the Senator will allow me to check on it, because I would like to get things lined up to go forward. If it is going to be offered, let us get an arrangement to get it done and move forward. I would like to talk with two of the Senators I know who have a special interest in it.

Mr. DASCHLE. We will work with the majority leader to see if that can be accommodated, and we can lock that in perhaps tomorrow morning.

Mr. PRYOR. If the distinguished leader will yield for a comment.

Mr. LOTT. I will yield.

Mr. PRYOR. I have consulted two times in an hour and a half with Senator HATCH, the chairman of the Judiciary Committee. He has an intense interest in the issue. He has agreed to a time limit and hopes, like I do, that perhaps tomorrow after the Federal Reserve issues are decided, that we could then possibly go to this amendment.

Mr. LOTT. That sounds like what we all would like to do. Give me a chance to check with the Senator from Utah and one other, and I believe we can work that out.

Mr. PRYOR. I thank the Senator.

Mr. LOTT. I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

PRIVILEGE OF THE FLOOR

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that Marc

Thomas, through the Congressional Fellowship Program, who has been assigned to my office for sometime now, be granted privilege of the floor during the discussion of the defense authorization bill.

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

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 4061

(Purpose: To authorize $4,100,000 for the construction, phase I, of a combined support maintenance shop at Camp Guernsey, Wyoming)

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

The PRESIDING OFFICER. Is there objection to laying aside the pending Kyl amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself and Mr. THOMAS, proposes an amendment numbered 4061.

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

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

The amendment is as follows:

In section 2601(1)(A), strike out "$79,628,000" and insert in lieu thereof "$83,728,000".

Mr. SIMPSON. Mr. President, I rise to offer an amendment——

Mr. FORD. Mr. President, does the Senator have a copy of his amendment at the desk? We need a copy.

Mr. SIMPSON. The amendment can be read. That will save you trouble. It is one line.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

In section 2601(1)(A), strike out "$79,628,000" and insert in lieu thereof "$83,728,000".

ORDER OF PROCEDURE

Mr. NICKLES. Will the Senator yield just for a moment? I just would like to clarify with the majority leader that there will be no more votes tonight; is that correct?

Mr. LOTT. Mr. President, if the Senator from Wyoming will yield for 1 second more, I would like to clarify there will be no more rollcall votes tonight. I felt that was clear when we said we would roll over to 9:15. I want to make it official.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that on Thursday, June 20, following the votes on the confirmation of the nominees to the Federal Reserve, when the Senate resumes consideration of the DOD authorization bill, the committee amendments be laid aside and Senator PRYOR be recognized to offer an amendment.

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

Mr. LOTT. I yield the floor. Thank you very much.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 4061

Mr. SIMPSON. Mr. President, I rise to offer an amendment to the Defense Authorization Act for myself and my friend, Senator THOMAS. This is a minor amendment in the greater scheme of legislative matters which we wrestle with in this body, but nevertheless, it is quite a very important matter for the Wyoming Army Guard and all Guard soldiers who train in Wyoming, and we train a good many soldiers in Wyoming from around the United States.

The amendment would authorize $4.1 million in funding for the first phase of construction of a combined support maintenance shop at Camp Guernsey, WY. The existing critical facility is a 47-year-old, 26,000-square-foot multipurpose repair building where all of the Wyoming Army National Guard wheeled and tracked vehicles and equipment, light trucks, the self-propelled howitzers are repaired and overhauled.

The primary problem with the existing facility is inherent electrical and ventilation deficiencies that have not been able to be adequately corrected, despite some $270,000 in retrofits and repairs over the last 11 years.

Additionally, the National Guard Bureau and industrial hygiene team conducted an evaluation of this facility in March of 1995 and concluded that numerous hazards exist. Of seven discrepancies and hazards that exist, four have been assigned a Risk Assessment Code, or RAC, of 1, and the other three have been rated RAC 2.

These ratings reflect the severity of the conditions of the facility. RAC 1 indicates always a critical problem and has the possibility of causing permanent, severe, disabling, irreversible illness or even death. RAC 2 reflects a serious condition also.

Mr. President, the National Guard Association of the United States strongly supports this project. In a letter dated June 6, the executive director of the National Guard Association wrote:

Since 13 March 1990, the soldiers working in this shop have seen every day a warning on the front door that reads in part—

And here is what the warning says:

Unsafe or unhealthy working condition. Carbon monoxide level exceeds the OSHA ceiling limit.

The only solution to protect the health and life of National Guard soldiers in Wyoming is to replace this building. I ask unanimous consent that the letter be printed in the RECORD.

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

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES,
Washington, DC, June 6, 1996.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: The National Guard Association of the United States (NGAUS) is respectfully submitting this endorsement of a MILCON authorization request from the Wyoming Army National Guard.

During the accelerated budget process this year, a critical military construction request was initially left off the MILCON project list. The request is for a Combined Support Maintenance Shop (CSMS) at Camp Guernsey, Wyoming.

According to information provided by the state, this 47-year old facility contains serious, inherent health and safety hazards. An industrial hygiene team from the National Guard Bureau has determined that the building has seven serious Risk Assessment Code (RAC) discrepancies. Four of the discrepancies are coded RAC 1: "a critical problem exists that has the possibility of causing permanent, severe, disabling, irreversible illness or death." The CSMS facility has inherent ventilation and electrical deficiencies that the Wyoming National Guard has not been able to adequately correct despite $268,000 in retrofits and repairs over the last 11 years. Since 13 March 1990, the soldiers working in this shop have seen every day a warning on the front door that reads in part: "UNSAFE or UNHEALTHY WORKING CONDITION (DO NOT REMOVE NOTICE UNTIL CONDITION IS ABATED). Carbon monoxide level exceeds both the OSHA 8 hour PEL . . . and OSHA ceiling limit . . ."

The only solution, to protect the health and lives of National Guard soldiers in Wyoming, is to replace the building.

The Wyoming Army National Guard, through its Adjutant General, Maj. Gen. Ed Boenisch, is requesting phased funding to alleviate this health and safety discrepancy. The phase 1 request for the current appropriations year (FY 97) is $4.1 million. Phase 2 (FY 98) would be for $4.0 million.

NGAUS respectfully urges favorable support of your Committee for a floor amendment to the National Defense Authorization Act for Fiscal Year 1997 (S. 1745) to include this MILCON authorization request from the Wyoming Army National Guard.

Sincerely,

EDWARD J. PHILBIN,
Major General, ANGUS (Ret.),
Executive Director.

Mr. SIMPSON. Mr. President, the secondary problem with the existing facility is the wholly inadequate amount of space, as I said. They need 70,000 square feet instead of the current 26,000. Clearly, this is a quality equipment repair facility and is critical to the function of the combined support maintenance shop that directly impacts the Wyoming Guard's top goal of military readiness and those who train there, and there are thousands from across the United States.

Finally, the number of specialized jobs in the combined maintenance shop, such as welding and fabrication operations, painting operations, brake shop, brake shoe rebuilding, small arms repair, and electrical and mechanical repairs, cannot be performed.

These other operational attitudes cannot be performed at smaller outlying maintenance facilities.

But, more importantly, you have health and safety as more of a concern. Since repeated efforts to repair the facility and correct the inefficiencies have been unsuccessful, closing the facility may be the only alternative. It is used, as I say, by thousands of people in the Guard units from all the surrounding States.

The Wyoming Guard have compromised and curtailed their request for military construction funding to include only this critical program. It is an urging I make to support this amendment for $4.1 million in funding for phase 1 of the project, and $4 million in funding for the next fiscal year.

I also cite to my colleagues, on May 6, 1996, in a letter from William A. Navas, Major General, U.S. Army, Director, the Army National Guard, in a letter to the chairman, it stated, "Thirty-three urgently required projects were inadvertently omitted from that list," which was received before the committee on March 21, 1996. "A listing of those projects is enclosed." One of those is the project for which we seek the funds this evening.

I yield to my friend from Wyoming.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Did the Senator from Wyoming yield to the Senator from Wyoming?

Mr. SIMPSON. Yes, I did.

Mr. THOMAS. Mr. President, I will take a moment. I appreciate very much this opportunity. My senior Senator has described the issue. I just simply want to tell you that this Camp Guernsey is a very important part of the National Guard, not only for Wyoming, but it is also the training facility for a good many of the units surrounding Wyoming. It is an artillery unit with a range there.

So, as the Senator said, this was inadvertently left out of the accelerated budget process. It combines the support and maintenance shop. This is a very compelling need here.

Three tenants have occupied the same building since 1948. The building is environmentally in noncompliance, with problems of ventilation and electrical systems.

The National Guard Bureau has identified seven serious risk assessment discrepancies, as the Senator has pointed out. We have, as was mentioned, the letter from the National Guard Association, the letter from the Director of the Army National Guard, written in support of this funding.

The original funding actually was $12 million. Now it is less than that.

Mr. President, as we downsize, of course, we call on the Guard and the Reserve to carry more of the load. Someone mentioned earlier in the debate that the Congress pretty much is responsible—the Senate—for supporting the Guard funds. This, I think, is part of that.

So, Mr. President, I will not take any more time. But I certainly ask for support from our colleagues for this important National Guard addition. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Second of all, Mr. President, it is a minor item, but when the Senator from Wyoming yielded the floor, he yielded the floor. He could not yield to the other Senator from Wyoming for him to receive next recognition. But it is not important.

The PRESIDING OFFICER. The Senator is correct. The Chair notes the mistake.

Mr. McCAIN. Mr. President, let me just say that right now, and for those few who may be listening or watching, if this amendment passes, then I encourage all of my colleagues who have a military construction project in their district or State, that they may want to come over and have an amendment, and we will have a vote—because this meets none of the criteria.

This has nothing to do with any priority. This is a violation, clear violation of the sense-of-the-Senate resolution, which I will read into the RECORD again. So if this passes, I want all of my colleagues to come over, and whatever military construction project you want in your State, put it up, and we will have a vote on it, because you should win. You should win because there is no reason why you should not, because if we pass this project, then everything meets the criteria, including the fact that there will be no requirement for any offsets.

So I hope my colleagues, after the vote tomorrow, if this amendment passes, will have lots of projects ready to vote for, because, as far as I am concerned, it is open season on the military construction situation.

This project does not meet the criteria established for the Senate's authorization of unrequested military construction projects. Mr. President, this project is not included in the services' future years defense program. In other words, the Guard does not plan to build this project until after the year 2000.

If the safety hazards at that location are as serious as stated today, then the National Guard Bureau should request emergency construction authority.

The Senate Armed Services Committee was asked to review this project during our markup of the bill. The committee did not include the project because it did not meet the established criteria.

The fact remains that the scarcity of defense resources requires that the Guard Bureau, the services, and the Department of Defense all make tough choices among priority projects. This project did not meet the test of urgency when considered against all other priorities for the Guard, and it was not included in the initial priority list submitted by the Guard.

I think it is improper and counterproductive for the Congress to approve this. I hope my colleagues will not vote for the addition of several million dollars for another unrequested, low-priority project. However, let me emphasize, if this $4.1 million project is approved, then I would strongly urge my colleagues to come over here with every project that they have, because they deserve equal consideration. I have no idea how many more hundreds of millions or even billions of dollars we could add on in military construction projects if this one is agreed to.

So, Mr. President, I guess we will find out tomorrow. But I hope all my colleagues will be ready with their own projects. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Let me reflect again, so the RECORD is clear, that I will have entered into the RECORD a letter from General William A. Navas, Jr., that this project was inadvertently omitted from the list. I restate that and ask unanimous consent that that letter be printed in the RECORD.

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

DEPARTMENTS OF THE ARMY AND THE AIR FORCE NATIONAL GUARD BUREAU, ARMY PENTAGON,

Washington, DC.

Re Installation, Logistics, and Environment Directorate.

Hon. JOHN McCAIN,

Chairman, Subcommittee on Readiness, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During a hearing before the Senate Appropriations Military Construction Subcommittee on March 21, 1996, I was asked to provide a $250 Million priority list of Army National Guard Military Construction projects. This list was sent to Congress by the Army Secretariat.

Thirty-three urgently required projects were inadvertently omitted from that list. A listing of these projects is enclosed.

Sincerely,

WILLIAM A. NAVAS, Jr.,

Director, Army National Guard.

Army National Guard Military Construction

	Amount
Alaska: Bethel—AASF Taxiway Upgrade	$1.838
Alabama: Birmingham—Joint Med Tng Facility	4.600
California: Los Alamitos—JP-8 Fuel Fac, supplemental	1.092
Connecticut:	
Camp Hartell—CSMS/OMS	4.700

	Amount
Camp Hartell—Armory	8,500
Groton—AVCRAD	5.647
Florida:	
Camp Blanding—Combined Support Maint Shops	8.068
Lakeland—Limited AASF	5.000
MacDill—AASF	4.248
Indiana:	
Camp Atterbury—Water System Upgrade	5.534
Marion—OMS	1.121
Kentucky:	
Western KY Tng Site—Phase III	11.995
Fort Knox—MATES	2.691
Western KY Tng Site—Phase IV	11.000
Western KY Tng Site—Phase V	18.024
Massachusetts: Milford—USPFO Warehouse renovation	7.099
Michigan: Fort Custer—Education Support Facility	3.497
New Mexico: Taos—Armory	1.935
North Carolina:	
Charlotte—Armory	5.994
Charlottee—OMS	3.673
Fort Bragg—Mil Ed Fac Ph I	15.844
Fort Bragg—Mil Ed Fac Ph II	4.985
Oregon:	
Salem—Armed Force Reserve Center	11.000
Eugene—Armory	11.796
Eugene—OMS	2.136
South Carolina:	
Eastover—Readiness Center	5.994
Eastover—Simulation Center	2.800
Eastover—Infrastructure Upgrade	3.500
Tennessee:	
Chattanooga—AAOF	3.414
West Virginia:	
Camp Dawson—Mil Ed Fac	15.144
Camp Dawson—Armory	6.954
Wyoming: Camp Guernsey—CSMS/OMS/UTES	11.692

Mr. SIMPSON. Mr. President, I have spent little time in my 18 years in the Senate wandering in here to talk about any project. In fact, I believe that this would be perhaps the first time because these things have usually been very well considered.

This is something that did not get considered properly. That is why we are here, to seek an authorization to place it before the Senate on a priority. I believe that I am told that there are not more than four or five amendments that are out here that have to do with adding money or add-ons.

So if the invitation is to come to the floor to bring in your favorite dog or cat, there have not been many people doing that. There are about five. That will not cause some breach in the diet that will create an onslaught on this measure. So I want that clear, if we can. And we have inserted the letter in the RECORD. I suggest to our colleagues that this is very necessary for one of the few Guard units in the United States that trains the rest of them from the rest of the United States.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. The Senator from Wyoming, Senator SIMPSON, is exactly correct on this matter. We have the letter in from William A. Navas, Jr., Major General, U.S. Army, Director, Army National Guard. The Senator from Wyoming has already read the letter. He basically says that 33 urgently required projects were inadvertently omitted from the list that was submitted.

The reason this project was not included to begin with was because it did not meet the criteria because it was not in the 5-year defense plan. This letter says that was an error. So I just want to make it clear that what the Senator has said, from my perspective and the perspective from this side of the aisle, is exactly right. This would have been part of the list had it been listed as is now listed by General Navas, Major General, U.S. Army, Director, Army National Guard.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I just want to reiterate again, so others will understand thoroughly. When the Senator from Arizona said, come over, bring anything you have in mind, this is not in that category. The letter is here. It is entered. It was sent to the committee. And it was inadvertently left off the list. I think it is unfair to make that kind of a characterization.

Mr. REID. Mr. President, I ask unanimous consent the pending amendment be set aside.

Mr. McCAIN. Reserving the right to object, I think we have completed debate on this amendment. The vote is set for 9:15 tomorrow. I think we can move off of it and on to whatever business the Senator from Nevada wishes.

The PRESIDING OFFICER. There has been no unanimous consent for a time set for the vote.

Mr. McCAIN. Mr. President, I suggest there is no further debate on this amendment.

Mr. SIMPSON. Mr. President, in line with the Senator from Arizona, perhaps just a unanimous-consent request could be made that debate be concluded and the majority and minority leader set the time for the vote on the amendment tomorrow at a time certain.

The PRESIDING OFFICER. That is in order.

Mr. SIMPSON. I move that.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object, I think the leader said 9:15; does the Senator from Wyoming say 9:30?

Mr. SIMPSON. I leave it to the discretion of the leader.

Mr. NUNN. Perhaps a unanimous-consent request would reflect that.

Mr. SIMPSON. I incorporate that within it.

The PRESIDING OFFICER. Without objection, the request is agreed to.

Mr. NUNN. I add to that unanimous-consent request that no second-degree amendments be in order.

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

Mr. McCAIN. I object to no second-degree amendments being in order.

The PRESIDING OFFICER. The Chair hears the objection.

Mr. NUNN. Mr. President, I object to the unanimous-consent request.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 4062

(Purpose: To strike the authorization for the military construction project of the National Security Agency at Fort Meade, Maryland; to authorize $1,400,000 for the construction of a ramp addition for C-130 aircraft at Reno International Airport, Nevada; and to authorize $5,800,000 for the construction of a jet engine test facility/aircraft test enclosure at Fallon Naval Air Station, Nevada)

Mr. REID. Mr. President, I have an amendment I hope we can resolve in just a few minutes this evening, and I send that amendment to the desk.

The PRESIDING OFFICER. The pending amendments are laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 4062.

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

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

The amendment is as follows:

In the table in section 2201(a), in the amount column for the item relating to Fallon Naval Air Station, Nevada, strike out "$14,800,000" and insert in lieu thereof "$20,600,000".

Strike out the amount set forth as the total amount at the end of the table in section 2201(a) and insert in lieu thereof "$512,852,000".

In section 2205(a), in the matter preceding paragraph (1), strike out "$2,040,093,000" and insert in lieu thereof "$2,045,893,000".

In section 2205(a)(1), strike out "$507,052,000" and insert in lieu thereof "$512,852,000".

In the table in section 2401(a), strike out the item relating to the National Security Agency, Fort Meade, Maryland.

Strike out the amount set forth as the total amount at the end of the table in section 2401(a) and insert in lieu thereof "$502,390,000".

In section 2406(a), in the matter preceding paragraph (1), strike out "$3,421,366,000" and insert in lieu thereof "$3,396,166,000".

In section 2406(a)(1), strike out "$364,487,000" and insert in lieu thereof "$339,287,000".

In section 2601(3)(A), strike out "$208,484,000" and insert in lieu thereof "$209,884,000".

Mr. REID. Mr. President, this amendment encompasses two projects and is offered on my behalf and Senator BRYAN. These two projects are for the State of Nevada. The reason they were

not included in the matter we voted on last is the fact that Top Gun just moved to Nevada. It is a very important project for the Navy. Fallon Naval Air Station is the premier naval air fighting station in the whole world. Top Gun has moved there.

This amendment meets all the McCain criteria of the Senate Armed Services Committee. This project we are talking about is for testing of Navy jet engine acoustics at Fallon Naval Air Station. This authorizes appropriation of $5.8 million to move and complete a badly needed jet engine test facility at the Naval Air Station Alameda, which is due to close this fiscal year, to Fallon Naval Air Station, saving millions of dollars. If we wait to do this, we will have to spend millions of additional moneys. This is an effort to save money.

We would still be within our 302(b) allocation. It is not a budget buster. If we cannot do this, we would be required to construct a new and a smaller test facility. This is extremely important for Top Gun and other projects.

Now, the other project, Mr. President. Fallon Naval Air Station, I have indicated, is rapidly becoming the Navy's premier pilot training site, including Top Gun, Top Dome, and training of the navy's elite pilots. If you want to have a Ph.D. as a naval fighter in airplanes, you have to go to Fallon and train. This project meets all the criteria I have mentioned.

Mr. President, the other is a $1.4 million project that will add badly needed space to the aircraft parking are at the Reno Air National Guard for C–130's. This is a new mission they have. One thing I did not mention, Mr. President, for both of these projects, the money is offset. Both projects in the amendment are fully offset in moneys and for a project that is simply not usable anymore. It meets all the criteria. I do not need to dwell on it. I ask this amendment be approved.

Mr. NUNN. Mr. President, I urge support of the Reid amendment when we do get to a vote on it. This meets the committee's criteria that corrects potential problems currently in the Air National Guard.

Mr. REID. If I could say, the distinguished Senator from Arizona is going to object to this, but I think he would accept it on a voice vote. That is my understanding.

Mr. McCAIN. Mr. President, I understand the argument of the Senator from Nevada. There is not an offset in it. I understand it meets with all the other criteria. I oppose the amendment. I will not request a recorded vote.

Let me also say I will try and have the second-degree amendment to the amendment from the Senator from Wyoming very soon. As I understand the majority leader would have liked to have had a time certain.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 4062) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

STARSTREAK EVALUATION

Mr. INHOFE. Mr. President, I would like to engage Senators WARNER, SMITH, and KENNEDY, who are my colleagues on the Armed Services Committee, in a colloquy for the purposes of clarifying and correcting provisions in the committee's report with respect to the committee's funding of the air-to-air Starstreak missile evaluation, to be conducted by the Army.

Senator KENNEDY and I, along with other members of the committee, have supported continued evaluation of the Starstreak missile in an air-to-air role, to provide self-protection capability for the Apache helicopter. I understand that it has been the committee's intent to provide $15 million in fiscal year 1997 for the completion of the air-to-air Starstreak live fire phase test, to be carried out by the Army's applied aviation technology directorate. This test phase is to be completed prior to conducting a side-by-side evaluation with the air-to-air Stinger missile. It is also my understanding that to achieve the committee's intent, these funds should be placed in program element 63003A, an account used in prior years for this program.

However, the committee report placed it in a different line item—PE No. 23801A—and contains language that suggests an alternate use of these funds. I would like to correct the record in this matter.

Mr. WARNER. Senator, you are correct on both accounts. As the chairman of the Air-Land Forces Subcommittee, I can attest that the committee's intent is to authorize $15 million in program element 63003A explicitly for the continuation air-to-air Starstreak evaluation. The committee's report inadvertently implies that Starstreak would be evaluated alongside Stinger and placed the funds in the incorrect funding line. This was not the committee's intent and will be corrected during conference with the House.

Mr. KENNEDY. I share the concerns of the distinguished Senator from Oklahoma, and thank the Air-Land Subcommittee chairman for his support. These actions would be inconsistent with the authorization conference report for fiscal year 1996 and with actions taken last year by the Army to move Starstreak funds into this line for the continuation of the air-to-air Starstreak evaluation. The Army has indicated a clear need for helicopter self-defense, and is completing necessary documentation of that requirement. To best meet this requirement, there must be a fair shoot-off competition between Starstreak and Stinger. Providing this funding is necessary to fully evaluate the Starstreak missile prior to any shootoff, to ensure a level playing field.

Mr. SMITH. I concur with Senator WARNER's earlier statement, that the $15 million for the Starstreak evaluation should be placed in PE 63003A and be provided for the purpose of continuing the Starstreak evaluation. As chairman of the Acquisition and Technology Subcommittee, I am pleased to join my colleagues in working to bring this development program to a successful conclusion. The position and legislative intent of the committee as articulated in this colloquy will supersede that expressed in the committee report. Appropriate corrections will be made during conference on this bill with the House of Representatives, and the Army will be notified of our position on this issue.

Mr. INHOFE. I thank my colleagues for their assistance in clarifying this important matter.

AMENDMENT NO. 4049

Mr. PELL. Mr. President, I oppose strongly the amendment on nuclear testing offered by the Senators from Arizona and Nevada, Mr. KYL and Mr. REID. The United States is currently in the forefront of nations seeking a comprehensive ban on nuclear explosions. Members of the administration have worked assiduously to remove obstacles to such a ban both in the United States and among the other nuclear powers. Currently, we are in the final stages of an effort that could culminate an agreement on the text by June 28, with the opening of the text for signatures occurring this coming September.

Getting us to this point, at which a comprehensive treaty ban is almost in hand, has been both slow and tortuous. I recall well that President John F. Kennedy hoped to bring about a complete ban on nuclear testing. By building upon the positive aspects on both sides, he was able to bring about the breakthrough that produced the Limited Test Ban Treaty of 1963, which limited nuclear testing to the underground environment and spared the world further exposure to radiation and fallout from the tests by the three signatories, the United States, Great Britain, and the Soviet Union.

In 1974, President Nixon achieved the Threshold Test Ban Treaty, and President Ford accomplished the Peaceful Nuclear Explosives Treaty in 1976. In 1990, while I was chairman of the Committee on Foreign Relations, the committee and the Senate approved ratification of those two treaties. The complete ban has been an oft-stated goal of the United States for more than three decades and it has been pursued with

varying degrees of enthusiasm. In recent years, as some questions of safety and reliability of nuclear weapons have been resolved and as our scientific community has, with methods of ensuring the safety and reliability of the stockpile without resort to nuclear testing, it has become increasing clear that nuclear testing is no longer an imperative and that national interests of the United States would be served by an end to nuclear testing.

When the administration succeeded last year in securing the unconditioned and permanent extension of the nonproliferation treaty, we were successful largely because many nations who have foresworn nuclear weapons trusted us and the other nuclear powers to move expeditiously to a complete end of nuclear testing. That goal appears now to be within both reach and grasp.

As a result of legislation sponsored by Senators HATFIELD, EXON, and Mitchell in 1992, the United States has been operating under a moratorium on nuclear testing that will extend through this September. According to that legislation, the United States can only resume nuclear testing if another nation does so. Russia has not tested since 1992 and indicates it does not intend to resume nuclear testing. Earlier this year, France finished its latest and controversial series of nuclear tests in the Pacific and declared its commitment to achievement of a comprehensive ban. That leaves only China, which has indicated that it will conduct only one more test before September and then will join the other nuclear powers in stopping testing.

The Kyl-Reid amendment would revoke the Hatfield-Exon-Mitchell language, under which the United States has been engaged in the moratorium and moving toward a complete ban. It is correct that the amendment does not require testing, but it does open the way to renewed testing and send a completely wrong signal at this final stage of the negotiation on a complete ban. It would serve to undermine U.S. commitment to success in the negotiation. It could serve to disrupt the negotiation completely, and it could precipitate an end to prospects for a complete ban for years to come.

Mr. President, in January, John Holum, the director of the U.S. Arms Control and Disarmament Agency, delivered a message from the President to the delegates negotiating the test ban at the conference on disarmament in Geneva. The President made the point: "A Comprehensive Test Ban Treaty is vital to constrain both the spread and further development of nuclear weapons. And it will help fulfill our mutual pledges to renounce the nuclear arms race and move toward our ultimate goal of a world free of nuclear arms."

The President concluded: "I pledge the full and energetic support of the United States to conclude promptly a treaty so long sought and so long denied. Let us, now, take this historic step together."

The last several weeks in Geneva have been marked by heated negotiations as delegates attempt to remove final roadblocks. The next few days will be similarly hectic as delegates try to meet the June 28 deadline for success. John Holum told us today, "We are close to achieving our goal in Geneva. This window of opportunity is the best, and perhaps the last, chance to achieve this goal."

Mr. President, the Senate has had the wisdom to agree to the SALT I interim agreement, the 1972 Anti-ballistic Missile Treaty, START I and the START II Treaty. These treaties first capped the arms race, and ensured the viability of strategic deterrence. Through the START I Treaty which is now in force and the START II Treaty which awaits Russian ratification, the world's two superpowers will have reduced their nuclear arsenals by approximately two-thirds. If we are wise and prudent we will move beyond that level still further to substantially lower levels of nuclear armament. A complete ban on nuclear testing will help to reinforce and invigorate that process.

I hope very much that the Senate will decide today to keep the United States on the course it so wisely chose in 1992 in deciding to initiate a moratorium on nuclear testing.

HOUSE PROVISION ON ANTIPERSONNEL LANDMINES

Mr. LEAHY. Mr. President, last year an amendment to the Fiscal Year 1996 Defense Authorization bill which I sponsored with 49 other senators, both Democrats and Republicans, to impose a 1-year moratorium on the use of antipersonnel landmines, except along international borders and in demilitarized zones, passed the Senate on August 4 of last year by a vote of 67 to 27. It was signed into law by President Clinton on February 12 of this year. Support for the moratorium has broadened in the Congress since then, due to the extraordinary media attention this issue has received and the experience of our troops in Bosnia.

Recently, it came to my attention that the House National Security Committee included a provision in its version of the fiscal year 1996 Defense authorization bill, which would effectively nullify my amendment. This provision is identical to a provision the House included last year, but which was deleted in the conference.

While I do not question the motives of the authors of that provision, I have communicated my concerns about it to Chairman THURMOND, as well as Senators WARNER and NUNN. I have made clear that not only does this provision undermine the position of two-thirds of the Senate, it is totally unnecessary and premature since the moratorium would not take effect until February 1999. It also contradicts the Pentagon's considered judgment that it can manage with the Leahy moratorium, and ignores the administration's own position that it will not seek to modify or repeal the amendment.

Mr. President, on May 16, President Clinton announced the administration's long-awaited policy on landmines. While I was disappointed that the administration did not use this opportunity to renounce the use of an indiscriminate weapon that is responsible for horrendous suffering of civilians, the President did commit to vigorously negotiate an international agreement to ban antipersonnel mines. Over the next 2 years, we will have ample opportunity to judge the seriousness of the administration's efforts. With 41 nations already on record in support of an immediate, total ban, including many of our NATO allies, it is crucial that we preserve the Leahy amendment intact in order to reinforce our support for strong U.S. leadership in this global effort.

I am very pleased and appreciative that Chairman THURMOND has, like last year, answered my concerns by reaffirming his intention to defend the Senate position in conference. He was successful in doing so last year, and nothing has changed since then to weaken the Senate position. In fact, the official opinion of the Pentagon that it can live with the Leahy moratorium, the administration's policy to vigorously negotiate an international ban as soon as possible, and the growing number of countries that support a ban, should significantly strengthen it.

I hope the House will reconsider its position on this. There is no reason for an issue that has such broad public support, from veterans organizations to the Catholic Bishops to the American Red Cross, to become an issue of contention between us. If necessary, there is more than enough time to revisit this when the effective date of the moratorium approaches.

Mr. President, I ask unanimous consent that excerpts from a May 16 Pentagon press briefing describing the Pentagon's opinion of my amendment, and my correspondence with Chairman THURMOND, be printed in the RECORD.

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

NEWS BRIEFING

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE—PUBLIC AFFAIRS

Senior Defense Official #2: The President signed it into law. I mean, we have not been happy with it with regard to its provisions compared to this broader policy. The President did accept it. And we believe we can live with it, but we don't think it's an adequate—I didn't say we didn't support it—I mean, we don't think it's an adequate answer to the problem. And so, this policy is meant to answer the problem in a broader way. If the

moratorium stays in place, we can live with that one year moratorium given the exceptions that are written into it.

Q: All anti-personnel mines?

Senior Defense Official #2: Anti-personnel landmines.

U.S. SENATE,
Washington, DC, May 12, 1996.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, Washington, DC.

DEAR STROM: It has come to my attention that the House National Security Committee has included in its FY 1997 Defense Authorization bill the same certification provision concerning my anti-personnel landmine moratorium amendment that was deleted last year.

Not only is this provision unnecessary since the moratorium does not take effect until February 1999, it also would nullify the effect of the amendment which was supported by over two-thirds of the Senate in a bipartisan vote.

If necessary, I will take whatever measures are necessary to prevent this attempt by the House to undermine the Senate's position on my amendment. However, your help was instrumental in getting this same provision deleted from the bill last year. Before I make any decision on this, I would appreciate knowing whether I can count on you to prevent this provision from being included in the final version of the FY 1997 Defense Authorization bill.

I look forward to hearing from you soon.

With best regards.

PATRICK LEAHY,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 18, 1995.

Sen. PATRICK J. LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: Pursuant to our discussion on the floor this morning concerning consideration of the National Defense Authorization Act for Fiscal Year 1996, I would like to recap our agreement.

We have agreed that: You will control 20 minutes of debate on the landmine provision and I will control the same amount of time; you will not filibuster the defense authorization conference report and will not object to a unanimous consent for a time certain to vote on the defense authorization conference report; and if the current version of the FY 96 Defense Authorization bill does not become law, I will do everything in my power to ensure that section 1402(b) (concerning a certification in relation to the moratorium on landmine use) is deleted from any subsequent version of the bill. If the current version of the FY 96 Defense Authorization bill is signed into law, I will do everything in my power to ensure that section 1402(b) is reversed in the next Defense Authorization bill.

Sincerely,

STROM THURMOND,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 11, 1996.

Sen. PATRICK LEAHY,
U.S. Senate, Washington, DC.

DEAR PAT: Thank you for your recent correspondence regarding the anti-personnel landmine moratorium. I appreciate your bringing to my attention the provision in the House defense bill regarding a requirement for a certification prior to the imposition of a moratorium.

As the Chairman of the Senate Armed Services Committee, I will support the Senate position on any issue that comes before the conference on the defense authorization bill. However, as you know, it is impossible for me, or any other member of the Senate, to predict or guarantee the outcome of any particular provision during the conference of a bill. As always, I would support the Senate position with the House in the conference on the defense authorization bill.

As I recall our agreement last year it was that I would not offer any language to the fiscal year 1997 defense bill that would undermine your provision, and you would not offer language regarding the anti-personnel landmine moratorium to the fiscal year 1997 defense authorization bill. I have kept that agreement—there is no language in the fiscal year 1997 Senate defense authorization bill regarding the anti-personnel landmine moratorium.

With kindest regards and best wishes,

Sincerely,

STROM THURMOND,
Chairman.

Mr. CRAIG. Mr. President, there are a few issues which I think must be considered during what I expect will be complicated and controversial deliberations on the 1997 Defense authorization bill. First and foremost, this bill defines national security—the Government's primary obligation to its citizens.

The United States military is the greatest military power in the world. In a time of rapidly evolving technology, sufficient yet judicious funding authority is absolutely essential to maintain the status quo. The committee budget is $12.9 billion higher than fiscal year 1996 levels. However, adjusting this figure for inflation, the Department of Defense will actually see spending levels reduced by $5.5 billion from last year.

The administration in 1994 and 1995 promised outyear funding would increase to recover the shortfalls driven by deep cuts in earlier budgets. Yet, for the second straight year, the Presidential budget is less than projected in previous years. I am confident that DOD will meet its assigned mission, but I am concerned at what cost.

If we are to continue sending our soldiers into harm's way, this Nation has a responsibility to provide them with the highest level of technology. I often overhear comments that since the fall of the Iron Curtain, America has no significant enemy. However, since 1989, America has deployed more forces than at any time since 1964. Yes, the Soviet Union is no more, but renegade factions continue to threaten our Nation's security and vital economic interests. While we are the only remaining super power, our armed forces shouldn't be used in the role of the world's police force.

In the past 7 years, American forces have deployed to Panama, Grenada, and Saudi Arabia to protect our National interests. Additionally, peacekeeping operations have sent our troops to Haiti, Somalia, and most recently Bosnia. This Nation has a responsibility to scrutinize each mission carefully and send American Forces only when absolutely necessary. The threat is still there, but its face has changed. America will continue to send her young soldiers and sailors to foreign shores to protect our peace, but we must be judicious in those assignments.

As we examine the 1997 authorization, we must consider that the Defense budget has decreased to the lowest spending levels in 40 years. As we debate these issues, we must strive to produce a budget which defines national security and guarantees the Department of Defense has the necessary funding to complete all assigned, carefully chosen missions, obtain all training vital to success, and secure the best technology available. When this is finished, our military forces will continue to be the most influential military in the world and this Nation's security unquestioned.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NUNN. Mr. President, it is my understanding that the pending amendments would have to be set aside by unanimous consent before considering this block of amendments that have been consented to on both sides.

I ask unanimous consent that the pending amendments be set aside for the purpose of taking up these amendments. I believe there are 19 amendments that we will be presenting, which have been agreed to.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

AMENDMENT NO. 4063

(Purpose: To specify funding and requirements for research, development, test, and evaluation of advanced submarine technologies)

Mr. KEMPTHORNE. Mr. President, on behalf of Senator COHEN, I offer an amendment that would include a provision in the Senate bill that would provide for explicit guidance on the intended use of funds that are authorized for submarine technology. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. COHEN, proposes an amendment numbered 4063.

Mr. KEMPTHORNE. 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 subtitle B of title II add the following:

SEC. 223: ADVANCED SUBMARINE TECHNOLOGIES.

(a) AMOUNTS AUTHORIZED FROM NAVY RDT&E ACCOUNT.—Of the amount authorized to be appropriated by section 201(2)—

(1) $489,443,000 is available for the design of the submarine previously designated by the Navy as the New Attack Submarine; and

(2) $100,000,000 is available to address the inclusion on future nuclear attack submarines of core advanced technologies, category I advanced technologies, and category II advanced technologies, as such advanced technologies are identified by the Secretary of Defense in Appendix C of the report of the Secretary entitled "Report on Nuclear Attack Submarine Procurement and Submarine Technology", submitted to Congress on March 26, 1996.

(b) CERTAIN TECHNOLOGIES TO BE EMPHASIZED.—In using funds made available in accordance with subsection (a)(2), the Secretary of the Navy shall emphasize research, development, test, and evaluation of the technologies identified by the Submarine Technology Assessment Panel (in the final report of the panel to the Assistant Secretary of the Navy for Research, Development, and Acquisition, dated March 15, 1996) as having the highest priority for initial investment.

(c) SHIPYARDS INVOLVED IN TECHNOLOGY DEVELOPMENT.—To further implement the recommendations of the Submarine Technology Assessment Panel, the Secretary of the Navy shall ensure that the shipyards involved in the construction of nuclear attack submarines are also principal participants in the process of developing advanced submarine technologies and including the technologies in future submarine designs. The Secretary shall ensure that those shipyards have access for such purpose (under procedures prescribed by the Secretary) to the Navy laboratories and the Office of Naval Intelligence and (in accordance with arrangements to be made by the Secreatry) to the Defense Advanced Research Projects Agency.

(d) FUNDING FOR CONTRACTS UNDER 1996 AGREEMENT AMONG THE NAVY AND SHIPYARDS.—In addition to the purposes of which the amount authorized to be appropriated by section 201(2) are available under paragraphs (1) and (2) of subsection (a), the amounts avilable under such paragraphs are also available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the "Memorandum of Agreement Among the Department of the Navy, Electric Boat Corporation (EB), and Newport News Shipbuilding and Drydock Company (NNS) Concerning the New Attack Submarine", dated April 5, 1996, for reseach and development activities under that memorandum of agreement.

Mr. COHEN. Mr. President, this amendment would add a provision to title II of the Senate bill that reflects the markup position on advanced submarine technology that is now reflected in report language and the funding tables that accompany the bill. This position was developed as a result of testimony provided at a hearing on submarine procurement and development and on the Secretary of Defense Report on Nuclear Attack Submarine Procurement and Submarine Technology that was submitted to Congress on March 26, 1996 in compliance with section 131 of last year's defense authorization bill.

The hearing and report both indicate that the approach used by the Navy to invest in submarine technology should be revised to accommodate the low rate of future production for attack submarines relative to cold war levels and the much higher rate of technology turnover that is occurring in the civilian sector. The previous focus on incorporating new technologies into new designs that occurred with much greater frequency than can be expected in the future and then reducing technology funding to subsistence funding until time for a new design will no longer suffice to maintain the technological edge that our submarine force enjoyed during the cold war. A more promising model would be the creation of a single, stable research and development program under a single product manager and funded at a steady state level that supports, matures, and incorporates new technology on a continuing basis. In other words a process of continuous rather than cyclical evolution. A far greater emphasis would be placed on involvement of civilian industry, particularly the shipyards involved in submarine construction, than has occurred in the past. The Report accompanying the Senate bill provides guidance that the Secretary of the Navy is to use these funds to carry out high priority research on advanced submarine technology that is identified in the Secretary of Defense's report.

The House also concluded that additional funding for submarine technology was needed. However, consistent with the fascination with submarine technology reflected in last year's conference negotiations, the House bill would make over $200 million available for it in fiscal year 1997 and pursue initiatives such as the development of six different design alternatives at a cost of at least $500 million before settling on a design for series production no earlier than fiscal year 2003. The House provision also makes very detailed allocations on how submarine technology funds would be spent by the Navy without providing any objective analysis or documented justification to support this allocation.

It is clear that the House and Senate have developed divergent views on how the course of future research and development for advanced submarine technology should proceed. It appears prudent, based on the magnitude of funding increases in the House bill and its micromanagement of them, to establish in the Senate bill a provision in law that articulates, with more force than can be achieved with report language, the Senate's view on how the Navy should proceed with a program to develop submarine technology. This provision will provide stronger guidance to our conferees when they negotiate a final outcome in the fiscal year 1997 defense authorization bill. I encourage my colleagues to join me in voting in favor of this amendment.

Mr. KEMPTHORNE. Mr. President, again, I point out there is no objection from the other side.

Mr. NUNN. Mr. President, I urge support of this amendment. It would clarify the Senate's intention on how the Navy should spend funds and implement recommendations of the DOD's report on nuclear attack submarine procurement and technology. This is an important effort to begin to address inefficiencies that have been identified in previous attack submarine R&D programs.

Mr. KEMPTHORNE. Mr. President, I urge adoption of this amendment.

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

The amendment (No. 4063) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4064

(Purpose: To ensure that the annual report from the Reserve Forces Policy Board is submitted as a report that is separate from the annual report of the Secretary of Defense on the expenditures, work, and accomplishments of the Department of Defense)

Mr. NUNN. Mr. President, on behalf of Senator BYRD, I offer an amendment that would make technical corrections to the references to the annual report required to be submitted by the Reserve Forces Policy Board and establish that the annual report be a separate report submitted in conjunction with the annual report of the Secretary of Defense. This has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BYRD, proposes an amendment numbered 4064.

Mr. KEMPTHORNE. 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 subtitle E of title X add the following:

SEC. 1054. ANNUAL REPORT OF RESERVE FORCES POLICY BOARD.

Section 113(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraphs (1), (2), and (4) as subparagraphs (A), (B), and (C), respectively;

(3) by inserting "(1)" after "(c)";

(4) by inserting "and" at the end of subparagraph (B), as redesignated by paragraph (2); and

(5) by adding at the end the following:

"(2) At the same time that the Secretary submits the annual report under paragraph (1), the Secretary shall transmit to the President and Congress a separate report from the Reserve Forces Policy Board on the reserve programs of the Department of Defense and on any other matters that the Reserve Forces Policy Board considers appropriate to include in the report.".

Mr. KEMPTHORNE. This amendment has been cleared.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4064) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4065

(Purpose: To provide for managed health care services to be furnished under the health care delivery system of the uniformed services by transferees of Public Health Service hospitals or other stations previously deemed to be uniformed services treatment facilities that enter into agreements with the Secretary of Defense to provide such services on an enrollment basis)

Mr. KEMPTHORNE. Mr. President, on behalf of Senators GORTON, COHEN, and GLENN, I offer an amendment which would establish the integration of the uniformed services treatment facilities in the Department of Defense TRICARE health care program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. GORTON, for himself, Mr. COHEN, and Mr. GLENN, proposes an amendment numbered 4065.

Mr. KEMPTHORNE. 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:

After the heading for title VII insert the following:

Subtitle A—General

Strike out section 704.

Redesignate section 705 as section 704.

Redesignate section 706 as section 705.

Redesignate section 707 as section 706.

At the end of title VII add the following:

Subtitle B—Uniformed Services Treatment Facilities

SEC. 721. DEFINITIONS.

In this subtitle:

(1) The term "administering Secretaries" means the Secretary of Defense, the Secretary of Transportation, and the Secretary of Health and Human Services.

(2) The term "agreement" means the agreement required under section 722(b) between the Secretary of Defense and a designated provider.

(3) The term "capitation payment" means an actuarially sound payment for a defined set of health care services that is established on a per enrollee per month basis.

(4) The term "covered beneficiary" means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

(5) The term "designated provider" means a public or nonprofit private entity that was a transferee of a Public Health Service hospital or other station under section 987 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 603) and that, before the date of the enactment of this Act, was deemed to be a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code. The term includes any legal successor in interest of the transferee.

(6) The term "enrollee" means a covered beneficiary who enrolls with a designated provider.

(7) The term "health care services" means the health care services provided under the health plan known as the TRICARE PRIME option under the TRICARE program.

(8) The term "Secretary" means the Secretary of Defense.

(9) The term "TRICARE program" means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 722. INCLUSION OF DESIGNATED PROVIDERS IN UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

(a) INCLUSION IN SYSTEM.—The health care delivery system of the uniformed services shall include the designated providers.

(b) AGREEMENTS TO PROVIDE MANAGED HEALTH CARE SERVICES.—(1) After consultation with the other administering Secretaries, the Secretary of Defense shall negotiate and enter into an agreement with each designated provider, under which the designated provider will provide managed health care services to covered beneficiaries who enroll with the designated provider.

(2) The agreement shall be entered into on a sole source basis. The Federal Acquisition Regulation, except for those requirements regarding competition, issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall apply to the agreements as acquisitions of commercial items.

(3) The implementation of an agreement is subject to availability of funds for such purpose.

(c) EFFECTIVE DATE OF AGREEMENTS.—(1) Unless an earlier effective date is agreed upon by the Secretary and the designated provider, the agreement shall take effect upon the later of the following:

(A) The date on which a managed care support contract under the TRICARE program is implemented in the service area of the designated provider.

(B) October 1, 1997.

(2) Notwithstanding paragraph (1), the designated provider whose service area includes Seattle, Washington, shall implement its agreement as soon as the agreement permits.

(d) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—The Secretary shall extend the participation agreement of a designated provider in effect immediately before the date of the enactment of this Act under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) until the agreement required by this section takes effect under subsection (c).

(e) SERVICE AREA.—The Secretary may not reduce the size of the service area of a designated provider below the size of the service area in effect as of September 30, 1996.

(f) COMPLIANCE WITH ADMINISTRATIVE REQUIREMENTS.—(1) Unless otherwise agreed upon by the Secretary and a designated provider, the designated provider shall comply with necessary and appropriate administrative requirements established by the Secretary for other providers of health care services and requirements established by the Secretary of Health and Human Services for risk-sharing contractors under section 1876 of the Social Security Act (42 U.S.C. 1395mm). The Secretary and the designated provider shall determine and apply only such administrative requirements as are minimally necessary and appropriate. A designated provider shall not be required to comply with a law or regulation of a State government requiring licensure as a health insurer or health maintenance organization.

(2) A designated provider may not contract out more than five percent of its primary care enrollment without the approval of the Secretary, except in the case of primary care contracts between a designated provider and a primary care contractor in force on the date of the enactment of this Act.

SEC. 723. PROVISION OF UNIFORM BENEFIT BY DESIGNATED PROVIDERS.

(a) UNIFORM BENEFIT REQUIRED.—A designated provider shall offer to enrollees the health benefit option prescribed and implemented by the Secretary under section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 1073 note), including accompanying cost-sharing requirements.

(b) TIME FOR IMPLEMENTATION OF BENEFIT.—A designated provider shall offer the health benefit option described in subsection (a) to enrollees upon the later of the following:

(1) The date on which health care services within the health care delivery system of the uniformed services are rendered through the TRICARE program in the region in which the designated provider operates.

(2) October 1, 1996.

(c) ADJUSTMENTS.—The Secretary may establish a later date under subsection (b)(2) or prescribe reduced cost-sharing requirements for enrollees.

SEC. 724. ENROLLMENT OF COVERED BENEFICIARIES.

(a) FISCAL YEAR 1997 LIMITATION.—(1) During fiscal year 1997, the number of covered beneficiaries who are enrolled in managed care plans offered by designated providers may not exceed the number of such enrollees as of October 1, 1995.

(2) The Secretary may waive the limitation under paragraph (1) if the Secretary determines that additional enrollment authority for a designated provider is required to accommodate covered beneficiaries who are dependents of members of the uniformed services entitled to health care under section 1074(a) of title 10, United States Code.

(b) PERMANENT LIMITATION.—For each fiscal year after fiscal year 1997, the number of enrollees in managed care plans offered by designated providers may not exceed 110 percent of the number of such enrollees as of the first day of the immediately preceding fiscal year. The Secretary may waive this limitation as provided in subsection (a)(2).

(c) RETENTION OF CURRENT ENROLLEES.—An enrollee in the managed care program of a designated provider as of September 30, 1997, or such earlier date as the designated provider and the Secretary may agree upon,

shall continue receiving services from the designated provider pursuant to the agreement entered into under section 722 unless the enrollee disenrolls from the designated provider. Except as provided in subsection (e), the administering Secretaries may not disenroll such an enrollee unless the disenrollment is agreed to by the Secretary and the designated provider.

(d) ADDITIONAL ENROLLMENT AUTHORITY.—Other covered beneficiaries may also receive health care services from a designated provider, except that the designated provider may market such services to, and enroll, only those covered beneficiaries who—

(1) do not have other primary health insurance coverage (other than medicare coverage) covering basic primary care and inpatient and outpatient services; or

(2) are enrolled in the direct care system under the TRICARE program, regardless of whether the covered beneficiaries were users of the health care delivery system of the uniformed services in prior years.

(e) SPECIAL RULE FOR MEDICARE-ELIGIBLE BENEFICIARIES.—If a covered beneficiary who desires to enroll in the managed care program of a designated provider is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), the covered beneficiary shall elect whether to receive health care services as an enrollee or under part A of title XVIII of the Social Security Act. The Secretary may disenroll an enrollee who subsequently violates the election made under this subsection and receives benefits under part A of title XVIII of the Social Security Act.

(f) INFORMATION REGARDING ELIGIBLE COVERED BENEFICIARIES.—The Secretary shall provide, in a timely manner, a designated provider with an accurate list of covered beneficiaries within the marketing area of the designated provider to whom the designated provider may offer enrollment.

SEC. 725. APPLICATION OF CHAMPUS PAYMENT RULES.

(a) APPLICATION OF PAYMENT RULES.—Subject to subsection (b), the Secretary shall require a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services to apply the payment rules described in section 1074(c) of title 10, United States Code, in imposing charges for health care that the private facility or provider provides to enrollees of a designated provider.

(b) AUTHORIZED ADJUSTMENTS.—The payment rules imposed under subsection (a) shall be subject to such modifications as the Secretary considers appropriate. The Secretary may authorize a lower rate than the maximum rate that would otherwise apply under subsection (a) if the lower rate is agreed to by the designated provider and the private facility or health care provider.

(c) REGULATIONS.—The Secretary shall prescribe regulations to implement this section after consultation with the other administering Secretaries.

(d) CONFORMING AMENDMENT.—Section 1074 of title 10, United States Code, is amended by striking out subsection (d).

SEC. 726. PAYMENTS FOR SERVICES.

(a) FORM OF PAYMENT.—Unless otherwise agreed to by the Secretary and a designated provider, the form of payment for services provided by a designated provider shall be full risk capitation. The capitation payments shall be negotiated and agreed upon by the Secretary and the designated provider. In addition to such other factors as the parties may agree to apply, the capitation payments shall be based on the utilization experience of enrollees and competitive market rates for equivalent health care services for a comparable population to such enrollees in the area in which the designated provider is located.

(b) LIMITATION ON TOTAL PAYMENTS.—Total capitation payments to a designated provider shall not exceed an amount equal to the cost that would have been incurred by the Government if the enrollees had received their care through a military treatment facility, the TRICARE program, or the medicare program, as the case may be.

(c) ESTABLISHMENT OF PAYMENT RATES ON ANNUAL BASIS.—The Secretary and a designated provider shall establish capitation payments on an annual basis, subject to periodic review for actuarial soundness and to adjustment for any adverse or favorable selection reasonably anticipated to result from the design of the program.

(d) ALTERNATIVE BASIS FOR CALCULATING PAYMENTS.—After September 30, 1999, the Secretary and a designated provider may mutually agree upon a new basis for calculating capitation payments.

SEC. 727. REPEAL OF SUPERSEDED AUTHORITIES.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c).

(2) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d).

(3) Section 718(c) of the National Defense Authorization Act for Fiscal year 1991 (Public Law 101–510; 42 U.S.C. 248c note).

(4) Section 726 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 248c note).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

Mr. GORTON. Mr. President, today I am offering an amendment which defines the future for Uniformed Services Treatment Facilities [USTFs] in order to ensure that these hospitals and clinics can continue to provide high-quality care to thousands of military beneficiaries throughout the country. Senators SARBANES, MOYNIHAN, and MURRAY have joined me as cosponsors of this amendment. I appreciate the accommodation of the Committee leadership for clearing my amendment for inclusion in the Senate version of the National Defense Authorization Act for fiscal year 1997.

USTFs are former Public Health Service hospitals that were transferred to private, not-for-profit ownership during the Reagan administration. The late Senator from Washington State, Scoop Jackson, sponsored legislation in 1981 that completed this transition by deeming these hospitals and clinics facilities of the Uniformed Services and authorizing them to provide health care to military beneficiaries, including retirees and family members of active-duty personnel and retirees. I was proud to join as a cosponsor of that amendment during my first year in the Senate.

USTFs have performed well over the past 15 years as providers of cost-effective and quality military health care. There are currently 9 USTFs operated by 7 organizations serving about 120,000 military beneficiaries in nine States: Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Texas, and Washington. These facilities have a loyal base of beneficiaries who have come to rely on them as their primary care providers.

USTFs have also pioneered new innovations in military health care, including full at-risk managed care. I sponsored an amendment in 1992 that required the Department of Defense [DOD] to enter into agreements with USTFs to carry out a managed care delivery program. The USTFs managed care program, called the Uniformed Services Family Health Plan, I am told, has further reduced costs and has consistently received a favorable beneficiary rating in excess of 90 percent.

The USTFs are now at a crossroads. With their current participation agreements expiring next year, USTFs and DOD entered into negotiations late last year aimed at integrating the USTFs program into the overall military health care system. The negotiations resulted in a set of "guiding principles" which both DOD and USTFs accepted. My amendment implements these "guiding principles" by clarifying how the USTF program will be integrated into the TRICARE program. With one exception concerning the date for the application of TRICARE enrollment fees and increased co-payments, my amendment is identical to the provisions of the House-passed National Defense Authorization Act for fiscal year 1997.

My amendment reflects a careful compromise reached between the USTFs and DOD to protect the interests of the military beneficiary and the taxpayer. In addition to integrating the USTFs into TRICARE, my amendment limits the growth of the USTF program and implements a recommendation of a new GAO report by disenrolling USTF beneficiaries who receive benefits under Medicare. A more detailed section-by-section summary of my amendment will follow this statement.

Mr. President, this amendment is a true compromise which serves the interest of American servicemen and women. It not only has the support of the Health Affairs Office at the Defense Department, but except for the one difference already mentioned, the entirety of my amendment has been included in the House-passed bill. I thank the Committee leadership for agreeing to include this amendment in the Senate bill as well.

I ask unanimous consent that the summary I mentioned be printed in the RECORD.

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

SECTION-BY-SECTION SUMMARY OF THE GORTON AMENDMENT

The amendment adds a new subtitle B to title VII dealing with the Uniformed Services Treatment Facilities.

Section 721 defines nine terms in subtitle B.

Section 722 reauthorized the USTFs as "designated providers" of health care to military beneficiaries. DOD is directed to negotiate and enter into new agreements with each USTF on a sole source basis. Although the competitive requirements of the Federal Acquisition Regulations (FAR) would not apply, the FAR would apply to USTF agreements as "acquisitions of commercial items." The new USTF agreements would be required by the later of October 1, 1997 (when the current agreements expire) or when TRICARE is implemented in the region served by the USTF. The Seattle USTF, however, could begin their agreement sooner than October 1, 1997. USTFs which will not have TRICARE in their regions until after 1997 will automatically have their current participation agreement extended. The USTFs shall comply with "necessary and appropriate" administrative requirements established by DOD for other health care providers. USTFs would be exempt from state health maintenance organization licensure requirements. A USTF could not contract out more than 5% of its primary care enrollment without DOD's approval, except for contracts in effect on the date of enactment.

Section 723 established the process for applying the uniform benefit to the USTFs. The USTFs would be required to apply the TRICARE Prime enrollment fees and increased co-payments the later of October 1, 1996 or when TRICARE is implemented in their region. DOD has the discretion to prescribe a later date or reduce the cost shares.

Section 724 establishes two enrollee caps to limit the growth of the USTFs. For FY-1997, the enrollee cap consists of the total number of those enrolled in the program (even those for which no funding was provided) as of October 1, 1995 plus new active-duty dependents that DOD could waive into the program. For FY-1998 and beyond, the program enrollee cap is 10% higher than the previous year. This section also requires that all existing enrollees continue to receive care under the new agreements unless the beneficiary disenrolls. The USTF can also enroll additional beneficiaries, but can only market to those who do not have other non-governmental primary health insurance coverage or are participating in the TRICARE program. This section also authorized DOD to automatically disenroll any beneficiary over 65 who unlawfully receives benefits under Medicare. This provision reflects the recommendations of a new GAO report and should prevent double payments.

Section 725 applies the CHAMPUS payment rules to the USTFs. DOD could modify the payment rules as appropriate and could authorize a lower rate than the maximum rate if agreed to by the USTF and the primary health care provider facility.

Section 726 states that the form of payments for the USTFs will be full-risk capitation negotiated and agreed upon by DOD and the USTFs. The capitation payments must be based on utilization experience of enrollees and "competitive market rates" for equivalent health care services for a comparable population in the area served by the USTF. The total capitation cannot exceed the amount incurred had the beneficiary received care from a military hospital or under TRICARE. The capitation payments will be established on an annual basis and subject to periodic review to reflect actuarial soundness and adverse selection. The USTFs and DOD may mutually agree upon a new basis for calculating capitation payments after September 30, 1999.

Section 727 repeals much of the existing, now superseded USTF provisions, including the statutory status, the authority for managed care agreements, and the application of the FAR and the TRICARE cost shares. The repeals take effect on October 1, 1997.

Mr. KEMPTHORNE. Mr. President, I believe this amendment has been cleared.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4065) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4066

(Purpose: To authorize the Secretaries of the military departments and the Secretary of Transportation to carry out a food donation pilot program at the service academies)

Mr. NUNN. Mr. President, on behalf of Senator SARBANES, I offer an amendment which would authorize the Secretaries of the military departments and the Secretary of Transportation to carry out a food donation program at the service academies, under their respective jurisdiction. I believe this amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The Senator from Georgia [Mr. NUNN], for Mr. SARBANES, for himself and Ms. MIKULSKI, proposes an amendment numbered 4066.

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

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

The amendment is as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. FOOD DONATION PILOT PROGRAM AT THE SERVICE ACADEMIES.

(a) PROGRAM AUTHORIZED.—The Secretaries of the military departments and the Secretary of Transportation may each carry out a food donation pilot program at the service academy under the jurisdiction of the Secretary.

(b) DONATIONS AND COLLECTIONS OF FOOD AND GROCERY PRODUCTS.—Under the pilot program, the Secretary concerned may donate to, and permit others to collect for, a nonprofit organization any food or grocery product that—

(1) is—

(A) an apparently wholesome food;

(B) an apparently fit grocery product; or

(C) a food or grocery product that is donated in accordance with section 402(e) of the National and Community Service Act of 1990 (42 U.S.C.A 12672(e));

(2) is owned by the United States;

(3) is located at a service academy under the jurisdiction of the Secretary; and

(4) is excess to the requirements of the academy.

(c) PROGRAM COMMENCEMENT.—The Secretary concerned shall commence carrying out the pilot program, if at all, during fiscal year 1997.

(d) APPLICABILITY OF GOOD SAMARITAN FOOD DONATION ACT.—Section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) shall apply to donations and collections of food and grocery products under the pilot program without regard to section 403 of such Act (42 U.S.C. 12673).

(e) REPORTS.—(1) Each Secretary that carries out a pilot program at a service academy under this section shall submit to Congress an interim report and a final report on the pilot program.

(2) The Secretary concerned shall submit the interim report not later than one year after the date on which the Secretary commences the pilot program at a service academy.

(3) The Secretary concerned shall submit the final report not later than 90 days after the Secretary completes the pilot program at a service academy.

(4) Each report shall include the following:

(A) A description of the conduct of the pilot program.

(B) A discussion of the experience under the pilot program.

(C) An evaluation of the extent to which section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) has been effective in protecting the United States and others from liabilities associated with actions taken under the pilot program.

(D) Any recommendations for legislation to facilitate donations or collections of excess food and grocery products of the United States or others for nonprofit organizations.

(f) DEFINITIONS.—In this section:

(1) The term "service academy" means each of the following:

(A) The United States Military Academy.

(B) the United States Naval Academy.

(C) The United States Air Force Academy.

(D) The United States Coast Guard Academy.

(2) The term "Secretary concerned" means the following

(A) The Secretary of the Army, with respect to the United States Military Academy.

(B) The Secretary of the Navy, with respect to the United States Naval Academy.

(C) The Secretary of the Air Force, with respect to the United States Air Force Academy.

(D) The Secretary of Transportation, with respect to the United States Coast Guard Academy.

(3) The terms "apparently fit grocery product", "apparently wholesome food", "donate", "food", and "grocery product" have the meanings given those terms in section 402(b) of the National and Community Service Act of 1990 (42 U.S.C. 12672(b)).

Mr. SARBANES. Mr. President, I am pleased to offer this amendment which would establish a voluntary food donation pilot program at the service academies. The amendment would provide the academies with the necessary authority to donate surplus foods to nonprofit organizations for hunger relief efforts in their local communities.

With the need for food assistance escalating, especially among our working poor, this additional source of food which might otherwise go to waste, could help to alleviate hunger in these

surrounding communities. I look forward to the academies' voluntary participation in and the overall success of this program.

Mr. KEMPTHORNE. This amendment has been cleared on our side.

Mr. NUNN. Mr. President, I urge its adoption.

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

The amendment (No. 4066) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4067

(Purpose: To provide for the designation of a memorial as the National D-Day Memorial)

Mr. KEMPTHORNE. Mr. President, on behalf of Senator WARNER, I offer an amendment that would designate a memorial to be constructed in Bedford, VA, to be known as the "National D-Day Memorial."

The PRESIDING OFFICER. The clerk will report.

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. WARNER, proposes an amendment numbered 4067.

At the appropriate place in title X, insert the following:

SEC. . DESIGNATION OF MEMORIAL AS NATIONAL D-DAY MEMORIAL.

(a) DESIGNATION.—The memorial to be constructed by the National D-Day Memorial Foundation in Bedford, Virginia, is hereby designated as a national memorial to be known as the "National D-Day Memorial". The memorial shall serve to honor the members of the Armed Forces of the United States who served in the invasion of Normandy, France, in June 1944.

(b) PUBLIC PROCLAMATION.—The President is requested and urged to issue a public proclamation acknowledging the designation of the memorial to be constructed by the National D-Day Memorial Foundation in Bedford, Virginia, as the National D-Day Memorial.

(c) MAINTENANCE OF MEMORIAL.—All expenses for maintenance and care of the memorial shall be paid for with non-Federal funds, including funds provided by the National D-Day Memorial Foundation. The United States shall not be liable for any expense incurred for the maintenance and care of the memorial.

Mr. WARNER. Mr. President, I rise today to urge my colleagues to support the designation of the memorial to be constructed in Bedford, Virginia as the National D-Day Memorial.

The Normandy Invasion of June 6, 1944—more commonly known as D-Day—was the largest air, land, and sea invasion ever undertaken. The sheer magnitude of the invasion, which included 4,870 ships, 7,200 planes and 250,000 soldiers was unprecedented. By the battle's end, causalities for the Allied forces numbered 9,758, including 6,603 Americans. As the turning point in World War II, D-Day will forever be remembered as the decisive battle that spelled the beginning of the end for Hitler's dream of Nazi domination of the world.

Remarkably, there is no memorial in the United States commemorating this important battle. My amendment would rectify this oversight by designating the memorial to be constructed in Bedford, Virginia as the National D-Day Memorial.

Bedford is the ideal location for a National D-Day Memorial for several reasons. Most important, Bedford, VA—home base for Company A of the 116th Infantry Regiment—sustained the highest per-capita loss of any single community as a result of the D-Day invasion. In addition, the 88-acre scenic site is easily accessible via the interstate highway system and overlooks the beautiful Blue Ridge Mountains.

It is important to realize that this designation is not exclusively granted to the memorial in Bedford, and obligates no federal funds for construction or operation of the memorial now or in the future.

When completed, this memorial will serve as a lasting tribute to all who took part in D-Day, as a reminder of the price paid for freedom and peace, and as a resource to educate future generations about the significance and sacrifice of D-Day.

Mr. KEMPTHORNE. Mr. President, this has been cleared by the other side.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4067) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4068

(Purpose: To increase authorizations of appropriations for the Air National Guard by $8,700,000 for support of 10 primary authorized C-130 aircraft for each airlift squadron in the Air National Guard of Kentucky, West Virginia, North Carolina, Tennessee, and California; and to increase various personnel end strength authorizations by 385 for support of such aircraft)

Mr. NUNN. Mr. President, on behalf of Senator BYRD, for himself, Senators FORD and FEINSTEIN, I offer an amendment which would authorize the Air National Guard to retain 10 C-130 aircraft in each of the five National Guard C-130 squadrons. I believe this amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BYRD, for himself, Mr. FORD, and Mrs. FEINSTEIN, proposes an amendment numbered 4068.

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

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

The amendment is as follows:

In section 301(11), strike out "$2,692,473,000" and insert in lieu thereof "$2,699,173,000".

In section 411(a)(5), strike out "108,594" and insert in lieu thereof "108,904".

In section 412(5), strike out "10,378" and insert in lieu thereof "10,403".

In section 421, strike out "$69,878,430,000" in the first sentence and insert in lieu thereof "$69,880,430,000".

In section 201(3), strike out "$14,788,356,000" and insert in lieu thereof "$14,783,356,000".

In section 301(4), strike out "$17,953,039,000" and insert in lieu thereof "$17,949,339,000".

At the end of subtitle B of title V add the following:

SEC. 518. MODIFIED END STRENGTH AUTHORIZATION FOR MILITARY TECHNICIANS FOR THE AIR NATIONAL GUARD FOR FISCAL YEAR 1997.

Section 513(b)(3) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 305; 10 U.S.C. 115 note) is amended to read as follows:

"(3) Air National Guard:

"(A) For fiscal year 1996, 22,906.

"(B) For fiscal year 1997, 22,956.".

Mr. BYRD. Mr. President, this amendment which I am offering on behalf of myself and Senators FORD and FEINSTEIN enables Air National Guard units in North Carolina, Tennessee, West Virginia, Kentucky, and California to maintain their full complement of 12 C-130's. Without $6.7 million in operations and maintenance funds and $2.0 million in personnel funds, these units would be forced, prematurely and perhaps unnecessarily, to reduce their airlift capacity to 10 aircraft per unit.

The President's budget for Fiscal Year 1997 reduces the Air National Guard inventory of C-130's in these five states from 12 aircraft per unit to 10 in accordance with earlier Air Force program decisions. However, subsequent to the FY 1997 budget submission, the Air Force initiated an airlift analysis which, together with congressionally-directed C-130 Master Stationing Plan, would provide the Air Force with a comprehensive look at long-term airlift requirements. Therefore, it is premature to reduce the number of aircraft in these units until the total force requirements analysis is completed. If these aircraft and personnel are eliminated from the force, it would be difficult to replace them, should the ongoing study demonstrate an ongoing requirement for them.

Mr. President, airlift has long been the ugly duckling of aircraft programs, drab and utilitarian next to the swans that are fighter and bomber aircraft. But airlift is essential to every military operation, delivering the supplies that keep our military going. Air National Guard units are critical to maintaining the supply pipeline, and I am confident that the Air Force study will recognize the value of retaining the maximum number of C-130's in the inventory.

Mr. FORD. This amendment is very simple, and as I understand, is acceptable to both sides. During the 1997 Fiscal Year budget deliberations at the

Pentagon, a decision was made to reduce the Air National Guard C–130 fleet by ten aircraft. Two aircraft would be taken from each of the five units in the States of Kentucky, West Virginia, California, North Carolina and Tennessee. However, the Air Force has initiated an Inter-theater Lift Analysis to determine the impact of the C–17 on the C–130 requirements. Furthermore, the Air Force has not yet completed its C–130 Master Stationing Plan.

My colleagues and I believe it is premature to reduce the Air National Guard C–130 fleet below current levels until both of the studies have been completed and the comprehensive Total Force airlift requirements have been approved by Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Adjutant General of Kentucky, Gen. John R. Groves, Jr. General of the Kentucky National Guard immediately following my remarks.

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

COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF MILITARY AFFAIRS,
Frankfort, KY, April 18, 1996.

The Adjutant General
100 Minuteman Parkway
Frankfort, KY.

Hon. WENDELL H. FORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR FORD: The upcoming congressional action concerning Defense Authorization Bills is one of great importance to the Commonwealth of Kentucky and the Nation. We in Kentucky ask for you and your colleagues' support of the following facts as they relate to the Air National Guard's role in National Defense.

The Kentucky Air National Guard has proven to be one of the most cost-effective means of maintaining the Nation's Total Air Force capability within the constraints of a shrinking defense budget. This has never been more evident than with our Air National Guard C–130H aircraft and unit personnel constantly being involved in worldwide contingencies.

Our Kentucky Air National Guard units as well as those of other C–130 states like; West Virginia, North Carolina, Tennessee and California are more involved today than ever before. Recently, I watched Kentucky C–130's fly out of Louisville International Airport for destination like Honduras and Germany in support of Operation Joint Endeavor. The men and women of the Kentucky Air National Guard perform these and many other missions in support of national policy with a high degree of experience and an even higher degree of professionalism.

For years the Congress has provided funding to maintain several Air National Guard C–130 units at 12 primary authorized aircraft (PAA). Secretary Perry has indicated the Air National Guard's participation in airlift will continue to increase, as I am sure is based on the great record of Total Force support by Air National Guard C–130 units like Kentucky. If the Air National Guard's support of national defense initiatives continues, then so should the funding of twelve primary authorized aircraft and its associated personnel package. Reduced funds in the FY 97 Defense budget and further reductions in the out years of defense budgets will impact the Air National Guard's ability to step up to increased operations tempo.

We in Kentucky feel strongly that the Air National Guard force structure should remain constant until a new National Security Review is completed and that the C–130 airlift units in the five states mentioned above should retain their current primary authorized aircraft of twelve. This would most assuredly be more cost effective than any reduction of authorized aircraft necessary to meet near term total Air Force requirements.

The stabilization of these five states C–130 units at 12 (PAA) would require Congressional restoration of $8.7 million in Air National Guard accounts for operations, maintenance and military personnel. Additionally, authorized manpower increases of 25 AGR's 310 drill, and 50 military technician positions are necessary to support maintaining these units.

If my office can be of any assistance to you in this concern of great importance to the Commonwealth, please call me at (502) 564–8558. Thank you.

JOHN R. GROVES, JR. BG, KYNG,
The Adjutant General.

Mr. KEMPTHORNE. I urge its adoption.

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

The amendment (No. 4068) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4069

(Purpose: To modify the specification of the source authorization of appropriations for certain submarine program contracts)

Mr. KEMPTHORNE. Mr. President, on behalf of Senator COHEN, I offer an amendment that would properly identify the appropriation that will be used to fund the transfer of design information for the next nuclear attack submarine from the lead design shipyard to the second building shipyard, under the terms of an agreement that has been negotiated between the Navy and the two building yards.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. COHEN, proposes an amendment numbered 4069.

Mr. KEMPTHORNE. 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 section 123(a), strike out paragraph (2), and insert in lieu thereof the following:

(2) In addition to the purposes for which the amount authorized to be appropriated by section 102(a)(3) is available under subparagraphs (B) and (C) of paragraph (1), the amounts available under such subparagraphs are also available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the "Memorandum of Agreement Among the Department of the Navy, Electric Boat Corporation (EB) and Newport News Shipbuilding and Drydock Company (NNS) Concerning the New Attack Submarine", dated April 5, 1996, relating to design data transfer, design improvements, integrated process teams, and updated design base.

Mr. COHEN. Mr. President, this amendment is intended to properly identify the resources that will be used to carry of the transfer of design information for the fiscal year 1998 nuclear attack submarine from the lead design shipyard, Electric Boat, to Newport News Shipbuilding and Drydock, the shipyard that will build the fiscal year 1999 submarine. In its present form section 123 would direct that design transfer be funded from the Navy's Research and Development account. Subsequent to markup and referral of the bill, I have been informed by the Navy that the correct account to fund this activity should be the Shipbuilding and Conversion, Navy appropriation.

This amendment will require no change in funding levels in the bill that is under consideration. Sufficient resources have been proposed in the bill to carry out design transfer activities for the fiscal year 1999 submarine. The amendment is simply a bookkeeping change that will properly align funding sources with intended activity.

I encourage the other members to join me in voting in favor of this amendment.

Mr. KEMPTHORNE. This amendment has been cleared.

Mr. NUNN. I urge its adoption.

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

The amendment (No. 4069) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4070

(Purpose: To improve the National Security Education Program)

Mr. NUNN. Mr. President, on behalf of Senator SIMON, I offer an amendment which would revise the National Security Education Program by revising the service requirement for award recipients and making other improvements in the program. I believe this amendment has also been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. SIMON, proposes an amendment numbered 4070.

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

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

The amendment is as follows:

On page 311, between lines 9 and 10, insert the following:

SEC. 1072. IMPROVEMENTS TO NATIONAL SECURITY EDUCATION PROGRAM.

(a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 650), is amended under the heading "NATIONAL SECURITY EDUCATION TRUST FUND" by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) awarding scholarships to undergraduate students who—

"(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

"(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;"; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting "relating to the national security interests of the United States" after "international fields"; and

(B) in clause (ii)—

(i) by striking out "subsection (b)(2)" and inserting in lieu thereof "subsection (b)(2)(B)"; and

(ii) by striking out "work for an agency or office of the Federal Government or in" and inserting in lieu thereof "work for, and make their language skills available to, an agency or office of the Federal Government or work in".

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out ", or of scholarships" and all that follows through "12 months or more," and inserting in lieu thereof "or any scholarship".

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

"(2) will—

"(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

"(B) upon completion of such recipient's education under the program, and in accordance with such regulations—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and".

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.".

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting ", including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in an agency or office of the Federal Government having national security responsibilities" before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out "Make recommendations" and inserting in lieu thereof "After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations";

(B) in subparagraph (A), by inserting "and countries which are of importance to the national security interests of the United States" after "are studying"; and

(C) in subparagraph (B), by inserting "relating to the national security interests of the United States" after "of this title";

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

"(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.".

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

Mr. SIMON. Mr. President, the National Security Education Program has been temporarily suspended. The consequence is that an estimated 324 U.S. graduate and undergraduate student finalists are anxiously waiting to hear whether they will be able to study and conduct research in critical national security areas of the world. These students are waiting because a change in the service obligation was attached to the FY 1996 Defense Appropriations Bill to require NSEP award recipients to "be employed by the Department of Defense or in the Intelligence Community." Previously, students could fulfill this requirement by working in any branch of the federal government or higher education.

The current service obligation is unworkable. However, I agree that there should be a return of investment to the Department of Defense for its support of the National Security Education Program. To this end I am offering an amendment that will improve this program by better targeting the service obligation to meet national security needs and to increase program accountability. The continuation of the National Security Education Program is vital to fill the existing gap in America for linguists and country specialists in critical areas of national security.

I would like to call the attention of my colleagues to a letter that I received from the Honorable Walter Mondale, Ambassador of the United States to Japan, about the importance of the National Security Education Program.

As Ambassador Mondale's letter points out, we have only 1,700 American students studying in Japan, compared with 45,000 Japanese students in the U.S. The National Security Education Program has made the largest number of awards to American undergraduate and graduate students to learn the language and culture of Japan. This is only one example of over 100 countries in which NSEP recipients have studied. The continuation of this

program makes sense because it is in America's long-term national security and economic interests to educate our students in foreign languages and cultures.

I urge my colleagues to read Ambassador Mondale's letter and to work with me to support improvements to the NSEP and the continuation of other federal programs that support international educational and cultural exchange.

I ask unanimous consent that Ambassador Mondale's letter be printed in the RECORD.

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

AMBASSADOR OF THE
UNITED STATES OF AMERICA,
Tokyo, May 30, 1996.

Hon. PAUL SIMON,
U.S. Senate, Washington DC.

DEAR PAUL: I wanted to write you about a matter that has come up to give you my perspective. I am worried by the present threat to the future of the National Security Education Program (NSEP). This has been a great success over here. The new service requirements that mandate future service in the Defense Department of "the intelligence community" will, I fear, dry up the pool of applicants, alienate the American scholarly community, and undermine the ability of awardees to operate comfortably in foreign countries.

U.S. Japanese language students have been the largest single group of NSEP grantees. Therefore, the impact here of these new provisions will be particularly severe. Is there any chance that the existing provisions could be retained?

Increasing the numbers of American students learning about Japan must be a major of our efforts here. The goal of having more Americans learning about this very different society is in our long-term national security, as well as economic, interests. Currently, we have only about 1,700 American students in Japan, compared to 45,000 Japanese students in the U.S.

Since it started a couple of years ago, the NSEP program has been a welcome contributor to the in-depth training of Americans. Thanks to NSEP scholarships, 100 undergraduates have already studied in Japan, and some 36 more are slated to come this year.

I write you personally because I believe the NSEP program has been very helpful and I hope we can keep it going as presently constituted. We would be glad to provide any further information that you may want.

I hope you will have a chance to give this matter your attention. Normally I wouldn't write, but I believe the program as presently written is very much in our interests.

Best wishes from Tokyo.

Sincerely,

WALTER F. MONDALE.

Mr. KEMPTHORNE. Mr. President, this amendment has been cleared.

Mr. NUNN. I urge its immediate adoption.

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

The amendment (No. 4070) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4071

(Purpose: To require a modification of a plan for development of a program leading to production of a more capable and less expensive submarine than the New Attack Submarine in order to advance by three years the earliest fiscal year in which a design for a next submarine for serial production may be selected)

Mr. KEMPTHORNE. Mr. President, on behalf of Senator COHEN, I offer an amendment that deals with serial production of New Attack Submarines. It has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. COHEN, proposes an amendment numbered 4071.

Mr. KEMPTHORNE. 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 section 123 add the following:

(e) NEXT ATTACK SUBMARINE AFTER NEW ATTACK SUBMARINE.—The Secretary of Defense shall modify the plan (relating to development of a program leading to production of a more capable and less expensive submarine than the New Attack Submarine) that was submitted to Congress pursuant to section 131(c) of Public Law 104–106 (110 Stat. 208) in order to provide in such plan for selection of a design for a next submarine for serial production not earlier than fiscal year 2000 (rather than fiscal year 2003, as provided in paragraph (3)(B) of such section 131(c)).

Mr. COHEN. Mr. President, this amendment would restore the planning date for serial production of the next class of nuclear attack submarine to the fiscal year 2000, the date reflected in last year's Senate defense authorization bill. The amendment is intended to resolve a flaw in congressional direction regarding serial production of the next class of nuclear attack submarine that, if left standing, could have a devastating impact on the Nation's submarine industrial base. This flawed direction, contained in the section 131 of the National Defense Authorization Act for Fiscal Year 1996, mandates a delay in design competition for the next class of nuclear attack submarine until fiscal year 2003. It was identified in the Secretary of Defense Report on Nuclear Attack Submarine Procurement and Submarine Technology that was submitted to Congress on March 26, 1996 in compliance with section 131 of last year's defense authorization bill.

Under the assumption that no suitable design could be available until the first decade of the next century, section 131 directed the Secretary of Defense to plan to commence serial production of the next class of nuclear attack submarine no earlier than fiscal year 2003. Let me emphasize that the Senate conferees did not share this view, but accepted this proviso in section 131, and others with which they disagreed, in order to reach conclusion of a conference that had lasted far too long.

The Secretary of Defense's report makes clear the Department of Defense's disagreement with the premise that the design being developed for the next nuclear attack submarine, now called the New Attack Submarine, that is to be first authorized in fiscal year 1998 will be inadequate for the requirements set for it by the Joint Chiefs of Staff. This view is strongly supported by an independent Submarine Technology Assessment Panel that was commissioned by the Secretary of the Navy to assist in preparation of the Secretary of Defense's report.

The approach recommended by the report and the panel is to: utilize the New Attack Submarine design as the basis for serial production; fund a continuing level of effort for submarine research and development; and incorporate new technologies that emerge from this research effort into the base design as they mature. These findings are consistent with the position of the Senate during last year's conference.

This year's House version of the defense authorization bill provides extensive direction of how it would pursue development of the next class of submarine. included is direction to the Navy to develop six independent designs that would be completed in fiscal year 2003. The winning design would then become the basis for serial production of the next class of nuclear attack submarine. Aside from the cost implications of pursuing six independent designs, the consequences of delaying a design competition until fiscal year 2003 and the ensuing delay of up to two years before actual authorization of the first submarine would be a gap of four to five years between submarine contract awards no matter which shipyard, Newport News or Electric Boat, wins the competition for serial production. Such a lengthy production break could not be tolerated by either shipyard. The Secretary of Defense's Report points out the disruptive effect of such a lengthy delay and notes the need for additional authorizations in order to maintain a viable construction base for nuclear attack submarines.

By accepting the Secretary of Defense's proposal for incorporating new technology into future nuclear attack submarine and setting fiscal year 2000 as the year in which serial production can begin, the future of the submarine industrial base can be preserved. The Senate bill, as modified by this amendment would accomplish that objective. I strongly encourage my colleagues in the Senate to join me in supporting the amendment.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

Mr. McCAIN. Mr. President, I would like to know what the amendment is. I

would like an explanation of the amendment.

Mr. NUNN. I believe the Senator from Idaho has the explanation.

Mr. KEMPTHORNE. Mr. President, this amendment would restore the planning date for serial production of the next class of nuclear submarines to fiscal year 2000, the date reflected in last year's Senate defense authorization bill.

Mr. McCAIN. Mr. President, I have no objection.

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

The amendment (No. 4071) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4072 TO AMENDMENT NO. 4061

Mr. McCAIN. Mr. President, with the indulgence of the managers, I have worked out an agreement with Senator SIMPSON. I would propose a second-degree amendment to the Simpson amendment. I believe we can dispose of it by voice vote. Mr. President, I have a second degree amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 4072 to amendment 4061.

The amendment is as follows:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, none of the funds authorized for construction, Phase I, of a combined support maintenance shop at Camp Gunnson, Wyoming may be obligated until the Secretary of Defense certifies to Congress that the project is in the Future Years Defense Plan.

Mr. McCAIN. Mr. President, I have discussed this amendment with Senator SIMPSON. I have explained to him and to Senator THOMAS that the reason this amendment was in violation of the sense of the Senate criteria for MILCON, for military construction projects, was that it was not in the future year defense plan. Both Senator THOMAS and Senator SIMPSON pointed out that it was an inadvertent absence from the military future year defense plan. If it was inadvertent, then clearly the Secretary of Defense can come over with a letter and say this is in the future year defense plan. And I believe that Senator SIMPSON and Senator THOMAS are confident that will happen especially since they were assured that there is a safety and health problem here which they are very cognizant of, and that this is a very important project.

I believe that it is sensible to ask for the funds to be not authorized until the Secretary of Defense comes over with a letter saying that it is included in the future year defense plan which I think could happen in a matter of days.

Before I yield, I am fully aware that this is the last period of time here in the Senate for my dear friend from Wyoming, Senator SIMPSON. I am equally appreciative of his continuing commitment to the people of Wyoming, and to the Guard in his State. He has never—as he and I have discussed—come over for an additional project in the 10 years that I have here—an unauthorized project. He has never pork barreled. He has never sought special favors for his State. I do not believe he is doing so now.

I am grateful that he accepts this second-degree amendment so that we can get it done in the future year defense plan and get the much needed project for the State of Wyoming and for the men and women who serve there.

Mr. SIMPSON. Mr. President, I thank my friend from Arizona for helping us to resolve this issue. I appreciate his good faith assistance. It was important to resolving it.

I am going to say that I am going to miss my friend from Arizona because we do communicate at the most earthy levels of discussion. Both of us have been trained in different fields. But there is no one I respect more and admire more. And I have said that. Sometimes this is but a sparrow gas in the midst of a typhoon compared to what the Senator from Arizona and I have been into in years past, especially with regard to senior citizens. But we will not go into that.

So I thank him. I very much appreciate it. I thank Senator NUNN and Senator KEMPTHORNE. This is a good resolution of an issue which was very tough for us on behalf of my colleagues. But I thank the Senator from Arizona very much.

Mr. NUNN. Mr. President, has the second-degree amendment been accepted?

The PRESIDING OFFICER. No. It has not.

The question is on agreeing to the second-degree amendment.

Mr. McCAIN. I ask unanimous consent to vitiate the request for the yeas and nays which I made earlier.

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

The amendment (No. 4072) was agreed to.

Mr. NUNN. Mr. President, I urge adoption of the amendment, as amended.

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

The amendment (No. 4061) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 4073

(Purpose: To waive a limitation on use of funds in the National Defense Sealift Fund for purchasing three ships for the purpose of enhancing Marine Corps prepositioning ship squadrons)

Mr. KEMPTHORNE. Mr. President, on behalf of Senator SMITH and SANTORUM I offer an amendment that would reaffirm in law the authority of the Secretary of the Navy to acquire ships that are needed to improve the capability of the Marine Corps Maritime Prepositions Force.

I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. SMITH, for himself and Mr. SANTORUM, proposes an amendment numbered 4073.

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

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

The amendment is as follows:

At the end of subtitle C of title I add the following:

SEC. 125. MARITIME PREPOSITIONING SHIP PROGRAM ENHANCEMENT.

Section 2218(f) of title 10, United States Code, shall not apply in the case of the purchase of three ships for the purpose of enhancing Marine Corps prepositioning ship squadrons.

Mr. SMITH. Mr. President, since fiscal year 1995 the Senate has annually sponsored in its defense authorization bill a program for enhancement of the Marine Corps maritime prepositioning force by the purchase and conversion of three ships from the world market. An additional ship for each of the three Marine Corps prepositioned squadrons will allow them to carry extra materiel, including an expeditionary airfield, a fleet hospital, a Navy mobile construction battalion equipment set, Marine Corps command element equipment, and additional sustainment supplies. The lessons learned from the Marine Corps' experience in Desert Storm demonstrate that having this additional equipment afloat on a continuing basis will provide our warfighting commanders with much greater flexibility when they choose to employ Marine Corps units.

For 3 years the Senate Armed Services Committee has intensively studied various options for providing MPF enhancement for the Marine Corps. The objective has been an affordable program that will deliver an adequate capability at the lowest cost to the taxpayer. The committee has consistently concluded that a program for purchase and modest conversion of existing ships represents the best means to achieve this goal. However, the committee has avoided any temptation to foreclose possible alternatives. Consequently, section 345 of the Senate bill, which would authorize additional funds for the MPF Enhancement program, leaves open the option to satisfy its requirements by construction of new ships, if this option can compete based on cost and timeliness. The Senate approach is supported by the Marine Corps, the Navy, and the Joint Chiefs of Staff, and by the vast majority of United States shipyards.

Although the House supported the Senate program for MPF Enhancement in both the fiscal year 1995 and 1996 defense authorization bills, it has now included a provision in its version of the defense authorization bill that would exclude the purchase and conversion of existing ships for the MPF Enhancement program. This action is yet another in a series of exclusionary provisions proposed by the House that seek to limit competition, no matter what the cost to the taxpayer and the ship construction and repair industry as a whole.

My amendment would reaffirm in law an authorization for the purchase and conversion of the ships needed to provide MPF Enhancement for the Marine Corps by the most cost effective means. It will also provide a strong Senate position for use by our conferees that stands in stark contrast to the exclusionary one contained in the House bill. I strongly encourage my fellow Senators to join Senator SANTORUM and myself in supporting this amendment.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 4073) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4074

(Purpose: To revise and improve the authority for research projects under transactions other than contracts and grants and for certain cooperative research and development agreements)

Mr. NUNN. Mr. President, on behalf of Senator BINGAMAN, for himself and Senator SMITH, I offer an amendment which would revise the legislation governing the use of cooperative agreements and innovative transaction authorities under section 2371 of title X, United States Code.

The revisions are supported by the Department of Defense. And I believe this amendment has also been cleared by the Republican side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BINGAMAN, for himself and Mr. SMITH, proposes an amendment numbered 4074.

The amendment is as follows:

At the end of title VIII add the following:

SEC. 810. RESEARCH UNDER TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.

(a) CONDITIONS FOR USE OF AUTHORITY.—Subsection (e) of section 2371 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "and" after semicolon at the end of subparagraph (A), as so redesignated;

(3) by striking out "; and" at the end of subparagraph (B), as so redesignated, and inserting in lieu thereof a period;

(4) by inserting "(1)" after "(e) CONDITIONS.—"; and

(5) by striking out paragraph (3) and inserting in lieu thereof the following:

"(2) A cooperative agreement containing a clause under subsection (d) or a transaction authorized under subsection (a) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.".

"(b) REVISED REQUIREMENT FOR ANNUAL REPORT.—Section 2371 of such title is amended by striking out subsection (h) and inserting in lieu thereof the following:

"(h) ANNUAL REPORT.—(1) Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on Department of Defense use during such fiscal year of—

"(A) cooperative agreements authorized under section 2358 of this title that contain a clause under subsection (d); and

"(B) transactions authorized under subsection (a).

"(2) The report shall include, with respect to the cooperative agreements and other transactions covered by the report, the following:

"(A) The technology areas in which research projects were conducted under such agreements or other transactions.

"(B) The extent of the cost-sharing among Federal Government and non-Federal sources.

"(C) The extent to which the use of the cooperative agreements and other transactions—

"(i) has contributed to a broadening of the technology and industrial base available for meeting Department of Defense needs; and

"(ii) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

"(D) the total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report pursuant to a clause described in subsection (d) that was included in the cooperative agreements and transactions, and the amount of such payments, if any, that were credited to each account established under subsection (f).".

(c) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—Such section, as amended by subsection (b), is further amended by inserting after subsection (h) the following:

(i) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense.

"(2) Paragraph (1) applies to the following information in the records of the Department of Defense if the information was submitted to the department in a competitive or noncompetitive process having the potential for resulting in an award, to the submitters, of a cooperative agreement that includes a clause described in subsection (d) or other transactions authorized under subsection (a):

"(A) Proposals, proposal abstracts, and supporting documents.

"(B) Business plans submitted on a confidential basis.

"(C) Technical information submitted on a confidential basis.".

(d) DIVISION OF SECTION INTO DISTINCT PROVISIONS BY SUBJECT MATTER.—(1) Chapter 139 of title 10, United States Code, is amended—

(A) by inserting before the last subsection of section 2371 (relating to cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980) the following:

"§ 2371a. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980";

(B) by striking out "(i) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS UNDER STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—"; and

(C) in the table of sections at the beginning of such chapter, by inserting after the item relating to section 2371 the following:

"2371a. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980.".

(2) Section 2358(d) of such title is amended by striking out "section 2371" and inserting in lieu thereof "sections 2371 and 2371a".

Mr. BINGAMAN. Mr. President, the amendment which I have offered on behalf of myself and the Senator from New Hampshire makes a series of changes in section 2371 of title 10, United States Code, that are designed to make this authority more useful to the military services and defense agencies.

Earlier this year, the General Accounting Office submitted a report to the Armed Services Committee entitled "DOD Research: Acquiring Research by Nontraditional Means." I was very encouraged by the findings of this very constructive report. The report concluded that cooperative agreements and other transactions carried out under the authority of section 2371 of title 10, United States Code, have provided DOD a tool to leverage the private sector's technological know-how and financial investment and have

attracted firms that traditionally did not perform research for DOD to carrying out such research.

Mr. President, in light of the significant declines projected in defense research spending and the continued rapid growth of private-sector research investments, Senator SMITH and I believe that it is going to become even more important for DOD to leverage commercial research investments and attract commercial firms to working on service requirements. Innovative military leaders such as the Marine Corps Commandant, General Krulak, and the former Vice Chairman of the Joint Chiefs, Admiral Owens, fully recognize this and are taking steps to insure the services leverage, and don't duplicate private sector efforts.

However, the report also points out that DARPA has been the primary utilizer of this innovative transaction authority thus far and that there has been some confusion on the use of this instrument among the services. Since DOD is preparing new guidance on this matter, the Armed Services Committee in its report on the pending legislation sought to clarify several points. First, the committee intended in creating other transactions authority to maximize flexibility on intellectual property negotiations with private sector entities. In particular, the committee did not intend that such transactions be subject to the provisions of Public Law 96–517, as amended. The GAO report points out that this additional flexibility has been important in attracting commercial firms to carry out cost-shared research with the Pentagon. Second, the committee intended that the sunk cost of prior research efforts not count as cost-share on the part of the private sector firms. Only the additional resources provided by the private sector needed to carry out the specific project should be counted. Finally in the committee's hearings DOD officials testified that the reluctance of the services to use other transactions authority derived in part from the requirement that standard contract, grant or cooperative agreement first be found not feasible or appropriate for carrying out any given project. The committee did not intend that this requirement unduly restrict use of the other transactions instrument. DARPA has properly interpreted Congress' intent that if the goal of a research project is to leverage the capabilities of firms who will not accept a standard grant, contract or cooperative agreement to conduct defense research, then it is not feasible or appropriate to use such instruments and the use of other transactions authority is warranted. The committee intended that program managers in DARPA and the services be given the discretion to make these judgments within a framework provided by overall defense guidance. The committee urged that these issues be clarified by the Office of the Secretary of Defense as soon as possible so that the services can gain the benefits which the GAO report demonstrates DARPA has received from use of other transactions.

Mr. President, since the committee's markup, Dr. Kaminski, the Under Secretary for Acquisition and Technology, has provided additional information to the committee about the changes which the Pentagon would like to see in the other transactions authority in order to spur its use by the military services. I ask unanimous consent that has written response to a question posed at our March hearing be printed at the end of my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. Our amendment makes the changes requested by Dr. Kaminski with one exception. We have preserved an annual report on the use of other transactions authority, but we have changed the entire tone of that reporting requirement. The reporting requirement in our amendment would essentially ask DOD to continue to update the GAO report on an annual basis so that we can judge how the services are doing in making use of this flexible authority to leverage the commercial sector to meet DOD's needs for dual-use technologies.

Mr. President, I believe that it is important to give the Pentagon the authorities it needs to make the best use of its limited R&D resources. One of the great achievements of the past two Congresses and Secretary Perry's Pentagon is that we have really changed the Pentagon's acquisition system for the better. We have done this on a bipartisan basis, and I am glad to continue to work with the Chairman of the Acquisition and Technology Subcommittee, Senator SMITH, to bring about needed reforms in that system. Our amendment is a modest step in helping the Pentagon to leverage the private sector's $100 billion annual R&D investment and to broaden the industrial base that supports the Pentagon to include truly commercial firms. I urge my colleagues to support it.

EXHIBIT 1

EXCERPT FROM SENATE COMMITTEE ON ARMED SERVICES, SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY HEARING ON DOD TECHNOLOGY BASE PROGRAMS, WEDNESDAY, MARCH 20, 1996

FLEXIBLE INSTRUMENTS FOR SCIENCE AND TECHNOLOGY

First, I would like to mention that we are taking actions to encourage increased use of flexible instruments, which include cooperative agreements and "transactions other than contracts, grants, or cooperative agreements" (commonly known as "other transactions" or OTs). Cooperative agreements, like OTs, can have provisions designed to involve commercial organizations that haven't traditionally received Government awards, thereby helping to increase DoD access to the portion of the U.S. technology and industrial base that serves the needs of the commercial marketplace. Both cooperative agreements and OTs therefore can be responsive to the policy intent of 10 U.S.C. 2371. To encourage increased use of flexible instruments, we are:

Preparing to advise the Military Departments that the authority to use OTs should be delegated to at least the level of the major commands that have responsibility for making awards under DoD Science and Technology programs. In conjunction with that action, I have asked the Director of Defense Research and Engineering to issue updated guidance on when it is appropriate to use flexible instruments. Feedback that we've received indicates that improved guidance will help to increase comfort levels with the use of the instruments.

Seeking to remove factors that may unnecessarily discourage potential users of the instruments from using them. For example, there is a requirement to report to Congress each OT, as well as any cooperative agreement that uses the funds-recovery authority in 10 U.S.C. 2371. It was suggested that this reporting requirement is a potential disincentive to use the instruments. Therefore, section 805 of the Administration-proposed, national defense authorization bill would repeal the requirement, and I ask that you give the proposal favorable consideration.

It should be noted that use of flexible instruments already is increasing. In Fiscal Year 1994, the first year in which they used the instruments, the Military Departments entered into 19 cooperative agreements with provisions designed to involve commercial firms that hadn't traditionally received Government awards. The number of those flexible agreements increased to 41 in Fiscal Year 1995. With that experience as a foundation, I think that we can expect a continued increase in the use of such instruments in the future, because I don't believe that we've exhausted the areas of opportunity for flexible instruments to help us meet our objectives.

Second, I want to provide an answer to the question about the provision in 10 U.S.C. 2371 that requires a judgment before using an "other transaction," that standard grants, cooperative agreements, and contracts are not feasible or appropriate. 10 U.S.C. 2371 is a very powerful authority, but it should not be totally open-ended. Creative people in the DoD will continue to use the authority to invent different and improved types of agreements; we can't predict today what those innovations might be. In the context, this provision helps to provide assurance that the powerful authority will continue to be used in a disciplined manner.

However, there are some indications that the provision may be impeding use of OTs, in situations where they are appropriate. The problem appears to be that some people have the impression that the provision sets a standard so high that it is almost unattainable. I think that one could revise the provision slightly to change its tone in a way that alleviates this problem, while retaining the benefits the clause provides. The provision currently says that the Secretary of Defense shall ensure that an OT is used for a research project *only* when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate. With minor restructuring of the subsection that contains the provision, one could restate the condition without the severe term "*only*." I think that would require thoughtful analysis before using an OT, but remove the impression of an unattainable standard.

Paragraph (e) of 10 U.S.C. 2371 then would read as follows:

"(e) CONDITIONS.—(1) The Secretary of Defense shall ensure that—

"(A) to the maximum extent practicable, no cooperative agreement containing a clause under subsection (d) and no transaction entered into under subsection (a) provides for research that duplicates research being conducted under existing programs carried out by the Department of Defense; and

"(B) to the extent that the Secretary determines practicable, the funds provided by the Government under a cooperative agreement containing a clause under subsection (d) or a transaction entered into under subsection (a) do not exceed the total amount provided by other parties to the cooperative agreement or other transaction.

"(2) A cooperative agreement containing a clause under subsection (d) or a transaction entered into under subsection (a) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate."

Third, I'd like to respond to your suggestion that Congress might amend section 2371 of title 10 of the U.S. Code, to clarify that the intent was to exempt agreements under that authority from the Bayh-Dole requirements (chapter 18 of 35 U.S.C.). There is no need to amend the law; the Bayh-Dole statutory requirements, by the terms of the statute, do not include OTs.

Finally, I would like to mention one point about the need for maintaining good stewardship. The development and use of flexible instruments to involve firms that have not traditionally performed research for the Government has tremendous potential benefits, but it is not without risk. the goal is to find the right tradeoff or balance—one must develop approaches with sufficient oversight to ensure the appropriate use of federal funds but without excessively intrusive requirements that drive commercial firms away and deny DoD access to some of the best and most affordable technology. That is both the opportunity and the challenge.

Mr. KEMPTHORNE. Mr. President, this amendment has been cleared on this side. I urge its adoption.

The PRESIDING OFFICER. Without objection, the agreement is agreed to.

The amendment (No. 4074) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4075

(Purpose: To make reimbursement of Government contractors for costs of excessive amounts of compensation for contractor personnel unallowable under Government contracts)

Mr. KEMPTHORNE. Mr. President, on behalf of Senators GRASSLEY, BOXER and HARKIN, I offer an amendment which would place a limitation of $200,000 on the amount of annual individual compensation that may be reimbursable under contracts with the Department of Defense.

I believe this amendment has been cleared with the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. GRASSLEY, for himself, Mrs. BOXER, and Mr. HARKIN, proposes an amendment numbered 4075.

The amendment is as follows:

On page , between lines and , insert the following:

SEC. . REIMBURSEMENT FOR EXCESSIVE COMPENSATION OF CONTRACTOR PERSONNEL PROHIBITED.

(a) ARMED SERVICES PROCUREMENTS.—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following:

"(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $200,000.".

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 306(e)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 356(e)(1)) is amended by adding at the end the following:

"(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $200,000.".

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 306(e)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(e)(1)) is amended by adding at the end the following:

"(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $200,000.".

Mr. GRASSLEY. Mr. President, I am proud to cosponsor this amendment with my friend from California, Senator BOXER.

Over the years, she has helped me watchdog the Pentagon.

That is not an easy thing to do.

Whether Republicans or Democrats are running the place, it's always tough to tangle with the Pentagon.

It is an unpopular thing to do.

She has always been a reliable defense reform ally.

In today's political environment, dependable defense reform allies are hard to come by.

They may be an endangered species.

So I am happy to team up with her on this measure.

It is another effort to chip away at the Pentagon culture.

This is a culture that is literally blind to waste.

It tolerates waste and sometimes even encourages waste.

What we want to do is change that culture.

In trying to change that culture, we hope to strengthen our military capabilities.

When we add $12 billion for defense—like in this bill, we want to make sure we buy more capability.

We want to make sure that we are not buying more waste and more cost.

Our amendment would place a permanent cap on individual executive compensation allowable under Government contracts.

It would set the cap at $200,000 per year.

The cap would apply to salaries, bonuses, and other incentives.

It would be a permanent cap.

There is a temporary, short-term cap in effect today.

The temporary, short-term cap was imposed by the DOD Appropriations Act for fiscal year 1996.

It applies only to fiscal year 1996 contracts.

I will discuss the existing cap in greater detail later in the debate.

Mr. President, I would like to make one point crystal clear right off the bat.

This is not an attempt to tell private companies how much they should pay their top executives.

Instead, it would restrict what Government bureaucrats are allowed to pay top executives in industry.

Mr. President, executive salaries in private industry should be determined in the marketplace.

And not by a bunch of bureaucrats in the Pentagon.

But that is what is going on.

Right now, bureaucrats decide what is fair and reasonable and pay it.

Our amendment would put a lid on Government payments only.

I underscore Government payments only.

That is the driving force behind this measure.

The Grassley-Boxer amendment would not limit the amount of money a defense contractor could pay its executives.

If, for example, a defense company wants to pay one of its top executives working on military contracts $6,332,000.00 a year—as one did, then so be it.

Under Grassley-Boxer, the company could continue to do it—no questions asked.

Mr. President, Loral Corporation's top executive, Mr. Bernard L. Schwartz, received a pay and bonus package in 1995 that totaled $6,332,000.00

But that's not the whole enchilada.

Mr. Schwartz will also receive a $36 million bonus for agreeing to sell his company's defense business. The buyer is the Lockheed Martin Corp.

Mr. President, I ask unanimous consent to place a recent newspaper article about Mr. Schwartz's pay in the RECORD.

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

[From the Washington Post, Jan. 16, 1996]

LORAL CHAIRMAN TO GIVE $18 MILLION OF MERGER FEE TO 40 EMPLOYEES

(By John Mintz)

Loral Corp. Chairman Bernard L. Schwartz will receive a $36 million bonus for agreeing

to sell his company's defense business to Lockheed Martin Corp., but will give $18 million of it to a group of Loral employees, according to documents filed with the Securities and Exchange Commission.

The money Schwartz is giving up will reward 40 people in Loral's Manhattan headquarters who may lose their jobs or be demoted in the merger, according to the documents. The employees, including some secretaries and mid-level executives, could receive money equivalent to as much as twice their annual salary and bonus.

Loral's New York headquarters likely will close and be folded into Lockheed Martin's Bethesda offices, industry officials said.

"Their lives could be affected by the merger, and I decided it would be appropriate to recognize their efforts," Schwartz said yesterday. "There are some smiling faces here today. . . . If I'd had enough resources, I would have spread it among all 38,000 Loral employees."

Giving such a gift to employees is extremely rare in mergers, investment bankers said. Schwartz, the only liberal Democrat among chief executives of large defense firms, has often expounded on his views of corporate empowerment, and for years has offered generous stock options to Loral employees to make them what he calls "stakeholders" in his company.

The $18 million bonus Schwartz will collect from Loral is in addition to approximately $27 million he has made on paper in the value of his Loral stock due to the proposed merger. He owns about 3.6 million shares, and each has increased in value by approximately $7.50 following the announcement last week.

Schwartz's regular annual compensation and bonus from the company in 1995 totaled $6,332,000.

The proposed merger with Lockheed Martin was announced last week. If Loral pulls out of the transaction, it must pay Lockheed Martin a termination fee of $175 million, according to the SEC filings.

Meanwhile, the Pentagon has largely sided with Lockheed Martin and against a group of critics in a bitter controversy involving a previous merger that created Lockheed Martin from Lockheed Corp. and Martin Marietta Corp. in March last year.

In a report, a Defense Department accounting office called the Defense Contract Audit Agency (DCAA) did not support allegations by Rep. Bernard Sanders (I–VT.), some congressional colleagues and the newspaper Newsday that Lockheed Martin was improperly seeking a Pentagon payment of $31 million in connection with the merger. The critics called it a taxpayer rip-off.

The DCAA recommendations, which still must be reviewed by the Pentagon, were first reported in the industry publication Defense Week.

The company has asserted for months that its foes are confusing two sums of money. One is a $61 million payment to 460 former Martin Marietta executives because of the merger. The military won't reimburse firms for such payments, and Locheed Martin is not asking for that.

But the firm is asking the military to reimburse it $31 million that it has already paid those 460 executives. These sums had nothing to do with the merger, the company has said.

The military pays contracts on a "cost-plus" basis, meaning the companies tell the Pentagon about their expenses, including overhead, cost of labor and materials, and executive compensation. The military decides which requests are "reasonable," computes the profit and pays the appropriate amounts.

The company has said the $31 million was part of its long-standing executive compensation package and not, as Sanders asserted, a cozy Pentagon pay-off to high-ranking executives for arranging the merger.

Now the Pentagon's DCAA has concluded that $16 million of the firm's $31 million in reimbursement requests was proper, has deferred consideration on $9 million and raised questions about $6 million of the requested amount. The questions, however, focused on complex government accounting issues and did not directly track with Sanders' objections.

Congressional offices were closed for the holiday. Calls to Sanders' office seeking comment were not answered.

Mr. GRASSLEY. Mr. President, that is a big bundle of money going to Mr. Schwartz.

But I am not questioning whether he earned or deserved it.

Under Grassley-Boxer, he would get it.

I owe it to my colleague to point out that Mr. Schwartz is at the high end of the defense executive wage scale.

The others' salary and bonus packages are not quite so generous.

They ranged from about $1 million up to $2,500,000 in 1995.

Some are slightly lower.

Mr. President, I ask unanimous consent to place the latest data on defense executive compensation in the RECORD.

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

REASONABLENESS TEST FOR EXECUTIVE COMPENSATION

Made in accordance with FAR 31–205–6, compensation for personal services.

Considers same relevant factors, i.e., We check for conformity with firms of: same size/industry/geographic area and gov't/non-gov't business.

Includes all remuneration paid although elements also individually assessed.

In sync with fact that FAR places burden of proof on company (i.e., upon challenge, company must demonstrate reasonableness).

On balance, experience has shown process to be generally fair/not arbitrary.

BASIC AUDIT STEPS FOR REASONABLENESS TEST

1. Identify exec positions, comp amts, sales volume data, & industry.
2. Use multiple survey sources to compare cash comp amts by exec positions & gain mkt consensus of avg pay levels.
3. Calculate mkt avg of surveys with 10% range of reasonableness.
4. Similarly judge reasonableness of other comp elements (FRINGES/PERQS/LTIs).
5. Challenge amounts over 110% of "market consensus" survey averages.
6. Ask contractor to demonstrate reasonableness.
7. Evaluate contractor's justification/rebuttal including proposed offsets.
8. Exit with contractor. Report results.

EXEC COMP SURVEYS NOW IN USE

1. Officer compensation report (panel pubs)
2. Dietrich exec engineering survey
3. Ernst & Young exec comp surveys
4. Wyatt Data Services—ECS
5. TPF&C MGMT COMP HIGH TECH SURVEY
6. CD EXECSURV—MID/ATL's SEC-BASED TOP 5.

Mr. GRASSLEY. Mr. President, Grassley-Boxer would not restructure or reinvent the defense executive wage scale.

This is what Grassley-Boxer would do: it would change the way the money is dished out.

It would come out of a different pocket.

Instead of coming right off the top of a defense contract, most of it would have to be taken out of profits.

Instead of being taken directly out of the pockets of hard-working American taxpayers, most of the money would come from the company's earnings.

The source of the money would change.

Under Grassley-Boxer, most of Mr. Schwartz's pay, for example, would have to be taken out of profits.

In Mr. Schwartz's case, $6,132,000 would come out of profits.

The balance, $200,000, could be charged to Uncle Sam.

Mr. President, Pentagon bureaucrats should not be put in the position of having to decide how much to pay industry executives.

The Government should get out of that business entirely.

Those decisions should be made in the marketplace.

This amendment will start us down the road in the right direction.

With a cap in place, we can reexamine the issue next year and decide how to proceed.

Mr. President, I feel sure that some of my Republican colleagues will howl about this amendment.

They will complain that Grassley-Boxer will eat into corporate profits and slash corporate benefits.

We will undermine initiative and morale.

In response, I say to my colleagues: Our defense industry is health.

That is what the latest report on corporate earnings shows.

Mr. President, I ask unanimous consent to place a report on corporate profits in the RECORD.

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

THE LEADERS IN 1995 SALES AND PROFITS

THE TOP 25 IN SALES

	1995 sales in millions	Percent change from 1994	1994 rank
1 General Motors	$168,829	9	1
2 Ford Motor	137,137	7	2
3 Exxon	109,620	8	3
4 Wal-Mart Stores	90,525	15	4
5 AT&T	79,609	6	5
6 Mobil	74,879	11	6
7 IBM	71,940	12	7
8 General Electric	70,028	17	8
9 Chrysler	53,200	2	11
10 Philip Morris	53,139	−1	10
11 Dupont	42,163	7	12
12 Chevron	37,082	4	13
13 Texaco	36,792	10	15
14 Sears, Roebuck	34,925	6	9
15 Procter & Gamble	34,923	11	16
16 Kmart	34,572	4	14

THE TOP 25 IN SALES—Continued

	1995 sales in millions	Percent change from 1994	1994 rank
17 Hewlett-Packard	31,519	26	20
18 Persico	30,421	7	18
19 Citicorp	28,128	−3	17
20 Amoco	27,066	4	19
21 Motorola	27,037	22	25
22 Conagra	24,637	3	21
23 Kroger	23,938	4	23
24 Lockheed Martin	22,853	0	NR
25 United Technologies	22,802	8	28

THE TOP 25 IN EARNINGS

	1995 profits in millions	Percent change from 1994	1994 rank
1 General Motors	$6,932	23	2
2 General Electric	6,573	11	1
3 Exxon	6,470	27	4
4 Philip Morris	5,478	16	5
5 IBM	4,178	38	9
6 Ford Motor	4,139	−22	3
7 Intel	3,566	56	16
8 Citicorp	3,464	1	8
9 Merck	3,335	11	10
10 Dupont	3,293	21	11
11 Coca-Cola	2,986	17	13
12 Procter & Gamble	2,835	17	15
13 Wal-Mart Stores	2,828	12	12
14 Bankamerica	2,664	22	17
15 GTE	2,538	4	14
16 Hewlett-Packard	2,433	52	23
17 Johnson & Johnson	2,403	20	21
18 Mobil	2,376	35	26
19 Fannie Mae	2,156	1	20
20 Chrysler	2,025	−45	7
21 Ameritech	2,008	72	47
22 NationsBank	1,950	15	27
23 Allstate	1,904	293	136
24 Dow Chemical	1,891	145	59
25 SBC Communications	1,889	15	28

Source: Standard & Poor's Compustat, a division of the McGraw-Hill Companies.

Mr. GRASSLEY. This report appears in the March 4, 1996 issue of Business Week.

Profits are reported as follows: Boeing: $393 million; General Electric: $6.6 billion; General Dynamics $247 million; Lockheed Martin: $682 million; Northrop Grumman: $252 million, and United Technologies: $750 million.

They are doing OK, and that's good.

In my mind, executive pay should be tied directly to company performance and to profits.

If the company had a great year, earned big profits and enjoyed other successes, then the chief executive should enjoy the fruits of his labor.

A big year should equal a big pay check.

A bad year might mean a pay cut.

The profit figures cited above are for calendar year 1995.

During that period, only McDonnell Douglas suffered a loss.

The company took a loss of $416 million. But guess what?

That loss did not keep the company's top executive from drawing a bigger paycheck.

The top boss' base pay went from $1.6 million in 1994 to $1.9 million in 1995, including a bonus of $1,042,400.

But that is not all.

McDonnell Douglas' chief executive, Mr. Harry C. Stonecipher, received a very generous share of company stock.

Mr. Stonecipher got cash and stock valued at a staggering $34 million—in 1995 alone.

The other top executives at McDonnell Douglas also received handsome bonuses. These generous pay packages came at a time when the company was downsizing in the face of declining sales.

Mr. President. I ask unanimous consent to have printed in the RECORD a report on Mr. Stonecipher's pay package from the Journal of Commerce.

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

[From the Journal of Commerce, Mar. 24, 1995]

MCDONNELL CHIEF'S COMPENSATION TAKES ON SUPERSTAR PROPORTIONS

ST. LOUIS.—The compensation package McDonnell Douglas Corp. assembled to attract Harry C. Stonecipher, chief executive, last year was worthy of basketball's Michael Jordan.

McDonnell's nearly seven-year deal with Mr. Stonecipher, the first non-family member to run the company, could bring him more than $34 million in cash and stock.

"We paid the market rate for a person of his caliber," said James Reed, vice president for communications. "We're very convinced of that, and the board of directors is very convinced of that."

The Chicago Bulls also paid the market rate when they signed Jordan, the National Basketball Association's top player, to an eight-year, $28 million deal in April of 1988.

Although the $825,000 base salary and $575,000 annual bonus target McDonnell set for Mr. Stonecipher are unremarkable for a Fortune 500 company, the stock incentives McDonnell offered are notable.

The aerospace giant used the promise of what is now $17.7 million in stock profits to persuade Mr. Stonecipher to leave his job as chairman and chief executive of Sundstrand Corp.

McDonnell awarded Mr. Stonecipher 180,000 shares of restricted stock, with a current market value of $10.1 million. The first 42,000 of those shares vest next Friday; the rest vest in 1996, 1997 and 2002.

McDonnell also gave Mr. Stonecipher the option to buy 450,000 shares later in the decade for $36.96 each, the market price when he joined the company on Sept. 24.

Mr. GRASSLEY. Now, why would the big boss at McDonnell Douglas get a huge bonus when the company sustained a $416 million loss?

Could it be because the company has a direct tap on the DOD money pipe?

When Uncle Sugar is picking up the tab, you can afford to give big pay raises—even when you are losing money.

In private business, it is not supposed to work that way.

I would like to clarify one point as we proceed with the debate:

These defense companies are not totally dependent on the Pentagon; most do 50 to 70 percent of their business with the Government the Pentagon primarily; they are really semi-private.

Mr. President, I ask unanimous consent to have printed in the RECORD the top 10 defense contractors.

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

LIST OF TOP 10 CONTRACTORS IN 1993 WITH AT LEAST ONE-THIRD DOD BUSINESS

[Dollars in billions]

	Total sales	DOD contracts	Percent DOD
McDonnell Douglas	$14.5	$7.5	52
Lockheed	13.1	6.9	53
Martin Marietta	9.4	4.7	50
Raytheon	9.2	3.2	35
Northrop	5.1	3.0	59
General Dynamics	3.2	2.1	66
Loral	3.3	1.7	52
Grumman	3.2	1.7	53
Litton Industries	3.5	1.6	46
E-Systems	2.1	.8	38

TOTAL SALES OF TOP 10 DEFENSE CONTRACTORS, 1989–94

[Dollars in billions]

Company	1989	1990	1991	1992	1993	1994
McDonnell Douglas	$13.938	$15.497	$18.061	$17.365	$14.487	$13.176
Lockheed	9.891	9.958	9.809	10.100	13.071	13.130
Martin Marietta	5.796	6.126	6.075	5.954	9.436	9.874
Raytheon	8.796	9.268	9.274	9.058	9.201	10.166
Northrop	5.248	5.490	5.694	5.550	5.063	6.711
General Dynamics	10.043	10.173	8.751	3.472	3.187	3.058
Loral	1.187	1.274	2.127	2.882	3.335	4.009
Grumman	3.559	4.041	4.038	3.504	3.249	(1)
Litton	5.023	5.156	3.526	3.711	3.474	3.446
E-Systems	1.626	1.801	1.991	2.095	2.097	2.028

[1] Acquired by Northrop.

TOTAL EMPLOYEES OF TOP 10 DEFENSE CONTRACTORS, 1989–94

Company	1989	1990	1991	1992	1993	1994
McDonnell Douglas	127,900	121,200	109,100	87,400	70,000	65,800
Lockheed	82,500	73,000	72,300	71,700	88,000	82,500
Martin Marietta	65,500	62,500	60,500	55,700	92,800	90,300
Raytheon	77,600	76,700	71,600	63,900	63,800	60,200
Northrop	41,000	32,800	36,200	33,600	29,800	42,400

TOTAL EMPLOYEES OF TOP 10 DEFENSE CONTRACTORS, 1989–94—Continued

Company	1989	1990	1991	1992	1993	1994
General Dynamics	102,200	98,100	80,600	56,800	30,500	24,200
Loral	12,700	26,100	24,400	26,500	24,200	32,400
Grumman	28,900	26,100	23,600	21,200	17,900	(1)
Litton	50,800	50,600	52,300	49,600	46,400	42,000
E–Systems	17,900	18,400	18,600	18,600	16,700	16,000

[1] Acquired by Northrop.

COMPENSATION OF TOP 5 EXECUTIVES AT TOP DEFENSE CONTRACTORS FOR 1995

The following information is the fiscal year 1995 reported compensation of the top 5 executives at the defense contractors previously reported in GAO report "Defense Contractors: Pay, Benefits, and Restructuring During Defense Downsizing".

In this paper, total compensation is denied as Salary plus Bonus. Other cash compensation and long-term valuation of stock options is not included.

The sources of information are: SEC (Edgar) online electronic filings of company Proxy Statements or, Business Week, April 22, 1996.

COMPENSATION OF TOP 5 EXECUTIVES AT TOP DEFENSE CONTRACTORS FOR 1995

Company	Executive	Salary	Bonus	Total Salary/Bonus
McDonnell Douglas	1	825,000	1,042,400	1,867,400
	2	502,308	571,000	1,073,308
	3	392,308	524,100	916,408
	4	382,116	500,000	882,116
	5	376,024	229,600	605,624
Lockheed/Martin	1	1,053,462	1,400,000	2,453,462
	2	983,846	1,300,000	2,283,846
	3	733,077	750,000	1,483,077
	4	464,615	443,500	908,115
	5	459,904	448,200	908,104
General Dynamics	1	670,000	1,750,000	2,420,000
	2	500,000	700,000	1,200,000
	3	356,000	500,000	856,000
	4	300,000	300,000	600,000
	5	220,000	175,000	395,000
Raytheon	1	999,996	870,000	1,869,996
	2	573,908	425,000	998,908
	3	419,520	290,000	709,520
	4	397,500	240,000	637,500
	5	379,500	235,000	614,500
Northrop/Grumman	1	730,000	1,000,000	1,730,000
	2	238,688	428,000	666,688
	3	336,667	320,000	656,667
	4	275,000	350,000	625,000
	5	288,333	330,000	618,333
Litton	1	445,681	500,000	945,681
	2	337,418	340,000	677,418
	3	277,414	260,000	537,414
	4	326,385	335,000	661,385
	5	252,412	205,000	457,412
Loral (Being acquired by Lockheed/Martin. Proxy statement not on file).	1	.....	.....	6,244,000
	2			
	3			
	4			
	5			
E–System (Fiscal year 95 info not available. Being acquired by Raytheon).	1	.....	.....	3,247,000
	2			
	3			
	4			
	5			

Mr. GRASSLEY. This information is drawn from a recent GAO report entitled "Defense Contractors: Pay, Benefits, and Restructuring During Defense Downsizing."

Mr. President, the Government should not be in the business of deciding how much to pay corporate executives in the defense industry.

Grassley-Boxer will not get the Government out of that business entirely, but it is a step in the right direction.

Mr. President, earlier in the debate, I said that we need to get Government bureaucrats out of the business of deciding how much to pay defense executives.

Grassley-Boxer wouldn't get us out of that business entirely, but it would be a step in the right direction.

Grassley-Boxer would put a governor on executive pay flowing through the DOD money pipe.

The Grassley-Boxer amendment would limit the size of executive salaries that could be charged directly to the Government under a specific contract.

Under existing rules, the sky is the limit.

For the bills coming due today, DOD pay what is fair and reasonable.

Reasonableness is defined in Federal regulation, FAR 31–205–6.

The rule is broad and general, as I suspected.

It gives the bureaucrats wide latitude for maneuver.

The guidance on how to make the determination is spelled out in defense contract audit agency [DCAA] documents.

DCAA bureaucrats make the final decision.

The main guide is a market consensus survey to see what everybody else is getting paid.

Above all, the DCAA documents say: "Be fair—not arbitrary."

At the Pentagon, being fair and reasonable usually means the taxpayers get shafted.

Pentagon bureaucrats like to bend over backward to keep the defense contractors happy.

And shoveling money at corporate executives is a great way to do it.

The Pentagon has proven over and over again that it is incapable of keeping lid on executive pay dished out on contracts.

The pay package coming out of the recent Martin Marietta-Lockeed merger is a prime example of what I'm talking about.

Some 460 executives and directors are slated to receive a total of $92.2 million: $8.2 million in cash and stock options is supposed to go to Mr. Norman Augustine, chairman of the Martin Marietta Corp. before the merger.

Now this very generous plan is in the process of being blessed by the Pentagon bureaucrats.

The deal isn't final, yet.

Since this pay package is based on longstanding contractual commitments, some dating back to the early 1980's, United Same has to pay.

The old rules apply.

The sky is the limit.

This is what the DCAA bureaucrats have to do to make it happen.

They take the salary of each corporate executive and break it down into many parts and spread it around on thousands of contracts.

They use a mathematical formula to determine how much to put on each contract.

Mr. President, this is what we must not forget. This is the key point:

There is no ceiling on what DOD can pay the Lockheed-Martin executives.

But from what I am hearing, industry's demand for money is being scaled back, somewhat.

But exactly how much will each executive get under the merger deal?

I don't think the Pentagon wants us to kown how much the taxpayers are paying Mr. Augustine.

They don't want us to know how much is about to be taken out of the pockets of hard-working American taxpayers to bankroll these outrageous payments.

These top industry executives are on the Government payroll, and we can't even find out how much they make.

DCAA says that's sensitive proprietary information.

If they are on the public payroll, the people have a right to know how much each one gets.

Over a year ago, Senator BOXER and I asked the DOD Inspector General, Ms. Eleanor Hill, for this information.

That was on April 28, 1995.

We received her response on May 26, 1995.

But it was unsatisfactory, and we went back to her on June 20 for more specific answers to our questions.

When no satisfactory response was given, the request was renewed again on February 16, 1996.

On June 17, 1996, she finally provided a partial answer to the question.

Mr. President, I ask unanimous consent to place our correspondence with the DOD IG in the RECORD.

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

U.S. SENATE,
Washington, DC, April 28, 1995.

Ms. ELEANOR HILL,
Inspector General, Department of Defense, Army Navy Drive, Arlington, VA.

DEAR MS. HILL: We are writing to ask you to examine the merger of the Lockheed and Martin Marietta Corporations and to determine its cost to the taxpayers.

We think this merger needs scrutiny by your office.

The "payout benefit plan" being given to executives and managers at Martin is truly beyond comprehension for most ordinary American citizens. Martin Marietta Chairman Norman Augustine, for example, will receive $8.2 million in cash and stock options

as a result of the merger. Other top executives are set to receive huge sums. A total of $92.2 million will be dished out to about 460 managers and executives under various plans. We understand that some of this money will be taken out of the pockets of hard working American taxpayers.

Since mid-1992, there have been at least nine or ten major mergers or acquisitions in the U.S. defense industry. Under current policy, the amounts charged to current or future defense contracts to cover the "restructuring" or merger costs could be building up to unacceptable levels. What are the government's total potential liabilities from all recent mergers? What is the rationale for giving defense companies tax money to cover the costs of their mergers? To us, mergers mean less competition, and less competition usually means higher prices.

Furthermore, we understand that there is a lack of clear guidance in regulation and law governing mergers as to what is allowable and what is not allowable. This situation could leave the door wide open for waste, abuse and excessive cash payments to industry executives.

In line with our more general concerns, we have eleven more specific questions on the Martin/Lockheed merger:

Is there any evidence—based on recent experience—to suggest that the merger will generate real savings to the taxpayers?

If so, what are the total expected savings to the taxpayers from the merger?

What is the total projected cost of the merger to the taxpayers, including potential reimbursements for closing unneeded facilities?

How exactly would tax dollars be used to compensate the two firms for the cost of the merger?

To what extent are tax dollars being used to support the executive compensation plan resulting from the merger—particularly the one contained in a joint proxy statement for the meeting held on March 15, 1995?

If tax money is used to finance the executive "payout" operation, please provide the name of each person receiving tax money and the total amount each person is to receive.

What is the legal basis for using tax money to make such payments?

Will projected costs and savings be subjected to adequate audit verification?

Does the merger plan comply with Section 818 of Public Law 103-337 and Section 8117 of Public Law 103-335?

Does the April 15, 1995 deadline specified in Section 8117 mean that the Martin/Lockheed merger is not covered by this provision?

Have anti-trust issues been adequately addressed?

Ms. Hill, as far as we are concerned, the salaries paid to top executives in industry should be determined in the market place—not by some obscure act of Congress. But if money is taken out of the pockets of hard working American taxpayers to pay defense industry executive outrageous and unreasonable salaries and bonuses, then we feel like we have an obligation to ask questions.

We look forward to your independent assessment of the facts.

Your continued support is always appreciated.

Sincerely,

CHARLES E. GRASSLEY.
BARBARA BOXER.

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, May 26, 1995.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: This is in reply to a letter of April 28, 1995, signed jointly by you and Senator Barbara Boxer, that requested our assessment of the facts surrounding the merger of the Lockheed and Martin Marietta Corporations. Our response to each of your concerns and questions is presented in the enclosure.

Under Section 818, Public Law 337, and implementing regulations, restructuring costs associated with a business combination of defense contractors may not be paid, absent a review of projected costs and savings resulting for the Department from that business combination. We understand that Lockheed Martin Corporation plans to submit a proposal containing such information by late June 1995. That proposal will be audited by the Defense Contract Audit Agency and the results assessed by the Defense Contract Management Command to determine the amount of restructuring costs that properly may be reimbursed by the Government. In the interim, those agencies will review the companies' requests for payments to assure that the Government is not being improperly billed.

Because the Defense Contract Audit Agency and the General Accounting Officer will be examining the costs associated with the business combination, we do not plan to initiate a review of the matter. We will, however, closely monitor the audit by the Defense Contract Audit Agency and actions by the Defense Contract Management Command. Let me assure you that I share your concern that the Lockheed and Martin Marietta business combination not result in the payment of unallowable or excessive costs by the Government.

A similar reply is being provided to Senator Boxer. If we may be of further assistance, please contact me or Mr. John R. Crane, Office of Congressional Liaison, at 604-8324.

Sincerely,

ELEANOR HILL,
Inspector General.

RESPONSE TO COMMENTS AND QUESTIONS REGARDING THE MERGER OF LOCKHEED AND MARTIN MARIETTA CORPORTIONS

General Comments: A total of $92.2 million will be dished out to about 460 managers and executives under various plans.

Of the $92.2 million, the Lockheed Martin Corporation believes that $31 million are allowable costs that can be charged to Government contracts. The Defense Contract Audit Agency is currently auditing the $31 million. The audit is scheduled to be completed by June 30, 1995.

What are the Government's total potential liabilities from all recent mergers?

The Department of Defense (DoD) may pay allowable and allocable restructuring costs resulting from a business combination provided under that audited proposals indicate that overall savings to the Government will result. As only a few contractors have presented restructuring proposals, the total potential costs and overall savings to the Government cannot be predicted at this time.

What is the rationale for giving defense companies tax money to cover the costs of their mergers? To us, merger means less competition, and less competition means higher prices.

The DoD may pay restructuring costs, i.e., the cost to streamline operations, including the elimination of unneeded or redundant facilities and reductions in the work force subsequent to a merger or acquisition, provided they are offset by related savings. We share your concern, however, that competition is being reduced and may lead to higher prices.

We understand that there is a lack of clear guidelines in regulation and law governing mergers as to what is allowable and what is not allowable.

Clearly, those costs, such as reorganization costs, that were previously unallowable are still not allowable. A July 1993 policy memorandum on restructuring costs by the Under Secretary of Defense for Acquisition and Technology specifically makes that point. What is unclear is the law and regulations addressing the allowability of restructuring costs that result in increased costs on contracts novated from the selling company to the buyer.

Under the provisions in the present Federal Acquisition Regulation (FAR), the DoD is under no obligation to pay increased costs of novated contracts even if they are offset by decreases. The July 1993 memorandum was intended to clarify that DoD contracting officers have the latitude to recognize cost increases on novated contracts due to restructuring provided they are offset with related savings.

The problem we see is that the Congress initially believed that restructuring costs actually represented merger and acquisition costs. Section 818 of Public Law 103-337, therefore, addresses restructuring costs in general rather than those situations specifically related to increased costs on novated contracts.

Restructuring costs are generally allowable since contractors must have the ability to change and improve their operations. However, the interim regulations written by the DoD in response to the broad requirements of Section 818, require contractors to demonstrate that all restructuring costs, whether related to a merger or acquisition or not, are offset by savings. It is possible that the law and new regulations will make previously allowable costs unallowable. The net effect is that few contractors have come forward with restructuring proposals. We believe, therefore, that the law and the DoD interim regulations should be clarified to address restructuring related to novated contracts only.

Specific Concerns: Is there any evidence—based on recent experience—to suggest that the merge will generate real savings to the taxpayers?

Yes. In those very few cases where companies involved in business combination have submitted restructuring proposals, cost reductions are forecast. However, we cannot predict whether anticipated savings are offset by diminished competition.

If so, what are the total expected savings to the taxpayer from the merger?

The company has not submitted a proposal of forecasted savings.

What is the total projected cost of the merger to the taxpayer, including potential reimbursements for closing unneeded facilities?

Again, that information is not yet available because the company has not submitted a proposal of forecasted savings.

How exactly would tax dollars be used to compensate the two firms for the cost of the merger?

As previously stated, the costs of the merger are not compensated. Restructuring

costs are reimbursed once the contractor satisfactorily demonstrates to the Contracting Officer at the Defense Contract Management Command and auditor at the Defense Contract Audit Agency that there will be overall savings to the Government. An advance agreement will then be executed specifying the type and limits for restructuring costs that can be charged to contracts each year. That agreement is forwarded to a senior DoD official who certifies that savings will be achieved. The costs are then allocated among all the contractor's business and the Government pays its share.

To what extent are tax dollars being used to support the executive compensation plan resulting from the merger particularly the one contained in a joint proxy statement for the meeting held on March 15, 1995?

Tax money, in the form of contract payments, will be used to pay some of the executive compensation costs. The Lockheed Martin Corporation has indicated that the costs will be claimed on its Government contracts based on its past practices and would not exceed the amount DoD would have paid had the merger not occurred. Each of the elements of compensation included in the proxy statement resulting from the merger are being reviewed by the Defense Contract Audit Agency to determine the reasonableness of the compensation paid and to ensure the long-term compensation plans are in accordance with the procurement regulations. The DoD and other Federal agencies pay the allowable portion of executive compensation based on their share of the contractor's business.

If tax money is used to finance the executive "payout" operation, please provide the name of each person receiving tax money and the amount each person is to receive.

Although the proxy statement does identify some individuals and amounts paid, it does not identify the amount that will be claimed on Government contracts. We will not know all the names of the people receiving the money or the final amount being claimed on Government contracts until the audit by the Defense Contract Audit Agency is complete. The audit is scheduled to be completed by June 30, 1995.

What is the legal basis for using tax money to make such payments?

The FAR provides for a fair share of contractor costs, including executive compensation, to be charged to Government contracts. The regulation prohibits paying costs such as "golden parachutes." The audit by the Defense Contract Audit Agency will determine if the amounts claimed by the Lockheed Martin Corporation are allowable.

Will projected costs and savings be subjected to adequate audit verification?

The Public Law and procurement regulations require audit verification by the Defense Contract Audit Agency. We plan to monitor the audit.

Does the merger plan comply with Section 818 of Public Law 103-337 and Section 8117 of Public Law 103-335?

We will not know whether the plan complies with either law until the restructuring proposal is submitted and examined by the contracting officer and auditor.

Does the April 15, 1995 deadline specified in Section 8117 mean that the Martin/Lockheed merger is not covered by this provision?

The April 15, 1995 deadline applies to payments from funds appropriated in fiscal year 1995 for contracts awarded after April 15, 1995. Section 8117 will limit, to some extent, the DoD reimbursement to the Lockheed Martin Corporation after April 15, 1995. The audit by the Defense Contract Audit Agency will evaluate the compensation costs proposed to be claimed after April 15, 1995, to determine compliance with the public law.

Have anti-trust issues been adequately addressed?

Compliance with antitrust laws is the responsibility of the Department of Justice and the Federal Trade Commission. We are not aware of any problems in that area.

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, June 14, 1996.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: This is in further response to a letter of April 28, 1995, signed jointly by you and Senator Barbara Boxer that requested information regarding long-term incentive compensation payouts to Martin Marietta executives. These payouts have been claimed for government reimbursement by Lockheed Martin Corporation as a result of the merger of Lockheed and Martin Marietta Corporations.

Enclosed are aggregate totals of the long-term incentive compensation for four categories of Lockheed Martin executives that are allocable to Government contracts through indirect expense pools, excluding commercial and foreign military sales. It should be noted the long-term incentive compensation was earned over a period of years and paid in 1995 after the merger. The categories of former Martin Marietta executives include the top five executives, other top executives, all other executives and the outside Board of Directors.

The Lockheed Martin Corporation has agreed, on an exception basis, to a release of the aggregate totals without a company proprietary stamp. Lockheed Martin Corporation considers individual names and associated financial information to be confidential proprietary and management sensitive data and has not made an exception as to that information.

We agree that such information is proprietary and is exempt from release under the Freedom of Information Act, Sections 552(b)(4) and 552(b)(6), Title 5, United States Code. It has been designated "For Official Use Only" (FOUO), and can be released pursuant to a request from a chairman of a committee or subcommittee with jurisdiction over the subject matter.

We hope that the above information is helpful to you. If we may be of further assistance, please contact me or Mr. John R. Crane, Office of Congressional Liaison, at (703) 604-8324.

Sincerely,

ELEANOR HILL,
Inspector General.

Martin Marietta long-term incentive compensation allocable to Government contracts through indirect expense pools

[Excluding commercial and foreign military sales]

Top Executives (5)	[1] $3,552,909
Other Top Executives (14)	[1] 2,691,248
Outside Board of Directors (19) (1993 to 1995)	[1] 2,773,263
Outside Board of Directors (Prior to 1993)	[1] 555,297
All Other Executives (450+)	[1] 6,669,283
Total	[2] 16,272,000

[1] These amounts were calculated from information provided by the Defense Contract Audit Agency.

[2] This amount is advisory to the Defense Corporate Executive who is responsible for negotiating the final settlement with the Lockheed Martin Corporation.

Mr. GRASSLEY. Martin Marietta's top executives are getting paid $16,272,000 under the deal.

This isn't salary. It's a retirement package for the senior executives.

Some call it a "golden parachute."

By any definition, it's a very generous deal.

DOD pays the top five executives, including Mr. Augustine, $3,552,909.

Now, this isn't Mr. Augustine's salary, for example.

These are just retirement benefits.

He gets a lot more, but it comes out of another DOD pool of money.

How many pools of money does DOD have for corporate pay.

Mr. President, this tells me we need a cap.

I am told that when the idea of a cap was first debated over in the Pentagon, a DCAA bureaucrat made this suggestion:

Why not set the cap at $1 million?

Mr. President, the Pentagon's weak-kneed attitude on executive pays tells me that a cap is mandatory.

On March 5, 1996, the DOD inspector general, Ms. Eleanor Hill, came out in favor of a $250,000 cap.

I thank her for doing that.

Mr. President, I ask unanimous consent to place her letter of recommendation in the RECORD.

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

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, March 5, 1996.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Recently, the Department provided its views on S. 1102, "To amend title 10, United States Code, to make reimbursement of defense contractors for costs of excessive amounts of compensation for contractor personnel unallowable under the Department of Defense contracts". In response to a request from Senator GRASSLEY's office, we offer our views on the legislation for your consideration.

We support a permanent $250,000 cap on allowable individual compensation costs under DoD contracts. This is not a limitation on total compensation but on the costs charged to the Government. Furthermore, we would also support a limitation on all Government contractors. This additional limitation would prevent DoD contractors who also have contracts with other Government agencies from charging this compensation to non-DoD contracts.

I hope this information is helpful as the Congress continues consideration of this important issue. If we can be of further assistance, please do not hesitate to contact me or Mr. John R. Crane, Office of Congressional Liaison, at (703, 604-8324.

Sincerely,

ELEANOR HILL,
Inspector General.

Mr. GRASSLEY. Unfortunately, Senator BOXER and I think $250,000 cap is too high.

That's what the President of the United States makes in a year.

Only one person on the Federal payroll should make that much money.

Mr. President, the appropriators seem to agree with our thinking.

We can thank the appropriators for their pioneering work in this area.

In 1944, they established the first "cap" on the defense appropriations bill.

Under Section 8117 of Public Law 103-335, they placed a $250,000 salary "cap" on fiscal year 1995 contract payments.

Then, just last year, they lowered the cap to $200,000 on fiscal year 1996 contract payments.

That was in Section 8068 of Public Law 104-61—the fiscal year 1996 defense appropriations bill.

As I pointed out earlier in the debate, that's not a permanent cap.

It's a 1-year cap on fiscal year 1996 defense appropriations.

Mr. President, we need a permanent cap on all Government contracts.

We shouldn't take money out of the pockets of hard working American taxpayers to bank-roll the big executives in defense industry.

We need to get the taxpayers out of the loop.

Pay and bonuses for top defense executives should be determined in the marketplace.

Executive wages should be determined by successes and failures by profits and losses.

And not by a bunch of bureaucrats in the Pentagon.

A $200,000 cap is a good first step in the right direction.

I hope my colleagues will support this amendment.

Mr. President, throughout this debate, I have repeatedly stressed one point:

We need to get government bureaucrats out of the business of deciding how much to pay industry executives.

Mr. President, there is only one place where those kinds of decisions should be made in this country.

And that's in the marketplace.

Those decisions should be governed by profits and business successes.

There is a general consensus for getting the Government out of the loop.

Government bureaucrats are incapable of deciding what an executive should earn.

Mr. President, I have here in my hand an article taken from one of the defense trade journals.

This one is from Defense News, June 3-9, 1996, page 14.

Now, Defense News is a weekly publication with close ties to defense industry.

The article has this title: "White House Prepares New Rule on Compensation for Executives."

The report says the White House procurement czar is about to issue a new regulation on how much executive pay can be charged to defense contracts.

"Industry officials" are quoted.

And industry officials are saying what I am saying.

They say that this decision should be made in the marketplace.

This is what the reports says, and I quote:

"Industry officials say the free market should determine how much they [defense executives] are paid, and how much the Government reimburses them [for salary]."

Mr. President, that is exactly what I am saying.

Mr. President, I ask unanimous consent to have printed in the RECORD, the article.

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

[From the Defense News, June 3-9, 1996]

WHITE HOUSE PREPARES NEW RULE ON COMPENSATION FOR EXECUTIVES

(By Jeff Erlich)

WASHINGTON.—White House officials will make a decision this month on what portion of defense executives' salaries the government will reimburse.

The issue of how much corporate executives are paid has taken on populist overtones as salaries continue to rise while workers are laid off, a senior government official said.

"Some contractors seem to have tunnel vision," the official said. "There is a larger debate in society about executive compensation. This is not just about defense contracting."

Industry officials, however, say the free market should determine how much they are paid, and how much the government reimburses them.

"If you find the right guy, the leverage of his thought process is way beyond the value you would attribute to him as one man," Vance Coffman, chief operating officer of Lockheed Martin Corp., Bethesda, Md., said in a May 29 interview.

Steve Kelman, White House director of federal procurement policy, is due to issue the pay rule this month. He said May 28 that he has not yet made a decision.

Kelman will weight options that include a cap on how much the Pentagon can reimburse executives for their salaries.

Congress has a $200,000 cap this year, pending the new policy. Or Kelman could eliminate any caps and let the DoD's cost-accounting principles govern levels of reimbursement.

He also will address other forms of pay, such as bonuses, deferred salary, stock options and other compensation, often earned during corporate restructuring.

These issues came under congressional scrutiny with the merger of Lockheed and Martin Marietta corporations. Lockheed Martin will get $16.5 million from the government in extra compensation resulting from the restructuring.

"During the past eight years, 2.2 million Americans have lost their defense-related jobs. At precisely the same time, the top CEOs among defense contractors have been taking home huge salaries and stock payouts paid in no small part by U.S. taxpayers," Reps. Peter DeFazio, D-Ore., Bernard Sanders, I-Vt., and Carolyn Maloney, D-N.Y., wrote May 9 to Defense Secretary William Perry.

Bert Concklin, president of the Professional Services Council, a Vienna, Va.-based consultants association, said the policy should address only high levels of compensation resulting from mergers, buyouts or other corporate restructuring, while leaving alone normal bonuses and salaries.

"It should focus on what has apparently gotten the attention of the critics," Concklin said May 28.

Mr. GRASSLEY. Grassley-Boxer doesn't get the Government out of the loop completely.

It would leave bureaucrats with authority to manipulate just a small piece of the compensation pie.

The bulk of executive compensation would be decided by industry in the marketplace where it belongs.

In time, I hope to see a complete end to this practice.

It would cease to be an allowable expense under defense contracts.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 4075) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4076

(Purpose: To amend the reporting requirement under demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies)

Mr. NUNN. Mr. President, on behalf of Senator BOXER, I offer an amendment that would extend the reporting date on the demonstration project for an additional 2 years. The demonstration involves purchase of services from municipalities.

I believe this amendment has also been cleared by the Republican side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN), for Mrs. BOXER, proposes an amendment numbered 4076.

The amendment is as follows:

At the end of title VIII, insert the following new section:

SEC. . REPORTING REQUIREMENT UNDER DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2820) is amended by striking out "1996" and inserting in lieu thereof "1998".

Mr. KEMPTHORNE. Mr. President, this has been cleared on this side.

I urge its immediate adoption.

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

The amendment (No. 4076) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4077

(Purpose: To authorize agreements with Indian tribes for services under the Defense Environmental Restoration Program)

Mr. KEMPTHORNE. Mr. President, on behalf of Senator MCCAIN, I offer an amendment that modifies section 2701 of title X, United States Code, that specifically authorizes the Secretary of Defense to enter into agreements to obtain the reimbursable services of any Indian tribe to assist the Secretary in carrying out the Department of Defense environmental restoration activities. Section 2701 currently authorizes the Secretary to enter into such agreements with any other Federal agency or State or local government agency. The amendment would make it clear that an Indian tribe may be party to such an agreement.

I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for MCCAIN, proposes an amendment numbered 4077.

The amendment is as follows:

At the end of subtitle D of title III, add the following:

SEC. . AUTHORITY FOR AGREEMENTS WITH INDIAN TRIBES FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

Section 2701(d) of title 10, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out ", or with any State or local government agency," and inserting in lieu thereof ", with any State or local government agency, or with any Indian tribe,"; and

(2) by adding at the end the following:

"(3) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given such term in section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).".

Mr. MCCAIN. Mr. President, I am offering an amendment to S. 1745, the National Defense Authorization Act for fiscal year 1997, that would modify section 2701 of title 10, United States Code, to specifically authorize the Secretary of Defense to enter into agreements to obtain the reimbursable services of any Indian tribe to assist the Secretary in carrying out Department of Defense environmental restoration activities. Section 2701 currently authorizes the Secretary to enter into such agreements "* * * with any other Federal agency, or with any State or local government agency. * * *"

Participation in agreements under section 2701 became an issue when the Department of Defense informed the Suquamish Indian tribe that the Department did not have the legal authority to enter into such agreements with Indian tribes. The amendment would expressly authorize the Department to enter into agreements with Indian tribes for reimbursable services related to environmental restoration.

Mr. President, I urge that the Senate adopt this amendment.

Mr. KEMPTHORNE. I urge adoption of the amendment.

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

The amendment (No. 4077) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4078

(Purpose: To revise the description of a category of expenses for which humanitarian and civic assistance funds may be used)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 4078.

The amendment is as follows:

In section 1006, strike out the last three lines and insert in lieu thereof the following:

"(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting activities described in such subsection (e)(5), including any nonlethal, individual or small-team landmine cleaning equipment or supplies that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.

"(C) The cost of any equipment, services, or supplies provided pursuant to (B) may not exceed $5 million each year.".

Mr. NUNN. Mr. President, this amendment amends existing law to enable the Department of Defense in the course of providing education, training and technical assistance to foreign nations personnel on landmine clearance to also acquire equipment, services or supplies and to transfer nonlethal individual small team landmine clearing equipment or supplies to such foreign country. A ceiling of $5 million would be set for the cost of such services, equipment and supplies.

Mr. KEMPTHORNE. Mr. President, this has been cleared on this side, and I urge its immediate adoption.

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

The amendment (No. 4078) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4079

(Purpose: To revise the eligibility requirements for grants and contracts under the University Research Initiative Support Program)

Mr. KEMPTHORNE. Mr. President, I send to the desk an amendment on behalf of myself which would clarify the eligibility criteria for the University Research Initiative Support Program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 4079.

The amendment is as follows:

At the end of subtitle D of title II add the following:

SEC. 243. AMENDMENT TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1701; 10 U.S.C. 2358 note) is amended by striking out "fiscal years before the fiscal year in which the institution submits a proposal" and inserting in lieu thereof "most recent fiscal years for which complete statistics are available when proposals are requested".

Mr. KEMPTHORNE. Mr. President, I am proposing an amendment to the Defense Authorization bill in support of the University Research Initiative Support Program [URISP]. This amendment will greatly improve and make more efficient the process for calculating the eligibility of colleges and universities around the country to receive grants and contracts for research by clarifying that such institutions may not have received more than $2 million in funding from the Department of Defense in the two most recent fiscal years for which complete statistics are available when proposals are requested.

The University Research Initiative Support Program [URISP] was initiated by the Senate Armed Services Committee in section 802 of the National Defense Authorization Act for fiscal year 1994. The purpose of the program was to provide support for individual universities which had not been participants in Department of Defense research programs. The URISP program is only open to universities that have received less than $2 million in DOD R&D funds in the two fiscal years preceding the submission of proposals for participation by the university. The program was intended to be a complement to the similar Defense Program to Stimulate Competitive Research [DEPSCoR] program in which university eligibility is determined solely by location in a designated DEPSCoR state and not by the amount of research funding an individual institution may have received in the past. Section 802 directs that all contracts and grants be awarded under the URISP program using merit-based, competitive procedures.

On February 13, 1996, the Department of Defense announced that it will

award $30 million under the URISP program over the next five years. The funding is intended to allow for the building of infrastructure to allow the universities to compete for DOD research contracts. The average grant is $2 million, and the plan is to fund the first three years at $500,000 each and to provide $300,000 and $200,000 in the fourth and fifth year, respectively.

Unfortunately, release of full funding for the first installment has been reduced by the OSD comptroller to $140,000 because the eligibility determinations required under the law are delaying program implementation. Information for the two most recent fiscal years has not been available because of the time lag in compiling such recent data.

The amendment I propose would have the effect of allowing the program to go forward by authorizing the use of data from the two most recent fiscal years for which it is available at the time the university made its proposal. This change will allow the effective implementation of a program that originated in the Senate Armed Services Committee.

The Department of Defense has requested that this change be made and the House has included this provision in their bill as section 244. In the spirit of competition, passage of this amendment would allow universities which previously lacked the ability to vie for government research dollars to compete on a more equal footing thereby ensuring that healthy competition remains the standard bearer in the research and development community.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 4079) was agreed.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4080

(Purpose: To strike section 1008, relating to the prohibition on the use of funds for Office of Naval Intelligence representation or related activities)

Mr. KEMPTHORNE. Mr. President, on behalf of Senator LOTT, I offer an amendment to strike section 1008 of the bill relating to the Office of Naval Intelligence. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. LOTT, proposes an amendment numbered 4080.

The amendment is as follows:

Strike out section 1008, relating to the prohibition on the use of funds for Office of Naval Intelligence representation or related activities.

Mr. LOTT. Mr. President, this amendment strikes section 1008 of the bill as reported out of committee. I appreciate the support of the members of the committee as well as the full Senate for this amendment.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 4080) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4081

(Purpose: To authorize the Secretary of the Army to convey certain real property located at Fort Sill, Oklahoma)

Mr. KEMPTHORNE. Mr. President, on behalf of Senators INHOFE and NICKLES, I offer an amendment which would transfer 400 acres located at Fort Sill, OK, to the Department of Veterans Affairs for use as a national cemetery. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. NICKLES, for himself and Mr. INHOFE, proposes an amendment numbered 4081.

The amendment is as follows:

Insert the following in the appropriate place:

SEC. . TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT SILL, OKLAHOMA.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—

(1) TRANSFER AUTHORIZED.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 400 acres and comprising a portion of Fort Sill, Oklahoma.

(2) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under paragraph (1) as a national cemetery under chapter 24 of title 38, United States Code.

(3) RETURN OF UNUSED LAND.—If the Secretary of Veterans Affairs determines that any portion of the real property transferred under paragraph (1) is not needed for use as a national cemetery, the Secretary of Veterans Affairs shall return such portion to the administrative jurisdiction of the Secretary of the Army.

(b) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred or conveyed under this section shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the recipient of the real property.

Mr. NICKLES. Mr. President, I wish to thank Senators THURMOND and NUNN for their assistance in getting this provision included in the Defense authorization bill. I also want to thank the staff of the Senate Armed Services Committee for their patience and understanding in working with my staff on this issue.

This land transfer will put Oklahoma well on its way to getting a new national veterans cemetery. This process was started nearly ten years ago, but for one reason or another has been slow in moving forward. The transfer will conclude years of searching for a location by utilizing this land now a part of Ft. Sill.

Getting property upon which to locate a veterans cemetery has been a major struggle, and, obviously, this land transfer solves that problem. I am very pleased that this provision will be in the bill for the veterans of Oklahoma who wondered if this day would ever come.

Mr. INHOFE. Mr. President, I wish to thank Senators THURMOND and NUNN for agreeing to include this provision in the Defense authorization bill. I also want to thank the staff of the Senate Armed Services Committee for their patience and understanding in working with Senator NICKLES' and my staff on this issue.

This land transfer will allow Oklahoma to move forward in its attempt to establish a new national veterans' cemetery. This process has taken almost a decade to get to this point, but I believe we now have a satisfactory solution in using available land at Fort Sill, in Lawton, OK.

Finding property for this veterans' cemetery has been a major struggle, and, obviously, this land transfer will mean a great deal to many Oklahoman veterans. I am pleased to be a part of this solution, and I thank the other Senators who have helped to make this happen.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4081) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4082

(Purpose: To revise the provision relating to the environmental restoration accounts)

Mr. KEMPTHORNE. Mr. President, on behalf of Senator MCCAIN, I offer an amendment that would remove language that refers to the treatment of appropriations and focuses on purposes for which authorized funds may be obligated under the four environmental restoration accounts for the military departments.

The amendment also eliminates all references to transfer accounts. The deletion of the term "transfer accounts"

ensures that the four environmental restoration accounts are treated as separate line items for authorization of appropriations not susceptible to transfer funds between the military departments.

I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. MCCAIN, proposes an amendment numbered 4082.

The amendment is as follows:

On page 81, strike out line 18 and all that follows through page 86, line 2, and insert in lieu thereof the following:

SEC. 341. ESTABLISHMENT OF SEPARATE ENVIRONMENTAL RESTORATION ACCOUNTS FOR EACH MILITARY DEPARTMENT.

(a) ESTABLISHMENT.—(1) Section 2703 of title 10, United States Code, is amended to read as follows:

"§ 2703. Environmental restoration accounts

"(a) ESTABLISHMENT OF ACCOUNTS.—There are hereby established in the Department of Defense the following accounts:

"(1) An account to be known as the 'Defense Environmental Restoration Account'.

"(2) An account to be known as the 'Army Environmental Restoration Account'.

"(3) An account to be known as the 'Navy Environmental Restoration Account'.

"(4) An account to be known as the 'Air Force Environmental Restoration Account'.

"(b) OBLIGATION OF AUTHORIZED AMOUNTS.—Funds authorized for deposit in an account under subsection (a) may be obligated or expended from the account only in order to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law. Funds so authorized shall remain available until expended.

"(c) BUDGET REPORTS.—In proposing the budget for any fiscal year pursuant to section 1105 of title 31, the President shall set forth separately the amounts requested for environmental restoration programs of the Department of Defense and of each of the military departments under this chapter and under any other Act.

"(d) AMOUNTS RECOVERED.—The following amounts shall be credited to the appropriate environmental restoration account:

"(1) Amounts recovered under CERCLA for response actions.

"(2) Any other amounts recovered from a contractor, insurer, surety, or other person to reimburse the Department of Defense or a military department for any expenditure for environmental response activities.

"(e) PAYMENTS OF FINES AND PENALTIES.—None of the funds appropriated to the Defense Environmental Restoration Account for fiscal years 1995 through 1999, or to any environmental restoration account of a military department for fiscal years 1997 through 1999, may be used for the payment of a fine or penalty (including any supplemental environmental project carried out as part of such penalty) imposed against the Department of Defense or a military department unless the act or omission for which the fine or penalty is imposed arises out of an activity funded by the environmental restoration account concerned and the payment of the fine or penalty has been specifically authorized by law.".

(2) The table of sections at the beginning of chapter 160 of title 10, United States Code, is amended by striking out the item relating to section 2703 and inserting in lieu thereof the following item:

"2703. Environmental restoration accounts.".

(b) REFERENCES.—Any reference to the Defense Environmental Restoration Account in any Federal law, Executive Order, regulation, delegation of authority, or document of or pertaining to the Department of Defense shall be deemed to refer to the appropriate environmental restoration account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(c) CONFORMING AMENDMENT.—Section 2705(g)(1) of title 10, United States Code, is amended by striking out "the Defense Environmental Restoration Account" and inserting in lieu thereof "the environmental restoration account concerned".

(d) TREATMENT OF UNOBLIGATED BALANCES.—Any unobligated balances that remain in the Defense Environmental Restoration Account under section 2703(a) of title 10, United States Code, as of the effective date specified in subsection (e) shall be transferred on such date to the Defense Environmental Restoration Account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of this Act.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4082) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, as it was noted in Senate Report No. 104-267 produced by the Committee on Armed Services, it was not possible to include CBO cost estimates when the report was created because the cost estimates were not available. I now have CBO's figures.

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

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 15, 1996.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1745, the National Defense Authorization Act for Fiscal Year 1997 as ordered reported by the Senate Committee on Armed Services on May 2, 1996.

The bill would affect direct spending, and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish, we would be pleased to provide further details on the estimate.

Sincerely,

JUNE E. O'NEILL,
Director.

Attachment.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1745.

2. Bill title: National Defense Authorization Act for Fiscal Year 1997.

3. Bill Status: As ordered reported by the Senate Committee on Armed Services on May 2, 1996.

4. Bill purpose: This bill would authorize appropriations for 1997 for the military functions of the Department of Defense (DoD) and the Department of Energy (DoE). This bill also would prescribe personnel strengths for each active duty and selected reserve component.

5. Estimated cost to the Federal Government: Table 1 summarizes the budgetary effects of the bill. It shows the effects of the bill on direct spending and asset sales and on authorizations of appropriations for 1997. Assuming appropriation of the amounts authorized, the bill would increase funding for discretionary programs in 1997 by $3.0 billion over the 1996 appropriated level, although outlays would decline by $0.1 billion.

6. Basis of estimate: The estimate assumes that the bill will be enacted by October 1, 1996, and that the amounts authorized will be appropriated for 1997. Outlays are estimated according to historical spending patterns.

Direct spending and asset sales

The bill contains several provisions that would affect direct spending or asset sales (see Table 2). The provisions involve the sale of material in the National Defense Stockpile, the sale of various naval vessels, civilian and military retirement benefits, annuities for military surviving spouses, the use of proceeds from certain property sales, and other matters with less significant costs.

Under the 1996 budget resolution, proceeds from asset sales are counted in the budget totals for purposes of Congressional scoring. Under the Balanced Budget Act, however, proceeds from asset sales are not counted in determining compliance with the discretionary spending limits or pay-as-you-go requirement.

Stockpile Sales. The bill would require the Administration to sell certain materials in the National Defense Stockpile to raise receipts by $338 million during the five-year period ending on September 30, 2001, and $649 million during the seven-year period ending on September 30, 2003. Table 2 shows CBO's estimates of sales through 2002.

TABLE 1.—BUDGETARY IMPACT OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997 AS ORDERED REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
DIRECT SPENDING AND ASSET SALES							
Direct spending:.							
Estimated budget authority	0	12	20	75	78	82	89
Estimated outlays	0	−1	13	72	77	82	89
Assets Sales:[1]							
Estimate budget authority	0	−142	−59	−64	−70	−75	−145
Estimated outlays	0	−142	−59	−64	−70	−75	−145
SPENDING SUBECT TO APPROPRIATIONS ACTIONS							
Spending under current law:							
Budget authority[2]	265,023	0	0	0	0	0	0
Estimated outlays	264,311	91,156	36,485	17,138	7,362	3,275	913
Proposed changes:							
Estimated authorization level	0	268,069	0	0	0	0	0
Estimated outlays	0	173,007	55,280	21,615	9,373	3,938	2,084
Spending under the bill:							
Estimated authorizaton level[2]	265,023	268,069	0	0	0	0	0
Estimated outlays	264,311	264,163	91,765	38,753	16,735	7,213	2,997

[1] Under the 1996 budget resolution, proceeds from asset sales are counted in the budget totals for purposes of Congressinal scoring. Under the Balanced Budget Act, however, proceeds from asset sales are not counted in determining compliance with the discretionary spending limits or pay-as-you-go requirement.

[2] The 1996 figure is the amount appropriated for programs authorized by this bill.

Note.—Costs of the bill would fall under budget function 050, National Defense, except for certain other items as noted.

The receipts would come from selling aluminum, cobalt, columbium ferro, germanium metal, indium, palladium, platinum, rubber, and tantalum. Current law does not permit DoD to sell any of these materials except cobalt, but CBO expects that all cobalt now authorized for sale will be sold during 1996.

To determine if the receipt targets could be achieved, CBO reviewed both past sales and historical trends in prices for the different materials. Using both historical average prices and quantities that would probably not cause any significant disruption in world markets, CBO found the receipt levels to be achievable.

Transfer of Naval Vessels. The bill would authorize the Secretary of the Navy to sell eight naval vessels to certain foreign countries and otherwise dispose of two other vessels. The Navy estimates the sale would generate $72 million in offsetting receipts in 1997.

Civilian Retirement Annuities. Section 1121 would index the average pay used to calculate deferred retirement benefits for certain DoD civilian employees. CBO estimates that this proposal would reduce spending by $40 million in fiscal year 1997, $98 million in 1998, $57 million in 1999, $57 million in 2000, $56 million in 2001, and $54 million in 2002.

Section 1121 would apply, at the discretion of DoD, to employees at military bases sold to private contractors. To qualify for benefits under this proposal, the DoD employee must continue working in the same job after the base is sold to a private company. Further, the employee must be enrolled in the Civil Service Retirement and Disability System and not be eligible for retirement benefits. Based on the Base Realignment and Closure Commission reports and data from DoD, CBO assumes that about 1,200 people in 1997 and 2,000 in 1998 would take advantage of this proposal.

Under the bill, qualified workers could count their years of service under the private contractor toward meeting the age and service requirements for regular retirement. Further, the high-3 average federal salary used to calculate benefits would be indexed to federal pay raises during the time between the end of federal service and retirement. Based on data from DoD, CBO estimates that only about 5 percent of those affected would begin receiving benefits in the six-year projection period. Direct spending outlays are estimated to be less than $500,000 in fiscal year 1997, $2 million in 1998, $3 million in 1999, $3 million in 2000, $4 million in 2001, and $6 million in 2002. The bulk of the costs would begin to be realized about 15 years from enactment.

Over the six-year projection period, the increased costs of the annuities would be more than offset by forgone refunds of employee contributions. Based on rates of withdrawal from the Office of Personnel Management, CBO assumes that under current law about 60 percent of affected employees would have withdrawn their retirement contributions, when they lost their federal jobs to a private contractor. Since this proposal would greatly increase the value of the employee's retirement benefits, most of the affected workers would not withdraw their contributions and instead would remain eligible for retirement benefits. Given an average refund of about $34,000, the reduction in outlays from fewer refunds is estimated to be $20 million in fiscal year 1997 and about $40 million in 1998.

Section 1121 would also require that DOD amortize in 10 equal payments any increase in the unfunded liability of the Civil Service Retirement and Disability Fund that is attributable to the enhanced benefits of this proposal. DOD would pay an estimated $20 million a year for 10 years beginning in fiscal year 1997 and another $40 million a year for 10 years beginning in 1998. The receipt of these payments is not included in the cost estimate because they fund additional benefits that generally lie beyond the horizon of the estimate.

Annuities for Certain Military Surviving Spouses. Section 634 would provide annuities to the surviving spouses of two groups of former servicemembers. The first group would consist of military retirees who died before March 21, 1974. The second group would consist of reservists who died between September 21, 1972 and October 1, 1978, and who were entitled to retired pay at the time of their death except that they were under the age of 60. Based on information from DOD, CBO estimates that this provision would ultimately extend benefits to about 25,000 surviving spouses. We assume, however, that only half of those eligible spouses would learn of this provision and receive benefits in 1997, when costs are estimated to total about $12 million. In 2002, we assume all 25,000 will be receiving the benefits. CBO estimates that payments will eventually total about $57 million a year.

Use of Base Closure Proceeds. Section 2812 would allow DOD to use certain proceeds from the sale of base closure property for the construction of commissaries or facilities related to morale, recreation, or welfare activities. This provision would affect proceeds from the sale of any property that was acquired or constructed with commissary funds or nonappropriated funds and that is sold due to the base closure process. Under current law, these proceeds cannot be used unless appropriated by the Congress. By 2002, CBO estimates that spending under this section would total about $15 million annually.

Retirement of Certain Officers. Section 532 would allow no more than 25 retired officers in each military department to be recalled to active duty. Under current law, the Army and Navy have recalled about 100 retired officers to active duty. This provision would force the retirement of about 150 people and would result in increased retirements costs of about $5 million annually.

TABLE 2.—DIRECT SPENDING AND ASSET SALES IN S. 1745

[By fiscal years, in millions of dollars]

	1997	1998	1999	2000	2001	2002
DIRECT SPENDING						
Civilian Retirement	−20	−38	3	3	4	6
Surviving Spouses	12	38	52	54	56	57
Base Closure Proceeds	2	8	12	14	15	15
Retirement of Certain Officers	5	5	5	5	5	6
Bonuses Repayments	0	0	(1)	1	2	5
Other Direct Spending	(1)	(1)	(1)	(1)	(1)	(1)
Total Direct Spending	−1	13	72	77	82	89

TABLE 2.—DIRECT SPENDING AND ASSET SALES IN S. 1745—Continued

[By fiscal years, in millions of dollars]

	1997	1998	1999	2000	2001	2002
ASSET SALES						
Stockpile Sales	−70	−59	−64	−70	−75	−145
Sale of Naval Vessels	−72	0	0	0	0	0
Total Asset Sales	−142	−59	−64	−70	−75	−145

[1] Less than $500,000.

Repayment of Separation Bonuses. Under current law, some servicemembers who leave the military and receive certain separation bonus payments must repay those amounts if they later receive veterans' disability compensation or military retirement. For these individuals retirement and compensation payments are withheld until the full amount of the bonus payment has been recouped. This provision would change the amount that must be repaid from 100 percent of the bonus payment to the net amount of the payment following federal income tax withholding, for separations from service occurring in 1997 or later. Thus, beneficiaries would begin receiving veterans compensation or retired pay sooner than under current law.

Additional veteran's compensation payments would begin in 1999. Near term costs would be small—less than $500,000 in 1999 and $15 million in 2002. Total costs for individual separating over the next six years would eventually amount to about $70 million, but this total amount would not be reached for 10 to 15 years.

No data are kept on the number of individuals who receive separation payments and subsequently rejoin the military and qualify for retired pay. Such individual would most likely join and retire from the Selected Reserves. Reserve retirees do not receive retired pay until they reach age 62—more than 25 years after most would have received the initial separation payment. Any costs associated with this part of the provision would be small and would not appear for many years.

Miscellaneous Military Retirement Provisions. Four other provisions would change current law governing the military retired program including survivor benefits. None of these provisions would have significant costs because relatively few people would be affected or changes in benefit levels would be relatively small:

Section 515 would authorize reservists to receive disability retirement if they are injured during overnight stays associated with inactive-duty training.

Section 516 would allow certain members of the reserves to receive retirement-related credit if they participate in select educational programs and work in a specialty that is critically needed in wartime.

Section 531 would allow service members who are retired due to physical disabilities to receive retired pay based on the grade to which they would have been promoted had it not been for the onset of the physical disability.

Section 533 would authorize disability coverage for certain officers who are injured while attending educational programs on leave without pay.

Other provisions. The bill would give the President the authority to award the Medal of Honor to seven individuals. This award is accompanied by monthly payment of $400, but the annual cost of all seven recipients would amount to less than $500,000 per year.

The bill would allow the Secretary of Transportation to stop trying to collect amounts that Coast Guard personnel owed the government before they died on active duty. The forgone receipts would be considered direct spending. Both the number of people and the amount of collections would be small, however, and the cost of this provision would be less than $500,000 annually.

The bill also contains a provision that would allow the government to recover the costs of compensation for certain military servicemembers who are unable to perform their military duties. If a third party is found liable for the circumstances under which the servicemember becomes incapacitated, the government would be able to collect and spend the money. Collections would increase but expenditures would rise by the same amount, so there would be no net budgetary impact.

Authorizations of appropriations

The bill authorizes specific appropriations of $198 billion for 1997 for operation and maintenance, procurement, research, development, test and evaluation, nuclear weapons programs, and other DoD program. These authorizations fall under National Defense, budget function 050.

In addition, the bill would authorize specific appropriations for other budget functions: $150 million for the Naval Petroleum Reserve (function 270), $57 million for the Armed Forces Retirement Home (function 700).

The bill also contains both specific and implicit authorizations of appropriations for other military programs, primarily for military personnel costs, some of which extend beyond 1997. Table 3 contains estimates for the amounts authorized and the related outlays. The following sections describe the estimated authorizations shown in Table 3 and provide information about CBO's cost estimates.

Endstrength. The bill would authorize active and reserve component endstrengths for 1997 at a cost of $68 billion. Endstrengths specifically stated in the bill for active-duty personnel would total about 1,457,500—about 500 more than in the Administration's request but about 24,200 below the level estimated for 1996. DoD reserve endstrengths would be authorized at about 901,900—about 900 more than in the Administration's request but about 28,900 less than the estimated 1996 level.

Also, the bill would authorize an endstrength of 8,000 in 1997 for the Coast Guard Reserve, which is the same as the 1996 level and the Administration's request; this authorization would cost about $66 million and would fall under budget function 400, Transportation.

Compensation and Benefits. The bill contains several provisions that would affect military compensation and benefits.

Pay Raises and Quarters Allowances. The bill would authorize a 3.0 percent increase in the rates of basic pay and the basic allowance for subsistence for military personnel, at a cost of $1.2 billion. The same section would also call for the basic allowance for quarters (BAQ) to increase by 4.0 percent. Under current law BAQ increases according to the military pay raise; consequently, the 3.0 percent pay raise authorized in this bill would raise BAQ by $109 million. The provision that raises BAQ by the additional 1.0 percent would cost another $36 million. Thus, BAQ would increase by $145 million compared to 1996 rates.

Expiring Authorities. Several sections would extend for one year certain payment authorities that are scheduled to expire at the end of 1997. In some cases, renewing authorities for one year results in costs over several years because payments are made in installments. Payment authorities for enlistment and reenlistment bonuses for active duty personnel would cost $148 million in 1998. The cost of extensions of special payments for aviators and nuclear-qualified personnel would total $49 million in 1998. Extension of various bonus programs for Selected Reserve personnel would increase costs by $33 million in 1998. Finally, authorities to make special payments to nurse officer candidates, registered nurses, and nurse anesthetists would increase authorizations by $12 million in 1998.

Housing Allowance During Duty at Sea. The bill would authorize payment of housing allowances to certain personnel in pay grade E–5 who are assigned to shipboard sea duty. This change would provide about 7,000 personnel with housing allowances averaging $6,000 annually, for a total yearly cost of about $40 million.

Grade Structure. The bill would authorize the number of active duty officers who can serve in certain pay grades in each of the military services. This change would not increase overall endstrength, but it would result in increased promotions. The provision has a cost, about $35 million annually, because personnel serving in higher grades are paid more. Because the provision does not take affect until September 1, 1997, the cost is only $3 million in 1997.

Special Pay for Dentists. In 1996, DoD will pay about $40 million in incentive payments to dentists serving as officers in the military services. This bill would increase these incentives at a cost of $8 million a year.

Moving costs. The bill would allow DoD to pay storage costs for motor vehicles when members cannot take the vehicle along on a move and to reimburse members for certain expenses when they pick up a vehicle at a port following government shipment. Together, these two provisions would cost $4 million in 1997.

Family separation allowance. Current law authorizes payment of a family separation allowance (FSA) to servicemembers whose military duties prevent them from being able to live with their families. However, no allowance is paid when both spouses are servicemembers and there are not other dependents. This provision would pay FSA to military couples who are otherwise eligible for payments at a cost of $2 million annually.

Adoption expenses. Under current law, DOD reimburses members of the military services

for expenses incurred when they adopt children through state, local, or non-profit adoption agencies. The bill would extend this reimbursement to adoptions arranged privately under court supervision. Based on national adoption statistics, CBO estimates that this change would increase the number of adoptions eligible for reimbursement by about 50 percent, at an annual cost of $1 million.

Military Personnel Authorization. The bill explicitly authorizes appropriations for military personnel of $69,878 million in 1997. Because the estimated cost of other sections of the bill exceed this amount, this section has the effect of reducing costs by $36 million.

Military Health Care Programs. The bill contains two provisions that affect military health care and that have significant budgetary impacts.

Dental Insurance. The bill would require the Secretary of Defense to establish a dental insurance program for military retirees and their dependents. DOD could bear part of the cost of the premium payments. Assuming premium sharing at the same level as in similar programs currently available to active duty dependents and members of the Selected Reserve, this provision would cost about $300 million annually.

Composite Health Care System (CHCS). The bill would direct the Secretary of Defense to make certain changes to the composite Health Care System (CHCS), an automated medical information system used by DOD. These changes would standardize CHCS so that the information systems of various military treatment facilities and private contractors could exchange data about health care beneficiaries. No information is available from DOD about the potential costs of the changes, and CBO is unable to estimate the cost of this provision.

Civilian Retirement Annuities. Section 1121, which would index the average pay used to calculate deferred retirement benefits for certain DOD civilian employees, also results in costs that would be funded by appropriations. The 10-year amortization payments made by the DOD to the civilian retirement fund would total an estimated $10 million in 1997 and $60 million a year for each of the following years in the projection period. These costs are offset by savings of about $30 million in fiscal year 1997 and $50 million in 1998 attributable to the provision that precludes severance payment to any individual taking advantage of benefits under this section.

Public Health Service. The bill would authorize payments to Public Health Service officers of certain special pay and allowances currently received by DoD military personnel. Payments would be extended to optometrists, non-physician health care providers, and foreign language specialists at a cost of $4 million annually. These costs would fall under various budget functions.

TABLE 3.—AUTHORIZATIONS OF APPROPRIATIONS IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997 AS ORDERED REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES

[By fiscal years, in millions of dollars]

Category	1997	1998	1999	2000	2001	2002
Stated authorizations	198,120	0	0	0	0	0
Estimated outlays	106,579	51,760	21,615	9,373	3,938	2,084
Endstrengths:						
Function 050:						
Estimated authorization level	68,479	0	0	0	0	0
Estimated outlays	65,036	3,443	0	0	0	0
Function 400:						
Estimated authorization level	66	0	0	0	0	0
Estimated outlays	59	7	0	0	0	0
Compensation and Benefits (DoD):						
Military Pay Raise:						
Estimated authorization level	1,378	1,824	1,798	1,780	1,779	1,776
Estimated outlays	1,309	1,802	1,799	1,781	1,779	1,776
Expiring Authorities—Active Duty:						
Estimated authorization level	0	148	51	35	33	16
Estimated outlays	0	141	56	36	33	17
Expiring Authorities—Aviation and Nuclear Officers:						
Estimated authorization level	0	49	24	24	17	15
Estimated outlays	0	47	25	24	17	15
Expiring Authorities—Reserves:						
Estimated authorization level	0	33	27	18	13	9
Estimated outlays	0	31	27	18	13	9
Expiring Authorities—Nurses:						
Estimated authorization level	0	12	0	0	0	0
Estimated outlays	0	11	1	0	0	0
Duty at Sea:						
Estimated authorization level	40	40	41	41	41	41
Estimated outlays	38	40	41	41	41	41
Grade Relief:						
Estimated authorization level	3	33	34	35	36	37
Estimated outlays	3	31	34	35	36	37
Dental Special Pay:						
Estimated authorization level	8	8	8	8	8	8
Estimated outlays	8	8	8	8	8	8
Moving Costs:						
Estimated authorization level	4	5	5	5	5	5
Estimated outlays	4	5	5	5	5	5
Family Separation Allowances:						
Estimated authorization level	2	2	2	2	2	2
Estimated outlays	2	2	2	2	2	2
Adoption Expenses:						
Estimated authorization level	1	1	1	1	1	1
Estimated outlays	1	1	1	1	1	1
Cap on Military Personnel Appropriations:						
Estimated authorization level	−36	0	0	0	0	0
Estimated outlays	−35	−2	0	0	0	0
Health Care Provisions:						
Retiree Dental Insurance:						
Estimated authorization	(1)	283	296	309	322	337
Estimated outlays	(1)	212	293	306	319	333
Composite Health Care System (CHCS):						
Estimated authorization level	(1)	(2)	(2)	(2)	(2)	(2)
Estimated outlays	(1)	(2)	(2)	(2)	(2)	(2)
Civilian Retirement Annuities:						
Estimated authorization level	(1)	10	60	60	60	60
Estimated outlays	(1)	10	60	60	60	60
Public Health Service:						
Estimated authorization level	4	4	4	4	4	4
Estimated outlays	4	4	4	4	4	4
Total Authorizations of Appropriations:						
Estimated authorization level	268,069	2,452	2,351	2,322	2,321	2,311
Estimated outlays from authorizations for 1997	173,007	55,280	21,615	9,373	3,938	2,084
Estimated outlays from authorizations for 1998–2001	0	2,273	2,356	2,321	2,318	2,308

[1] The 1997 impacts of these provisions are included in the amounts specifically authorized to be appropriated in the bill.
[2] CBO is unable to estimate the costs of this provision.

Panama Canal Commission. Title XXXV would authorize the Panama Canal Commission to spend any sums available to it from operating revenues or Treasury borrowing for operation, maintenance, and improvement of the canal in fiscal year 1997. This spending is considered discretionary, because the appropriation bill customarily establishes an obligation ceiling for this account. CBO estimates that Panama Canal Commission collections and outlays will be about $624 million in 1997.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. Because this bill would affect direct spending, pay-as-you-go procedures would apply. These effects are summarized in the following table.

[By fiscal years, in millions of dollars]

	1996	1997	1998
Change in outlays	0	−1	13
Change in receipts	(1)	(1)	(1)

[1] Not applicable.

8. Estimated impact on State, local, and tribal governments: The bill contains no intergovernmental mandates as defined in Public Law 104–4 and would impose no significant costs on State, local, or tribal governments. A number of the bill's provisions—such as those pertaining to cultural resource management, land transfers, and teacher and firefighter placement programs—would affect State, or local governments; however, none would create new enforceable duties or result in significant budgetary impacts on these entitles.

9. Estimated impact on the private sector: This bill would impose no new Federal private sector mandates, as defined in Public Law 104–4.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal Cost Estimate: Kent Christensen, Victoria Fraider, Raymond Hall, and Amy Plapp prepared the estimates affecting the Department of Defense; they can be reached at 226–2840. Kathy Gramp (226–2860) prepared the estimate for the Naval Petroleum Reserve. Deborah Reis (226–2860) prepared the estimate for the Panama Canal Commission. Wayne Boyington (226–2820) prepared the estimates for the costs of changes to civilian retirement programs.

State and local government impact: Leo Lex and Karen McVey (226–2885).

Private sector impact: Neil Singer (226–2900).

12. Estimate approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. NUNN. Mr. President, for those who may be listening, I believe there had originally been a vote at 9:15 that the leader had announced and now that the amendment, which was the SIMPSON amendment, has been disposed of and agreed to with the second-degree amendment that was accepted, so as far as I know—and the Senator from Idaho may want to add to this—there will be no vote on this amendment at 9:15 tomorrow morning.

The PRESIDING OFFICER. The Senator is correct; that vote was vitiated.

Mr. KEMPTHORNE. Mr. President, we are certainly in agreement that the vote which was ordered has been vitiated, or has been dealt with. We have not yet received final word from the majority leader as to whether or not he wishes to still have an early vote. We will know that very shortly.

At this point 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. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

AFRICAN-AMERICAN MEDAL OF HONOR NOMINEES

Mr. KEMPTHORNE. Mr. President, I rise today to pay tribute to seven unsung heroes of World War II. Although a half-century in the making, it is never too late to honor the bravery and heroism of our men and women in uniform. I view the nomination of seven African-American World War II heroes for the Medal of Honor with much admiration and pride. This is an honor that should have been bestowed many decades ago. The award acknowledges a job well done and is absolutely well deserved.

A 15-month study conducted by a team of military historians reviewed the nation's archives and interviewed veterans to find out why no black service member received the Medal of Honor during World War II. Nine black soldiers were awarded the second-highest honor—the Distinguished Service Cross. I was surprised, however, to learn that the study found no evidence that any African-American soldier in World War II was ever nominated for the Medal of Honor, though commanders, comrades and archival records indicate that at least four of the seven nominees had been recommended. This same report found evidence that the segregation of units by race often complicated training, exacerbated relations between officers and enlisted men and their units, and undermined the morale of these units in both subtle and obvious ways.

The Senate Armed Services Committee and the House Committee on National Security approved a provision in the Defense Authorization bill that would authorize the Secretary of the Army to award the Medal of Honor to African-American former service members who have been found by the Secretary of the Army to have distinguished themselves by gallantry above and beyond the call of duty while serving in the U.S. Army during WWII.

It is truly unfortunate that only one of the seven nominees—Vernon J. Baker—is still living. On April 5, 1945, then First Lieutenant Baker led a platoon over "Hill X" in Italy. Along the way, he and his men destroyed six machine gun nests, two observer posts and four dugouts while the Germans rained bullets down on them. Out of 25 men, 7 Americans survived while 26 Germans were killed in the action. "Hill X" had to be taken in order to capture a castle that guarded the town of Montignoso along Highway 1. The route was key to the Allies push north and its capture helped to hastened the end of WWII. First Lieutenant Baker received the Distinguished Service Cross—our Nation's second highest award—for his actions. And now at long last he will receive the appropriate recognition—the Medal of Honor the highest honor that we can bestow.

Mr. Baker, although raised in Wyoming, moved to St. Maries, ID, in 1987 because he enjoys the State's hunting and great outdoor opportunities. I am proud of and thankful for the many sacrifices that our men and women in uniform have made in the past and continue to make around the world. We are certainly proud that Mr. Baker now resides in the State of Idaho, and that he and the other nominees will now rightfully receive the Congressional Medal of Honor.

HONORING THE DASCHLES CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. REID. Mr. President, it is my distinct pleasure to rise today to honor Sebastian and Elizabeth Daschle, who celebrated their 50th wedding anniversary on January 16, 1996. Their lives and strong commitment to one another serve as an example to the entire Nation.

Betty Meiers and Sebastian "Dash" Daschle were married on a mild winter day in Roscoe, SD. Two days later, they were hit by the worst blizzard of the year. Together, the Daschles weathered the storm and have continued to stand beside one another through 50 years of surprises and joys.

The Daschles devotion to one another began early, with Betty waiting for her sweetheart to return home from World War II so they could be married. Since fabric was scarce at the time, Betty's wedding dress and the flower girl's dress were made out of a parachute brought home from the war. While the fabric was unconventional, it was plentiful and provided enough material for Betty's dress to have a long, elegant train. Betty and Dash took their vows on the day of Betty's parents 25th anniversary and, for 30 years, the two couples jointly celebrated their happiness. Clearly, commitment and lasting love run in the family.

Following the wedding, the young couple moved to Aberdeen, SD, to make their home. After an unsuccessful search for a place to live, they had to install plumbing on the top floor of a house to create a makeshift apartment. Betty's father and brother built the Daschles' first house in 1948. In 1952, they built a bigger home on the same lot and have happily lived there ever since.

Through the years, Dash worked as a bookkeeper for Nelson Auto Electric, and eventually worked his way to become a part-owner of the business. The

Daschles are proud parents of four boys—including my friend and colleague, the distinguished minority leader Senator TOM DASCHLE. The Daschles now delight each day in the joy of their grandchildren.

For the Daschles, a promise made was a promise kept. Their dedication to their vows and commitment to strong family ties serve as a model for families across America.

I congratulate the Daschles on this achievement, and wish them continued happiness in their lives together.

SALUTE TO THE PERFORMING ARTS

Mr. GRASSLEY. Mr. President, when I think of Iowa, I envision lush, rolling hills; wide, blue skies; and rich, black soil. Located in the heartland of America, Iowa's bounteous fields and streams feed the world. I'm sure most people across the country and throughout the world associate my State with its exceptional agricultural products and productive farmland.

But today, I am going to share with America a different chapter of the Iowa story. Perhaps one that many already have read about or seen on the Big Screen—and that is, Iowa's contributions to film making and the performing arts. A handful of our Iowa-born friends have risen to celebrity status on TV, on the silver screen, and on stage.

To name a few—singer Andy Williams was born in Wall Lake; the Everly Brothers, Don and Phil lived in Shenandoah; Cloris Leachman, who played Phyllis on "The Mary Tyler Moore Show," hails from Des Moines, as did Harriett Nelson of the television series, "The Adventures of Ozzie and Harriett." Marion Michael Morrison, better known as John Wayne, was born in Winterset. The famous musician/composer, Glenn Miller came from Clarinda. And who can ever forget the memorable sounds of the "Music Man," Meridith Wilson is from Mason City. And, last but not least, Mr. President, internationally-acclaimed opera singer, Simon Estes, was born in Centerville, IA.

In addition to the talents of Iowa's hometown celebrities, my State has opened its doors to reveal our scenic countryside to Hollywood film makers. Box office hits filmed in Iowa include, "Field of Dreams," "The Bridges of Madison County," and "Twister." The movie "Bridges" was adapted from the novel written by my fellow Iowan, Robert Waller. If asked, Mr. President, I would have to concur with a popular scene from the movie "Field of Dreams," filmed in eastern Iowa near Dyersville. That scene included the lines—"Is this Heaven? No, it's Iowa."

Mr. President, the list of Iowa-born celebrities includes a hometown girl who never forgot where she came from. The oldest of five children, Donna Belle Mullenger, attended a one room school house and helped with the family chores on a western Iowa farm near Denison. Growing up on a farm, Donna cherished the rare Saturday trips to town, when she would meet friends at the Candy Kitchen and catch a movie at the Ritz Theater.

This girl-next-door later became a household name and Hollywood star. Donna Reed starred in more than 40 films, including such classics as "It's a Wonderful Life," "Portrait of Dorian Gray," and her Oscar-winning performance in "From Here to Eternity." And for 8 years, Donna Reed entertained families in their living rooms across America. "The Donna Reed Show" ran from 1958 to 1965.

As I stated earlier in one of my speeches describing the Iowa Spirit, the people of Iowa strive to excel in any and all endeavors, whether it be education, entertainment or enterprise. And the community of Denison, the county seat of Crawford County, is no exception. In memory of the Hollywood actress who was known to say, "No matter what I do, I am still a farm girl from Denison," the community celebrated a 1-day festival in her honor after her death in 1986. At that time, her Oscar was presented to the city of Denison. One year later, Donna Reed's hometown community, friends and family members formed The Donna Reed Foundation for the Performing Arts to recognize youth and promote education.

The Foundation celebrates its 10th annual Donna Reed Festival this week, June 15–23. Building on its charter to provide affordable and high quality education to those who share a love for the arts, the Foundation offers performing arts workshops, and awards an annual college scholarship to applicants interested in studying acting, music, and dance. The first scholarship was awarded in 1987 for $500. Within 8 years, the award had grown to a $10,000 national scholarship. During this week's festival, performing arts instructors and professionals from New York, California, and the Midwest will conduct about 45 professional workshops. One of the highlights at the festival this year includes a tribute to the 50th anniversary of "It's A Wonderful Life," featuring a reunion of cast and crew.

Mr. President, I proudly salute members of the Denison community and their vision for promoting the arts. Borne of hard work, countless volunteer hours, and unparalleled community spirit, The Donna Reed Foundation has achieved a center for cultural and performing arts in America's heartland.

Mr. President, life in Iowa truly is a wonderful life. And I'm sure the citizens of Denison would be the first to agree.

SALUTE TO KBBG–FM RADIO

Mr. GRASSLEY. Mr. President, I rise today to salute an enterprise undertaken almost two decades ago by two community-oriented entrepreneurs in northeast Iowa. Declaring that radio for the Black community was an idea whose time had come, Jimmie Porter founded KBBG–FM radio in 1977 with his partner, Warren Nash, Jr., in Waterloo, IA. Incorporated as Afro-American Community Broadcasting, Inc., KBBG's charter pledged to fulfill the needs, interests and wishes of ethnic minority people in northeast Iowa.

KBBG has come a long way since its first equipment testing of 10 watts on July 26, 1978. On its first full day of broadcasting that August, KBBG reached a 4 to 5 mile radius. Today, the radio station boasts a 60-mile radius, 10,000 watts, and 11 employees.

The largest African American owned and operated noncommercial educational radio station in my State of Iowa, KBBG Radio has provided almost $1.8 million of public service announcements for nonprofit organizations in the last 8 years.

Mr. President, I proudly commend KBBG Radio, its owners and its employees for providing a valuable service to the Waterloo and Cedar Falls metro area and to northeast Iowa.

A model of self-development and community outreach, KBBG continues to build on its well-served motto, communicate to educate. Mr. President, I thank and congratulate KBBG for 18 years of service and extend my wishes for continued success in the future.

DR. BEATRICE BRAUDE AND JUSTICE DELAYED BUT NOT ULTIMATELY DENIED

Mr. MOYNIHAN. Mr. President, this past Monday, the Washington Post reported that Justice Department attorneys have reached a settlement with lawyers representing the estate of Dr. Beatrice Braude concerning monetary damages equitably due for the wrongful dismissal of Dr. Braude from her Federal job in 1953 and subsequent blacklisting. The estate will receive $200,000 in damages. Family members have announced that the funds—which Congress must now appropriate—will be donated to Hunter College, the institution from which Dr. Braude received her bachelor's degree.

This settlement stems from the enormously gratifying decision of U.S. Court of Federal Claims Judge Roger B. Andewelt on March 7, following a hearing last November, that the United States Information Agency (USIA) had wrongfully dismissed Dr. Braude and intentionally concealed the reason for her termination. He concluded that such actions constituted an equitable claim for which compensation is due.

Dr. Braude's suit was made possible through legislation then-Senator Javits and I originally introduced in 1979

and which Senator D'AMATO and I continued to press. When finally enacted, it lifted the statute of limitations, enabling the Court to hear Dr. Braude's case and hand down its decision. I know Senator D'AMATO shares my gratification with the settlement announcement.

With Judge Roger B. Andewelt's decision and this negotiated settlement, we have finally seen a measure of justice which brings back memories of an old and awful time. Dr. Braude, a linguist fluent in several languages, was dismissed from her position at the USIA in 1953 as a result of accusations of disloyalty to the United States. The accusations were old; 2 years earlier, the State Department's Loyalty Security Board had investigated and unanimously voted to dismiss them. The Board sent a letter to Dr. Braude stating "there is no reasonable doubt as to your loyalty to the United States Government or as to your security risk to the Department of State."

Dr. Braude was terminated 1 day after being praised for her work and informed that she probably would be promoted. USIA officials told that her that the termination was due to budgetary constraints. Congress had funded the USIA at a level 27 percent below the President's request. The Supplemental Appropriation Act of 1954 (Public Law 83-207) authorized a reduction in force commensurate to the budget cut. Fair enough. As Dr. Braude remarked years later, "I never felt that I had a lien on a government job." But what Dr. Braude did not know is that she was selected for termination because of the old—and answered—charges against her. And because she did not know the real reason for her dismissal, she was denied certain procedural rights (the right to request a hearing, for instance).

The true reason for her dismissal was kept hidden from her. When she was unable, over the next several years, to secure employment anywhere else within the Federal Government—even in a typing pool despite a perfect score on the typing test—she became convinced that she had been blacklisted. She spent the next 30 years fighting to regain employment and restore her reputation. Though she succeeded in 1982 (at the age of 69) in securing a position in the CIA as a language instructor, she still had not been able to clear her name by the time of her death in 1988. The irony of the charges against Dr. Braude is that she was an anti-communist, having witnessed first-hand communist-sponsored terrorism in Europe while she was an assistant cultural affairs officer in Paris and, for a brief period, an exchange officer in Bonn during the late 1940's and early 1950's.

Mr. President, I would like to review the charges against Dr. Braude because they are illustrative of that dark era and instructive to us even today. There were a total of four. First, she was briefly a member of the Washington Book Shop on Farragut Square that the Attorney General later labeled subversive. Second, she had been in contact with Mary Jane Keeney, a Communist Party activist employed at the United Nations. Third, she had been a member of the State Department unit of the Communist-dominated Federal Workers' Union. Fourth, she was an acquaintance of Judith Coplon.

With regard to the first charge, Dr. Braude had indeed joined the Book Shop shortly after her arrival in Washington in 1943. She was eager to meet congenial new people and a friend recommended the Book Shop, which hosted music recitals in the evenings. I must express some sensitivity here: my F.B.I. records report that I was observed several times at a "leftist musical review" in suburban Hampstead while I was attending the London School of Economics on a Fulbright Fellowship.

Dr. Braude was aware of the undercurrent of sympathy with the Russian cause at the Book Shop, but her membership paralleled a time of close U.S.-Soviet collaboration. She drifted away from the Book Shop in 1944 because of her distaste for the internal politics of other active members. Her membership at the Book Shop was only discovered when her name appeared on a list of delinquent dues. It appears that her most sinister crime while a member of the book shop was her failure to return a book on time.

Dr. Braude met Mary Jane Keeney on behalf of a third woman who actively aided Nazi victims after the war and was anxious to send clothing to another woman in occupied Germany. Dr. Braude knew nothing of Keeney's political orientation and characterized the meeting as a transitory experience.

With regard to the third charge, Dr. Braude, in response to an interrogatory from the State Department's Loyalty Security Board, argued that she belonged to an anti-Communist faction of the State Department unit of the Federal Workers' Union.

Remember that the Loyalty Security Board investigated these charges and exonerated her.

The fourth charge, which Dr. Braude certainly did not—or could not—deny, was her friendship with Judith Coplon. Braude met Coplon in the summer of 1945 when both women attended a class Herbert Marcuse taught at American University. They saw each other infrequently thereafter. In May 1948, Coplon wrote to Braude, then stationed in Paris and living in a hotel on the Left Bank, to announce that she would be visiting shortly and needed a place to stay. Dr. Braude arranged for Coplon to stay at the hotel. Coplon stayed for 6 weeks, during which time Dr. Braude found her behavior very trying. The two parted on unfriendly terms. The friendship they had prior to parting was purely social.

Mr. President, Judith Coplon was a spy. She worked in the Justice Department's Foreign Agents Registration Division, an office integral to the FBI's counterintelligence efforts. She was arrested early in 1949 while handing over notes on counterintelligence operations to Soviet citizen Valentine Gubitchev, a United Nations employee. Coplon was tried and convicted—there was no doubt of her guilt—but the conviction was overturned on a technicality. Gubitchev was also convicted but was allowed to return to the U.S.S.R. because of his quasi-diplomatic status.

I bring all this up because, as I mentioned earlier, it is instructive. The world is a dangerous place. On July 11, 1995—6 days before the 50th anniversary of the first successful detonation of an atomic bomb—the National Security Agency released 49 of some 2,200 coded messages sent by the KGB and decrypted between 1943 and 1980. The decoded messages have been kept classified until now. They are known as the VENONA intercepts.

The existence of a Soviet spy ring and the active involvement of American communists—fellow countrymen was the KGB code word for them—has long been established. Of late, details have been flooding in from Moscow. But this is the first American archive to be opened.

At the onset of the Cold War, in Edward Shils' memorable phrase, the American visage began to cloud over. Some saw conspiracy everywhere. Recall, that in 1951, Senator Joseph McCarthy published America's "Retreat from Victory: The Story of George Catlett Marshall." Some denied any such possibility and accused the accusers. Loyalty oaths and background checks proliferated, and all information became Top Secret. A culture of secrecy took hold within the American government, whilst a hugely divisive debate raged in Congress and the press.

We got through it. But the world remains a dangerous place, and it is just possible that we might learn something from the VENONA files. Had they been published in 1950, we might have been spared the soft-on-communism charge that distorted our politics for four decades. We might have been spared the anti-anti-communist stance that was no less unhelpful.

The fact is, there were spies in this country and they did awful things—Coplon among them. But there were innocent people, too, like Dr. Braude, who were caught in a hall of mirrors.

My involvement in Dr. Braude's case dates back to early 1979, when Dr. Braude came to me and my colleague at the time, Senator Javits, and asked us to introduce private relief legislation on her behalf. In 1974, after filing

a Freedom of Information Act request and finally learning the true reason for her dismissal, she filed suit in the Court of Claims to clear her name and seek reinstatement and monetary damages for the time she was prevented from working for the Federal Government. The Court, however, dismissed her case on the grounds that the statute of limitations had expired. On March 5, 1979, Senator Javits and I together introduced a bill, S. 546, to waive the statute of limitations on Dr. Braude's case against the U.S. Government and to allow the Court of Claims to render judgment on her claim. The bill passed the Senate on January 30, 1980. Unfortunately, the House failed to take action on the bill before the 96th Congress adjourned.

In 1988, and again in 1990, 1991, and 1993, Senator D'AMATO and I re-introduced similar legislation on Dr. Braude's behalf. Our attempts met with repeated failure. Until at last, on September 21, 1993, we secured passage of Senate Resolution 102, which referred S. 840, the bill we introduced for the relief of the estate of Dr. Braude, to the Court of Claims for consideration as a congressional reference action. The measure compelled the Court to determine the facts underlying Dr. Braude's claim and to report back to Congress on its findings.

The Court held a hearing on the case last November and Judge Andewelt issued his verdict in March. Forty-three years after her dismissal from the USIA and 8 years after her death, the Court found in favor of the estate of Dr. Braude.

Senator D'AMATO and I wish to express our profound admiration for Judge Andewelt's decision in which he absolved Dr. Beatrice Braude of the surreptitious charges of disloyalty with which she was never actually confronted. The Court declared that Dr. Braude "cared about others deeply and was loyal to her friends, family and country."

We are equally grateful to Christopher N. Sipes and William Livingston, Jr. of Covington & Burling, two of the many lawyers who have handled Dr. Braude's case on a pro bono basis over the years. Mr. Sipes quite properly remarked that the decision represents an important page in the annals of U.S. history: "The Court of the United States has said it recognizes that this conduct is out of bounds. It tells the government it must acknowledge its wrongs and pay for them."

Anthony Lewis wrote about Dr. Braude's case on March 15 in his regular New York Times column, Abroad at Home. He properly warns us that the cause of the injustice to Beatrice Braude and other loyalty victims—secret proceedings—is not ancient history. The anti-terrorism bill had a provision to allow for the deportation of aliens on secret evidence. It was stripped, fortunately, during floor consideration in the House. But the provision is likely to reappear in some fashion. We must remain vigilant.

Now that the parties to the Braude case have reached an agreement on the monetary damages equitably due to Dr. Braude's estate, Senator D'AMATO and I will be offering legislation soon to release the $200,000 to her estate. When that time comes, I hope that we will have the unqualified and unanimous support of our colleagues.

Ann Kirchheimer, a friend—now 80—who carried on Dr. Braude's fight, recently commented that Dr. Braude's life following her dismissal from the USIA could have been taken from the opening lines of Franz Kafka's book, The Trial: "Someone must have traduced Joseph K., for without having done anything wrong, he was arrested one fine morning." Indeed.

What happened to Dr. Braude was a personal tragedy. But it was also part of a national tragedy, too. This nation lost, prematurely and unnecessarily, the exceptional services of a gifted and dedicated public servant. Stanley I. Kutler, a professor of constitutional history at the University of Wisconsin, estimates that Dr. Braude was one of about 1,500 Federal employees who were dismissed as security risks between 1953 and 1956. Another 6,000 resigned under the pressure of security and loyalty inquiries, according to Professor Kutler, who testified as an expert witness on Dr. Braude's behalf last November. It was, as I said earlier, an awful time. We had settled "as on a darkling plain, Swept with confused alarm of struggle and flight, Where ignorant armies clash by night." It mustn't happen again.

I ask unanimous consent that an article appearing in the June 17, 1996, issue of the Washington Post, "$200,000 Repayment Agreement for Estate of McCarthy-Era Victim", Mr. Lewis's March 15, 1996 column, "Secrecy and Justice," from the New York Times, and a letter dated June 19, 1996 from Mr. Sipes to my legislative director, Gray Maxwell, be printed in the CONGRESSIONAL RECORD following my remarks.

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

[From the Washington Post, June 17, 1996]

$200,000 REPAYMENT AGREEMENT FOR ESTATE OF MCCARTHY-ERA VICTIM

The estate of Beatrice "Bibi" Braude, who was fired from the U.S. Information Agency and blacklisted 43 years ago during a spasm of anti-communist zealotry, should be paid $200,000, according to an agreement between the U.S. government and attorneys for her estate.

Funding the settlement is up to Congress.

Braude fought for decades to clear her name after her firing in 1953. By the time she was in her seventies, she seemingly had exhausted all court remedies. After her death nearly nine years ago, her friends and relatives took up her cause and persuaded Sens. Daniel Patrick Moynihan (D-N.Y.) and Alfonse M. D'Amato (R-N.Y.) to sponsor legislation that mandated review of the case by the U.S. Court of Federal Claims.

Attorneys for the Justice Department argued earlier this year that there was insufficient proof that loyalty concerns prevented Braude from being rehired for decades. The reason might have been, they argued, because she was a woman and in her forties. Judge Roger B. Andewelt disagreed, saying Braude was a loyal American persecuted "during a dark era in American history."

He ordered the Justice Department to negotiate an amount to pay Braude's estate. Christopher Sipes, of the law firm of Covington & Burling, who handled the case without a fee, said lawyers considered what Braude would have earned during the period of her blacklisting. The case, Sipes said, represents a rare acknowledgment of the wrongs committed by the government during the era associated with Sen. Joseph R. McCarthy.

Braude's niece, Ericka, responding to the agreement, said she was nearly speechless. "It's unbelievable," she said, "and it's about time."

[From the New York Times, Mar. 15, 1996]

ABROAD AT HOME; SECRECY AND JUSTICE

(By Anthony Lewis)

The case before him, the judge said, "harks back to a dark era in American history when Senator Joseph R. McCarthy was a powerful political force in this nation, when promising careers in the public and private sectors were arbitrarily cut short based on innuendo, unsubstantiated allegations and irrational fears. . . ."

That was the opening sentence of a remarkable opinion by Judge Roger B. Andewelt of the United States Court of Federal Claims. It told a story of long ago, but one with a moral for today.

Beatrice Braude came to Washington to work for the Government during World War II. She had college and graduate degrees, and she won lots of praise at work. In 1951 she went to the new United States Information Agency. On Dec. 30, 1953, she was told she was going to get a pay raise. The next day she was fired.

Why? They told her that Congress had cut the U.S.I.A. budget. But when she applied for other government jobs over the next several years, she got nowhere. She was even turned down for a position as a typist, although she had a perfect score on the Civil Service typing exam.

Ms. Braude went on to other work. She got a Ph.D. and was a tenured teacher at the University of Massachusetts. But she never again felt the exhilaration she had in government service, and her exclusion from it was a troubling mystery.

Then, when the Privacy Act became law in 1974, she got her records from the Government. They showed she had been fired as a security risk.

She had been investigated by the State Department Loyalty Board in 1951 because of casual past associations with two people considered suspect. The board cleared her, finding that there was "no reasonable doubt" as to her loyalty. But the U.S.I.A., on the same evidence, decided to fire her—and to conceal the reason.

Mr. Braude sued, but the courts held that she was too late. In 1982 she finally went back to work for the Government—as a language instructor at the C.I.A. She died in 1988.

But her family, still angry at what had happened, persuaded Senators Daniel Patrick Moynihan and Alfonse D'Amato to sponsor a bill to compensate her for any wrongdoing. It was referred to the Court of Claims for a finding on whether she had a claim in law or equity.

Judge Andewelt said there was no basis for saying that Ms. Braude "was a security risk or was sympathetic to any political philosophy not within the mainstream." Indeed, he said, the record showed her to be "a rather typical American. She cared about others deeply and was loyal to her friends, family and country."

The judge found that the U.S.I.A. had "intentionally concealed" the reason for her dismissal and had "blacklisted" her thereafter. That was wrongdoing, he said, and gave Ms. Braude's heirs an equitable claim. The lawyers will work out the amount due, and the court will send that to Congress for action.

So, 43 years she was fired, 8 years after she died, Beatrice Braude got a kind of justice. I asked her lawyer, Christopher N. Sipes of Washington, why the effort on her behalf had been so persistent.

"She was happy," he said, "she served her country—and in a flash it was gone. In time, bewilderment turned to anger and frustration. She had friends and family who cared so much that they had the same burning desire to see justice done."

It would be nice to think that the cause of the injustice to Beatrice Braude and other loyalty victims—secret proceedings—is ancient history. But it is not.

The Clinton Administration has pressed for a so-called antiterrorism bill allowing the deportation of aliens on secret evidence. An unusual combination of civil libertarians on the right and left has just deleted that and other dangerous sections from the legislation. But the same proposals will be back on the floor next week as part of an immigration bill.

The National Rifle Association, in its criticism of the antiterrorism bill, made the case as well as anyone. "The constitutional right to confront one's accusers is a necessary safeguard against government abuses," it said. "Our nation has survived for 200 years without resorting to the use of secret evidence in criminal trials or deportation proceedings. Congress must not set a dangerous precedent by abandoning the right to confront evidence against you."

Re Estate of Beatrice Braude v. United States; Congressional Reference No. 93-645x.

COVINGTON & BURLING,
Washington, DC, June 19, 1996.

GRAY MAXWELL,
Legislative Director,
Hon. Daniel P. Moynihan,
Russell Senate Office Building,
Washington, DC

DEAR MR. MAXWELL: It was a pleasure speaking with you yesterday. As we discussed, I am writing now to update you on the status of Dr. Braude's case. As you may recall, on March 7, 1996, Judge Andewelt of the Court of Federal Claims ruled that Dr. Braude had been blacklisted by the Federal Government during the 1950s and 1960s on the basis of spurious allegations of disloyalty and that her state therefore had an equitable claim for compensation from the United States for the wrongs she suffered.

In its opinion, the court left open the amount of compensation due. Following negotiations with the Justice Department, the parties stipulated to $200,000 as the appropriate amount of compensation. On June 3, 1996, Judge Andewelt issued his final report, "recommend[ing] to Congress that plaintiff's equitably entitled to $200,000 from the United States ." For your convenience, I have attached copies of the March 7 and June 3 rulings.

The next, and final, step in the Congressional Reference regarding Dr. Braude's case is submission of the final report issued by Judge Andewelt to a review panel composed of three judges of the Court of Federal Claims. *See* 28 U.S.C. §2509(d). This review should complete the Congressional Reference and result in transmission of a final report on Dr. Braude's case back to the Senate. *See* 28 U.S.C. §2509(e).

It is unclear how long the review panel will take with Dr. Braude's case. However, both the Justice Department and plaintiff have submitted a notice of acceptance of the hearing officer's report, and therefore neither party is seeking review or otherwise raising any objections or issues for the review panel to address. It is our hope that, in the light of both parties' acceptance of Judge Andewelt's report, that report will be adopted by the review panel expeditiously and without modification. It is thus our hope that the Senate will shortly be receiving a final report on Dr. Braude's case indicating that she is equitably due $200,000 as a result of her wrongful blacklisting from government employment.

It is our understanding that payment of Dr. Braude's claim requires an appropriation from Congress. (In the alternative, it may be possible, if funds are already available, for her claim to be paid pursuant to a directive of Congress). For this reason, we urge you to discuss her case, and Judge Andewelt's favorite report, with members of the Appropriations Committee, and, more specifically, with the Subcommittee on Commerce, Justice and State. We understand that the Subcommittee has not yet scheduled a mark-up of its FY 1997 Appropriations Bill. We would be happy to accompany you to any meeting with the Staff and urge you to request that the Subcommittee bill include funding for Dr. Braude's claim.

Thank you again for your interest and assistance in this matter. Please feel free to call me or Joan Kutcher if we can be of any further assistance in this matter.

Sincerely yours,

CHRISTOPHER SIPES.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 18, 1996, the Federal debt stood at $5,118,200,749,524.53.

On a per capita basis, every man, woman, and child in America owes $19,306.24 as his or her share of that debt.

HONORING THE RAGSDALES FOR CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data is undeniable: individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Mr. Gene and Mrs. Vieta Ragsdale of Marshfield, MO, who on July 13, 1996, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Gene and Vieta's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

EARL VARNEY

Mr. SIMPSON. Mr. President, I rise to pay tribute to a most wonderful man and a dear friend of mine, Earl Varney. Earl Varney, a World War I Army veteran, will be honored by the community of Worland, WY, on Military Day, June 29, 1996. Earl will have celebrated his 100th birthday by that day! He is the oldest living veteran of that conflict now residing in Washakie County and quite possibly in the State of Wyoming.

Earl is absolutely an extraordinarily dazzling man. He is Wyoming's answer to George burns! He has all of the energy, graciousness, wit and good humor and civility of George BURNS himself—and especially the wit! His good humor reminds me of the old adage that my Mother, who Earl knew well, used to share with me—"Humor is the universal solvent against the abrasive elements of life."

My dear father, Milward Simpson, also loved Earl Varney. They used to have a helluva lot of fun together. They were contemporaries in every sense. They were veterans of World War I, great friends and business associates. They also worked together in the American Legion. They had a shared and splendid lifetime of friendship and memories and love and affection. When my Dad died at the age of 95, Earl was one of the first to respond to offer his condolences.

In addition to personally knowing my parents and grandparents, Earl knew the parents and grandparents of my dear wife, Ann. He was at her parents' wedding. He is such a thoughtful and kind man, too, as he always remembers others and the memorable dates and times in their lives.

Earl served this Nation proudly in the final months of World War I before the Armistice. His dates of service were September 18, 1918 to November 26, 1918. He achieved the rank of Corporal. Not only did Earl give to the Nation in uniform, he has also been a great contributor to the good of the entire State of Wyoming. He was born in Ansley,

Nebraska on June 14, 1896 but he went on to become a true Wyomingite. After release from the Army in 1918, Earl moved to Thermopolis, WY, and worked as a pharmacist in the local drug store where he first met my wife's father, Ivan Schroll. His other professions over the years included managing a finance and insurance office in Greybull, Wyoming, owning the Varney Motors Ford dealership in Worland, WY, and operating the Worland Oil Corporations-Mobil Bulkplant and Service Stations. He also worked in real estate. Earl didn't really embark on any kind of a retirement program until he reached his mid 80's!!

We are so very fortunate to have Earl living among us in Wyoming. Earl is one of those special people that make up the core and fiber of the State—one of nature's nobleman. I cherish the years I have been the beneficiary of his counsel and friendship. My life is richer because of him. Those of us who know him so well think of him always as a rock solid citizen and a man who is authentic, honest and sincere—a man whose word is his bond. I know the proud community of Worland, WY, will be making June 29 a very special day for this good and dear man—Earl Varney. He so richly deserves it. God bless him.

REPUBLICANS STAND FOR CHILDREN

Mr. PRESSLER. Mr. President, today I would like to address a subject that has received much attention during the last several weeks—the future of our children.

As a father myself, I share the concerns of the many who recently marched on The Mall this month at the Stand for Children rally. Certainly, parents, families, teachers, and community leaders all agree that children should be protected and nurtured. This is a universal sentiment. We all stand for children. Every child deserves a safe and loving environment, adequate nutrition and a full education.

Child poverty and its related problems, such as hunger, certainly deserve our attention. Child poverty is an especially pressing problem in South Dakota, where unemployment in some areas reaches as high as 85 percent. According to the Annie E. Casey Foundation, 17 percent of all South Dakota children live in poverty, compared to 21 percent nationwide. Federal programs are designed to address these issues and many states like South Dakota are doing an admirable job. Child poverty has dropped 3 percent in my State since 1985.

Looking out for the best interests of children is not a partisan issue. The budgets passed in Congress demonstrate that we are protecting children. Child nutrition programs received an increase in this fiscal year—the National School Lunch program was increased by $173 million, the School Breakfast program by $107 million, the Women, Infants and Children program by $260 million. Head Start also was increased by $36 million. These increases mean that hundreds of additional children in South Dakota will receive the sustenance they need. The increases in school-based nutrition programs are especially beneficial. They allow children to concentrate on what is really important—learning. Clearly, Congress is making good on its commitment to the youngest and most vulnerable in our society.

The single greatest issue affecting our children's future though, is the Federal budget. Our $5 trillion debt threatens the quality of life of future generations on many fronts. Skyrocketing interest payments on our national debt will continue to squeeze out funding for other legitimate Federal programs, such as child care or foster care. We must take immediate action to control deficit spending to preserve our school lunch or Title I programs for future generations.

Budget deficits darken our children's economic future as well. We need a balanced budget to lower interest rates, spur economic development and create jobs. Lower interest rates will make a college education and a first home more affordable.

I was very disappointed that liberals in the Senate once again rejected the Balanced Budget Amendment. This is a moral issue. A balanced budget represents real hope and opportunity for all Americans. I continuously have supported a balanced budget, as well as a Balanced Budget Amendment to the Constitution. Our $5 trillion debt burden is an albatross that our children will be forced to carry. Having just celebrated Father's Day, I would like to give my daughter, and all other children, the gift of freedom from our national debt.

Balancing the budget, preserving programs like school lunch and Head Start, providing real hope and opportunity for future generations—that's how we can stand for children. All are not mutually exclusive goals. I look forward to working with my colleagues in the months ahead to ensure that we in Congress demonstrate a strong, bipartisan commitment to children.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by 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 a treaty.

MESSAGES FROM THE HOUSE

At 2:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2803. An act to amend the anti-car theft provisions of title 49, United States Code, to increase the utility of motor vehicle title information to State and Federal law enforcement officials, and for other purposes.

H.R. 3525. An act to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

H.R. 3572. An act to designate the bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge."

At 6:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1579. An Act to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act").

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3572. An act to designate the bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H.R. 3060. An act to implement the Protocol on Environmental Protection to the Antarctic Treaty.

H.R. 3562. An act to authorize the State of Wisconsin to implement the demonstration project known as "Wisconsin Works."

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-3045. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class I (Scotch) Spearmint Oil for the 1995-96 Marketing Year," received on June 11, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3046. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled

"Honey Research, Promotion, and Consumer Information Order—Amendment of the Rules and Regulations to Add HTS Code for Flavored Honey," (FV-96-701) received on June 11, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3047. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Mediterranean fruit Fly; Removal of Quarantined Areas," received on June 14, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3048. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Tobacco Inspection; Grower's Referendum Results," (TB-95-15) received on June 13, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3049. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Tobacco Inspection; Grower's Referendum Results," (TB-95-13) received on June 13, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3050. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Hazelnuts Grown in Oregon and Washington; Assessment Rate," (FV96-982-1) received on June 13, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3051. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Increased Assessment Rate for Domestically Produced Peanuts Handled by Persons not Subject to Peanut Marketing Agreement No. 146 and for Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts," (FV96-998-1) received on June 13, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3052. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Apricots Grown in Designated Counties in Washington; Temporary Suspension of Minimum Grade Requirements," (FV-96-922-1) received on June 13, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3053. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of program performance for fiscal year 1995; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3054. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Apricots Grown in Washington; Temporary Suspension of Minimum Grade Requirements," (FV-96-922-1) received on June 18, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3055. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Irish Potatoes Grown in Colorado; Assessment Rate," (FV-96-948-1) received on June 18, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3056. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Fresh Cut Flowers and Fresh Cut Greens Promotion and Consumer Information Order—Postponement of Assessments," (FV-96-702) received on June 18, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3057. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York," (FV-96-929-1) received on June 18, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3058. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Virueses, Serums and Toxins and Analogous Products; Master Labels," received on June 17, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3059. A communication from the President of the United States, transmitting, pursuant to law, a report on foreign economic collection and industrial espionage; to the Select Committee on Intelligence.

EC-3060. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the Department of Commerce Trade and Investment Programs; to the Committee on Appropriations.

EC-3061. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report of determination and findings relative to the authority to award a contract; to the Committee on Armed Services.

EC-3062. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report of determination and findings relative to the authority to award a contract; to the Committee on Armed Services.

EC-3063. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the major rule entitled "The Withdrawal of Employer-Employee and Computer Loan Origination Systems Exemptions," received on June 13, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-3064. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of three rules including a rule entitled "Section 8 Tenant-Based Programs," received on June 11, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-3065. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-3066. A communication from the Secretary of Housing and Urban Development, transmitting, drafts of proposed legislation entitled "The FHA Multifamily Housing Reform Act of 1996" and "The Housing Enforcement Act of 1996"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3067. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled "The FHA Single Family Housing Reform Act of 1996"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3068. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled "The Community Development Block Grant Performance Fund and HOME Performance Fund Act of 1996"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3069. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled "The Homeless Assistance Performance Fund Act of 1996"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3070. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report entitled "Expanding Housing Choices for HUD-Assisted Families"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3071. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report entitled "The Assessment of the Comprehensive Grant Program"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3072. A communication from the Acting Director of the Ballistic Missile Defense Organization, Department of Defense, transmitting, pursuant to law, a notice relative to Presidential Determination 96-27; to the Committee on Armed Services.

EC-3073. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to sixth special impoundment message for fiscal year 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Armed Services.

EC-3074. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated June 11, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Governmental Affairs.

EC-3075. A communication from the Chief of the Office of Legislative Liaison (Programs and Legislative Division), Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison study relative to the Base Operating Support at all Air Force Bases; to the Committee on Armed Services.

EC-3076. A communication from the Chief of the Office of Legislative Liaison (Programs and Legislative Division), Department of the Air Force, transmitting, pursuant to law, the report of a multi-function cost comparison study relative to training equipment maintenance and the precision measurement laboratory at Kessler Air Force Base, MS; to the Committee on Armed Services.

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-600. A resolution adopted by the Senate of the Legislature of the State of Georgia; to the Committee on Finance.

"SENATE RESOLUTION 288

"Whereas, it is estimated 37 million Americans are without health insurance, many while between jobs, and more are underinsured because of the effects of rising health care costs and spending. The costs of health care are escalating, forcing employers to trim the level and availability of health care benefits to their employees; and

"Whereas, overutilization of health care services for relatively small claims is one of the most significant causes of health care cost and spending increases. Currently, more than two-thirds of all insurance claims for medical spending are less than $3,000.00 per family per year in this country; and

"Whereas, in response to the runaway cost increases on health care spending in this country, the private sector has developed the concept of medical savings accounts. This initiative is designed to ensure health insurance availability for Americans. It is predicated on providing incentives to eliminate unnecessary medical treatment and encourage competition in seeking health care; and

"Whereas, through employer-funded medical savings account arrangements and reduced cost qualified higher deductible insurance policies, millions of Americans could insure themselves for both routine and major medical services. Under the concept of medical savings accounts, an employer currently providing employee health care benefits would purchase instead a low-cost, high deductible major medical policy on each employee. The employer may then set aside the saving premium differential in a medical savings account arrangement. The participating employees would use the money in the account to pay their medical care expenses up to the deductible. However, any account money unspent by the participating employees in a plan year would then belong to the employees to save, spend on medical care, or use otherwise. This would be a strong incentive for people not to abuse health expenditures and to institute "cost-shopping" for medical care services; and

"Whereas, by setting aside money for employees to spend on health care, employees could change jobs and use the money they had so far earned to buy interim health insurance or to cover health care expenses thereby eliminating the problems of uninsureds between jobs and helping to reduce "job-lock"; and

"Whereas, by making medical care decisions the employee's prerogative, individual policyholders have a strong stake in reducing costs. This simple financial mechanism will expand health insurance options to others who presently have no insurance. Most importantly, this move to decrease health care cost burdens in this country would require no new federal bureaucracy and would be revenue neutral to employers; Now, therefore, be it

"*Resolved by the Senate*, That the members of this body encourage the Congress of the United States to enact legislation swiftly and in good faith to enable Americans to establish medical savings accounts; be it further

"*Resolved*, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and all members of the Georgia congressional delegation."

POM-601. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Finance.

"HOUSE JOINT RESOLUTION NO. 227

"Whereas, tax-exempt industrial development bonds play a critical role in promoting economic development in the Commonwealth; and

"Whereas, these bonds are used by local industrial development authorities and corporations to create jobs and bring investment to the Commonwealth; and

"Whereas, in 1995, these bonds, amounting to $134 million, played a role in creating 2,500 jobs; and

"Whereas, the Virginia Small Business Financing Authority, which facilitates the administration of the industrial development bond program for the Commonwealth, finds that federal restrictions on the issuance of these bonds hinders business development; and

"Whereas, particularly restrictive is the $10 million cap and the limitation that bond proceeds cannot be used to finance associated office and warehouse space that businesses expanding in or relocating to Virginia need; and

"Whereas, Congressman Phil English has introduced H.R. 2617 to the 104th Congress to increase the cap to $20 million and to remove many of the unnecessary restrictions on the use of industrial development bonds; and

"Whereas, the Joint Subcommittee Studying Capital Access and Business Financing, created pursuant to House Joint Resolution No. 591 (1995) and Senate Joint Resolution No. 370 (1995), has expressed its support for H.R. 2617; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That the Congress of the United States be urged to pass legislation providing states and localities with additional flexibility relating to the issuance of tax-exempt industrial development bonds to promote economic development; and, be it

"*Resolved further*, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Virginia Liaison Office, and to each member of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia."

POM-602. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Foreign Relations.

"ASSEMBLY RESOLUTION NO. 23

"Whereas, Since illegally coming to power in 1959, the government of Fidel Castro has constantly demonstrated a consistent disregard for internationally adopted standards of human rights and domestic values; and

"Whereas, The Cuban people have demonstrated their desire for freedom and democracy and their opposition to the Castro government by risking their lives by organizing demonstrations in opposition to Castro's totalitarian regime; and

"Whereas, Cubans regardless of their age, gender and medical conditions, are presently undertaking the hazardous and perilous 90 mile journey of freedom to the United States; and

"Whereas, Fidel Castro is attempting to manipulate this exodus of innocent people to win concessions from an American nation that has grown increasingly impatient and intolerant of his regime; and

"Whereas, The Castro regime has historically placed citizens of the United States in danger by maintaining a government dominated by the military and proliferating its offensive military capacity 90 miles from this nation's shores; and

"Whereas, In response to Castro's continued ruthless leadership, many Americans, regardless of ethnic or national background, feel strongly that the United States needs to isolate Castro's Cuba from the rest of the democratic world; and

"Whereas, The citizens of New Jersey fully support the federal "Cuban Democracy Act of 1992" and the trade embargo currently imposed by the government of the United States against the Cuban government; and

"Whereas, While additional sanctions recently imposed by President Clinton are having a dramatic impact on the ability of Castro to continue his forced rule over the Cuban people, a full quarantine of Cuba will further isolate the Castro government from the rest of the world, and thus hasten its movement towards democratic elections; now, therefore be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. The President of the United States is memorialized to assist the people of Cuba by implementing a full quarantine of Cuba until such time that the authoritarian regime of Fidel Castro gives way to a democratically elected government.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and Vice President of the United States, the Speaker of the House of Representatives and every member of Congress elected from this State."

POM-603. A resolution adopted by the Legislature of the Commonwealth of Puerto Rico; to the Committee on Foreign Relations.

"SENATE RESOLUTION 2035

"Whereas, the Commonwealth of Puerto Rico enjoys a close relationship with the province of Taiwan, Republic of China, and

"Whereas, Dr. Sun Yat-Sen founded the Republic of China in Taiwan, which is at present the fourteenth largest commercial country, the twentieth in gross national product and the twenty-fifth in gross per capita income, and

"Whereas, the population of the Republic of China in Taiwan is greater than the population of two thirds of the members of the United Nations Organizations, and

"Whereas, the Republic of China in Taiwan has consistently shown its support to democracy and world peace, its concern for regional and international development, and its interest in programs of assistance to its global fellow neighbors, and

"Whereas, the establishment of an ad hoc committee for the study and analysis of the special situation of the Republic of China in Taiwan in the international community, has been proposed to the United Nations Organization in order to find a fair and viable solution to its participation within the frame of the United Nations Organization, and

"Whereas, the people of the Republic of China in Taiwan deserve appropriate recognition and credit for their dynamic participation in the international community, and

"Whereas, the Republic of China in Taiwan should be granted full membership in the United Nations Organization and its affiliated organizations in the same manner as other divided nations such as South Korea and the former East and West Germany,

which have been granted full participation, and

"Whereas, considering that our Puerto Rican people lack the power to influence directly the United States of America's foreign policy which applies to Puerto Rico, through a vote for the president and representation entitled to vote, it is essential for this High Body to state its feelings on this matter; therefore, be it

"*Resolved by the Senate of Puerto Rico:*

"SECTION 1.—The President and the Congress of the United States of America are hereby requested to give their utmost consideration to render active support to the Republic of China in Taiwan as an important commercial nation, and as a former ally, in order to assist in achieving the full participation of the Republic of China in Taiwan in the international community in general, and in the United Nations Organization in particular.

"SECTION 2.—A copy of this Resolution, translated into the English language, shall be remitted to the President, to the Congress of the United States of America and to the Representative of the Republic of China in Taiwan.

"SECTION 3.—This Resolution shall take effect immediately after its approval."

POM-604. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Government Affairs.

"SENATE CONCURRENT MEMORIAL 1001

"Whereas, the federal government was established by the states through the ratification of the Constitution of the United States; and

"Whereas, the federal government was granted carefully limited powers under the Constitution of the United States and the Tenth Amendment to the United States Constitution provides that "[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

"Whereas, the Constitution of the United States established a system in which the states ceded only certain powers to the federal government; and

"Whereas, the framers recognized that separation of powers is essential and ensured that the rights of the people would be protected by establishing checks and balances not only between the branches of the federal government but also between the federal government and state governments; and

"Whereas, the legislative, executive and judicial branches of the federal government have by many actions usurped powers reserved by the Constitution of the United States to the states and to the people; and

"Whereas, by the combined actions of the legislative, executive and judicial branches of the federal government, the relationship between the federal government and state governments established by the Constitution of the United States has been severely unbalanced; and

"Whereas, the federal judiciary, itself a branch of the federal government, has failed to stop many of these federal excesses; and

"Whereas, the Supreme Court of the United States, in *Garcia* v. *San Antonio Metropolitan Transit Authority* (469 U.S. 528 (1985)), noted that the interests of states are best protected by their representation in Congress; and

"Whereas, to restore the balance of power between the federal government and state governments intended by the framers of the Constitution of the United States, the federal government must carefully consider, and be accountable for, the constitutional boundaries of its jurisdiction to protect the states and the people from the unwarranted assumption of power by the federal government.

"Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the One Hundred Fourth Congress of the United States enact legislation requiring the Congress of the United States to specify the section of the Constitution of the United States that grants Congress the authority to enact the proposed section of law. The Arizona Legislature supports the inclusion in such legislation:

"(a) That Congress be required to state explicitly the extent to which the proposed section of law preempts any state, local or tribal law, and if so, an explanation of the reasons for such preemption.

"(b) That if Article I, Section 8, Clause 3, Constitution of the United States, is identified as the Constitutional provision granting authority to Congress for its proposed section of law, Congress report a list of factual findings establishing a substantial nexus between the regulatory effect of the proposed section of law and interstate commerce.

"2. That the Secretary of State of the State of Arizona transmit certified copies of this Memorial to each Member of the Senate of the United States and the House of Representatives of the United States and to the Speaker of the House of Representatives and the President of the Senate of each state legislature in the United States."

POM-605. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Governmental Affairs.

"SENATE CONCURRENT RESOLUTION NO. 86

"Whereas, the number of unfunded federal mandates imposed upon the states by the United States Congress has alarmingly increased in recent years; and

"Whereas, this continuing imposition places Hawaii and her sister states in the precarious position of either attempting to fund the federal requirements with diminishing amounts of available revenue or jeopardizing eligibility for certain federal funds; and

"Whereas, the United States Congress should try to understand the difficult posture in which the states have been cast and the urgent necessity of the states to receive monetary assistance for these mandates or relief from the enforcement of these unfunded decrees; and

"Whereas, the members of this Legislature desire to convey to the United States Congress the seriousness of this problem so that the Congress may be completely cognizant of the effect the actions of the federal government have at the state legislative level and may be more sensitive to the difficulties unfunded federal mandates create; now, therefore be it,

"*Resolved by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, the House of Representatives concurring,* That the United States Congress is respectfully requested not to enact federal legislative mandates on states without necessary funding; and be it further

"*Resolved,* That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation."

POM-606. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Governmental Affairs.

"SENATE RESOLUTION NO. 63

"Whereas, the number of unfunded federal mandates imposed upon the states by the United States Congress has alarmingly increased in recent years; and

"Whereas, this continuing imposition places Hawaii and her sister states in the precarious position of either attempting to fund the federal requirements with diminishing amounts of available revenue or jeopardizing eligibility for certain federal funds; and

"Whereas, the United States Congress should try to understand the difficult posture in which the states have been cast and the urgent necessity of the states to receive monetary assistance for these mandates or relief from the enforcement of these unfunded decrees; and

"Whereas, the members of this Legislature desire to convey to the United States Congress the seriousness of this problem so that the Congress may be completely cognizant of the effect the actions of the federal government have at the state legislative level and may be more sensitive to the difficulties unfunded federal mandates create; now, therefore, be it

"*Resolved* by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, That the United States Congress is respectfully requested not to enact federal legislative mandates on states without necessary funding; and be it further

"*Resolved,* That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation."

POM-607. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION NO. 26

"Whereas, Maxfield Parrish was a citizen of New Hampshire for 68 years; and

"Whereas, he was one of the foremost American artist/illustrators of the early 20th century; and

"Whereas, Maxfield Parrish painted 2 posters for the state of New Hampshire; and

"Whereas, through his art, Maxfield Parrish continued to expose millions to the beauties of the New Hampshire landscape; now, therefore, be it

"*Resolved by the Senate and House of Representatives in General Court convened:*

"That the New Hampshire legislature requests that the United States Postal Service issue a postage stamp honoring Maxfield Parrish; and

"That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the United States Postmaster General and New Hampshire's Congressional delegation."

POM-608. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION NO. 179

"Whereas, employees of the Commonwealth and its political subdivisions may defer compensation to a date later in life when tax rates might be more advantageous; and

"Whereas, this deferred income remains the "property" of the employer as required by federal Internal Revenue Service regulations and technically has not been distributed to the employee; and

"Whereas, because the deferred compensation remains in the hands of the employer, there is a possibility that the employer can access deferred compensation funds should the employer find itself in need of revenue for any purpose; and

"Whereas, language contained in federal legislation would have required that all assets and income in state and local government deferred compensation plans be held in trust for the exclusive benefit of participants and their parties; and

"Whereas, current law prevents states from enacting similar requirements without compromising the tax advantages of deferred compensation plans; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact legislation to provide that public employees' deferred compensation funds may be used for no other purpose than to return deferred compensation assets and income to the plan's participants and their beneficiaries. The Congress is urged to provide that all assets and earnings of deferred compensation plans for state and local government employees be held in trust for the exclusive benefit of participants and their beneficiaries; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Virginia Liaison Office, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia on this issue."

POM-609. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Veterans' Affairs.

"HOUSE CONCURRENT RESOLUTION NO. 5046

"Whereas, More than 600,000 members of the United States Armed Forces, including activated units of the Ready Reserve and National Guard, were deployed to the Persian Gulf region in Operation Desert Shield and Operation Desert Storm to liberate Kuwait; and

"Whereas, United States service personnel were exposed not only to the hazards of war, but to an unknown variety of potential health hazards, including exposure to smoke from oil well fires, depleted uranium and infectious biological weapons; and

"Whereas, More than 55,000 individuals who served in Operation Desert Shield and Operation Desert Storm have reported wide-ranging medical problems that began during service, or shortly after their return from the Persian Gulf, a significant number of which have not been accurately diagnosed or treated; and

"Whereas, There is evidence that family members of Gulf War veterans are experiencing health problems similar in nature to those of the veterans, including abnormal numbers of birth defects in children conceived by Gulf War veterans; and

"Whereas, In November 1994, Congress enacted the Persian Gulf War Veterans' Act, authorizing the Department of Veterans Affairs to compensate any Persian Gulf War veteran suffering from a chronic disability resulting from undiagnosed illnesses that occurred either during active duty or within a certain period following service in the Persian Gulf War; and

"Whereas, The Department of Defense has been conducting research into the causes of symptoms that have collectively come to be called "Gulf War Syndrome" for over three years and during that time, the Department has failed to make any substantive scientific progress in determining the causes, effects, and transmissibility of, or treating this disabling and sometimes fatal syndrome: Now, therefore,

"Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, That we memorialize the President and the United States Congress to take action to identify, locate and provide funds for research and treatment of Gulf War related illnesses among Persian Gulf War Veterans, and, to that end, to work jointly with private research facilities; and be it further

"Resolved, That we urge the President and the Congress of the United States, and the Department of Defense to review the necessity for secrecy of all classified information bearing on the detrimental health effects that the Gulf War Veterans and their families are experiencing, and to make any previously classified material available for publication; and be it further

"Resolved, That we urge the President and the Congress of the United States to place a moratorium on the donation of blood, blood products and organs by veterans of the Gulf War until a determination regarding the communicability of these illnesses has been made; and be it further

"Resolved, That the Secretary of State be directed to send enrolled copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to each member of the Kansas Congressional Delegation, to the Administrator of Veterans Affairs, to the Secretary of Defense and to the Secretary of Health and Human Services (Center for Disease Control)."

POM-610. A concurrent resolution adopted by the Legislative of the State of Oklahoma; to the Committee on Veterans' Affairs.

"SENATE CONCURRENT RESOLUTION NO. 57

"Whereas, Oklahoma's atomic veterans showed steadfast dedication and undisputed loyalty to their country and made intolerable sacrifices in service to their country; and

"Whereas, these atomic veterans gave their all during the terribly hot atomic age to keep our country strong and free; and

"Whereas, these atomic veterans were unknowingly placed in the line of fire, after being assured that they faced no harm, and were subjected to an ungodly bombardment of ionizing radiation; and

"Whereas, the radiation to which they were exposed is now and will continue eating away at their bodies every second of every day for the rest of their lives with no hope of cessation or cure; and

"Whereas, because their wounds were not of the conventional type and were not caused by the enemy but by the United States Government, the atomic veterans did not receive service-connected medical and disability benefits and did not receive a medal such as the Purple Heart; and

"Whereas, many atomic veterans have already died and others will die a horrible and painful death; now therefore, be it

"Resolved by the Senate of the 2nd session of the 45th Oklahoma Legislature, the House of Representatives concurring therein:

"That atomic veterans be recognized by the federal government.

"That the United States Senators and Representatives from Oklahoma propose or support legislation granting service-connected medical and disability benefits to all atomic veterans who were exposed to ionizing radiation and propose or support legislation issuing a medal to atomic veterans to express the gratitude of the people and government of the United States for the dedication and sacrifices of these veterans.

"That copies of this resolution be distributed to the President of the United States, the Vice President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, the Chairs of the United States House and Senate Veterans Affairs Committees, and each member of the Oklahoma Congressional Delegation.

"Adopted by the Senate the 21st day of May, 1996."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

S. 253. A bill to repeal certain prohibitions against political recommendations relating to Federal employment, to reenact certain provisions relating to recommendations by Members of Congress, and for other purposes (Rept. No. 104-282).

S. 1577. A bill to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001 (Rept. No. 104-283).

By Mr. STEVENS, from the Committee on Governmental Affairs, with amendments:

H.R. 2739. A bill to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1888. An original bill to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 1996.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Vicky A. Bailey, of Indiana, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2001.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself, Mr. FAIRCLOTH, Mr. GRAMS, Mr. ABRAHAM, Mr. HELMS, and Mr. MCCONNELL):

S. 1885. A bill to limit the liability of certain nonprofit organizations that are providers of prosthetic devices, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST:

S. 1886. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of educational grants by private foundations, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. HATCH, and Mr. HEFLIN):

S. 1887. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 1888. An original bill to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 1996; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1889. A bill to authorize the exchange of certain lands conveyed to the Kenai Native Association pursuant to the Alaska Native Claims Settlement Act, to make adjustments to the National Wilderness System, and for other purposes; to the Committee on Energy and Natural Resources..

By Mr. FAIRCLOTH (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BIDEN, Mr. LOTT, Mr. DASCHLE, Mr. THURMOND, Mr. BYRD, Mr. WARNER, Mr. LEAHY, Mr. COCHRAN, Mr. HEFLIN, Mr. D'AMATO, Mr. JOHNSTON, Mr. GRAMM, Mr. BREAUX, Mr. FRIST, Ms. MOSELEY-BRAUN, Mr. LEVIN, Mr. SIMON, Mr. ROCKEFELLER, Mr. REID, Mr. DODD, Mr. GLENN, Mr. KERREY, Mr. KERRY, Mr. HARKIN, Mr. BRADLEY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mrs. BOXER, Mr. WYDEN, Mrs. HUTCHISON, Mr. COVERDELL, Mr. PRYOR, Mr. LAUTENBERG, and Mrs. FEINSTEIN):

S. 1890. A bill to increase Federal protection against arson and other destruction of places of religious worship; read twice, and placed on the calendar.

By Mrs. BOXER (for herself and Mr. BINGAMAN):

S. 1891. A bill to establish sources of funding for certain transportation infrastructure projects in the vicinity of the border between the United States and Mexico that are necessary to accomodate increased traffic resulting from the implementation of the North American Free Trade Agreement, including construction of new Federal border crossing facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself and Mr. WELLSTONE):

S. 1892. A bill to reward States for collecting medicaid funds expended on tobacco-related illnesses, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1893. A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mr. FAIRCLOTH, Mr. GRAMS, Mr. ABRAHAM, Mr. HELMS, and Mr. MCCONNELL):

S. 1885. A bill to limit the liability of certain nonprofit organizations that are providers of prosthetic devices, and for other purposes; to the Committee on the Judiciary.

THE PROSTHETIC LIMB ACCESS ACT OF 1996

Mr. INHOFE. Mr. President, a few years ago I became exposed to a problem that exists in the lives of thousands of Americans. It happened when one of my closet friends in Oklahoma, Buddy Martin; lost both of his legs.

He was one of the fortunate ones who had the resources to purchase artificial limbs, and is able to live today a much more normal life than one could imagine.

It is because of this exposure that I rise today to introduce a bill to provide relief to thousands of Americans. Everyday far too many Americans are unable to live full and productive lives like Buddy Martin because they cannot afford adequate prosthetic care. There are over 250,000 Americans who cannot afford adequate prosthetic care. While the government provides assistance through Medicare and other programs they can not meet all of the needs, and they don't have to. The private sector stands ready to help, through nonprofit foundations, but they cannot because of our country's product liability laws. That is why I am introducing the Prosthetic Limb Access Act of 1996, I am joined by my colleagues Senators FAIRCLOTH, GRAMS, ABRAHAM, and HELMS.

In Oklahoma, a nonprofit foundation called Limbs for Life takes used artificial limbs, reconditions them, and provides them to needy people in third world countries, they do not give them to Americans. It is not because there is not the need, they do not provide them because of our country's laws regarding product liability. They would be unable to afford the necessary insurance to provide the limbs to needy Americans. One doctor in Oklahoma, Dr. John Sabolich, the Nation's foremost prosthesis expert, currently saws used devices in half before throwing them away, because of liability. He showed me a $50,000 prosthetic arm that was about to be destroyed; to make it reusable would only have required about 20 minutes of work. It is a disgrace that perfectly good artificial limbs have to be destroyed when there are thousands of Americans who could use them.

My bill would provide the necessary product liability relief, while still protecting the patients by providing relief for intentional wrongdoing. This would allow hundreds of Americans to care for themselves, work, and better enjoy a more full life.

There are over 3,000 new amputations each week, which amounts to 160,000 amputations each year, for a grand total of 3.8 million amputees in the United States. The number of new amputees has increased over the years because of the early detection of cancer, doctors are able to detect cancer earlier and it is better to sacrifice a limb to save a person. Therefore the demand for more limbs by needy people will only increase. I have been told that if this bill is enacted that at least 2,000 limbs per year could be made available for needy Americans. These are 2,000 people who otherwise would not have access to an artificial arm or leg. These are 2,000 people who are currently not living full and productive lives, who need assistance to care for themselves, sometimes to just accomplish tasks that we all take for granted such as eating, moving around, or even working.

I have met many of these people who would benefit from this legislation and have listened to their heartbreaking stories. And for everyone I've heard of there are hundreds more who go daily without a prosthetic device, depending on others.

There is Nestor, a man who is missing both arms. He states:

> My prosthesis is broken and I am unable to eat or do any activities of daily living such as personal care or cooking. I live alone and have no friends to help, so I must do things for myself.

There is Pearl, a 46-year-old woman with one leg missing, who lives in a nursing home. She said:

> I slip and fall so often when my crutches slip away from me—and it hurts a lot when my wrist or neck or other body parts are throbbing with pain for weeks due to my falls—and although I try to be careful and watchful, the crutches still can slip away from me when encountering the mopped floors or wet spots that are in a nursing home.

There is Dalia, she was fitted with her current prosthesis in 1983, but since then her body has changed and it no longer fits properly. She says:

> When I changed prosthesis, my whole body changed, my balance is off especially effecting my back. I have fallen down, have worsening osteoporosis and am very frustrated because I can't do the things I used to do.

Mr. President, I know these are sad stories, and I know we as Members run across sad stories every day. But here we can do something positive for them, which will solve their problems, at no cost to the taxpayers. We can provide them the same medical services we are now giving poor people in third world countries, and we can do this through the nonprofit sector. We have needy people and a willing organization ready to help. Mr. President, we should at least treat our own citizens as well as we treat those in other countries.

Mr. President, my legislation is supported not only by the Limbs for Life Foundation, but also: Goodwill Industries, National Amputee Fund, National Association for the Advancement of Orthotics and Prosthetics, American Academy of Physical Medicine and Rehabilitation, and the American Congress of Rehabilitation Medicine.

Mr. President, this is a simple bill which would create major relief for a number of needy people. It is not a

broad product liability bill, so therefore it should not draw the opposition that other bills have received this Congress. It corrects a small problem that literally means the world for a large group of disabled Americans. I hope we can move this bill forward this year.

By Mr. FRIST:

S. 1886. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of educational grants by private foundations, and for other purposes; to the Committee on Finance.

EDUCATIONAL GRANTS LEGISLATION

• Mr. FRIST. Mr. President, I introduce a bill which is essential in building a higher educated and more productive labor force as we move toward the next century. My bill would encourage private foundations to increase the amounts they currently provide for educational assistance to students in their communities.

Currently, guidelines developed by the Internal Revenue Service can have the effect of prohibiting certain foundations from being able to provide the maximum amount of educational assistance to local students. As the Federal Government faces greater and greater fiscal constraints, we must look for ways to encourage the private sector to fill unmet educational needs.

Essentially, under current law, a private foundation will not suffer tax penalties if it meets certain tests when providing scholarships or educational loans to employees, or children of employees, of a particular employer. While there is a facts and circumstances test which can be met, uncertainty surrounding application of this test to an employer-related grant program results in much greater usage of a safe-harbor percentage test which has been developed by the Internal Revenue Service. This safe-harbor percentage test basically limits the amount of scholarships and loans that a foundation may provide to one out of four applicable children of employees of a particular company. This 25-percent test can cause hardship, especially in cases where a substantial percentage of the community at large works for a single employer.

My proposal eliminates this rigid 25-percent test.

I hope my colleagues will join me in supporting this essential education bill. By providing these private foundations relief from the IRS' rigid 25-percent test, we will be granting valuable and badly needed educational support to America's hard-working families.•

By Mr. GRASSLEY (for himself, Mr. HATCH, and Mr. HEFLIN):

S. 1887. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL COURTS IMPROVEMENTS ACT OF 1996

• Mr. GRASSLEY. Mr. President, I am introducing for myself, Senator HATCH, and Senator HEFLIN, a bill entitled "The Federal Courts Improvements Act of 1996." A first version of the bill, S. 1101, was introduced in August 1995, at the request of the Judicial Conference. In October of last year, we held a comprehensive hearing on that bill in the Judiciary Subcommittee on Administrative Oversight and the Courts, which I chair, at which both judges and lawyers testified at length on the substance of many of S. 1101's provisions. The present bill was crafted after many months of detailed discussions and intense collaboration between myself, Senators HATCH and HEFLIN, and the Administrative Office of the U.S. Courts. More importantly, we have worked closely with the other members of the subcommittee to address their concerns and include their suggestions, making this truly a bipartisan bill.

At the onset, I would like to elaborate on the spirit in which this bill was crafted. I am sure my colleagues are well aware, many of my efforts have focused on saving the Federal Government's sparse resources and making the most of taxpayer dollars. As chairman of the Judiciary Subcommittee with jurisdiction over the courts, I am also concerned that the Federal judicial system be administered in the most efficient and cost-effective manner possible, while maintaining a high level of quality in the administration of justice. In fact, I sent out a judicial questionnaire earlier this year requesting assistance from individual judges on their ideas and views of the needs of the Federal judiciary. I hope some of you have had the opportunity to review my subcommittee's report on the courts of appeal, which I released recently. The report on the District courts will be completed shortly. I found it enlightening to communicate with the individual judges, and hope that these lines of candid and constructive communication with the individual judges and the Administrative Office remain open and continue to produce beneficial results in terms of efficiency, cost savings, and other improvements within the Federal judiciary.

In drafting the Federal Courts Improvement bill, we worked closely with the Administrative Office to assess and address the needs of the Federal judiciary. As a result, the bill contains both technical and substantive changes in the law, many of which were carried over from previous Congresses and-or originally proposed in S. 1101. During our working sessions on the bill, some of the provisions in S. 1101, such as the sections dealing with Federal Defender Services matters, were determined to warrant further inquiry or additional hearings. On the whole, the bill is broad-reaching, and contains provisions concerning judicial process improvements; judiciary personnel administration, benefits and protections; judicial financial administration; Federal Courts Study Committee recommendations; and other miscellaneous issues. Almost all of the provisions have been formally endorsed by the Judicial Conference, the governing body of the Federal courts. I would now like to mention some of the more salient provisions of the bill.

Many provisions contained in this bill streamline the operation of the Federal court system. A good example of our attempt to render the judiciary more efficient is section 605, which abolishes a special tribunal with narrow jurisdiction, the Special Court, the Regional Rail Reorganization Act of 1973, established in the early 1970's to oversee the reorganization of insolvent railroads. The work of this court is basically concluded, with the court's docket containing 10 largely inactive cases. This section transfers the Special Court's jurisdiction over those cases and any future rail reorganization proceedings to the U.S. District Court for the District of Columbia, where the court's records and a majority of its judges are currently located, and makes other technical and conforming changes incidental to the court's abolition. The elimination of this court will produce budgetary and administrative economies and, according to the Administrative Office of the U.S. Courts, result in an annual cost savings of approximately $175,000.

Section 209 simplifies the appeal route in civil cases decided by magistrate judges with consent by confining appeals of judgments in such cases to the court of appeals and eliminating an alternative route of appeal to the district judge. A single forum of appeal in civil consent cases simplifies court procedures and recognizes the existing practice in most districts. The Judicial Conference recommended such action in the long range plan for the Federal courts. Also, this section would not alter the role of magistrate judges as adjuncts to article III courts since district judges would still control the referral of consent cases to magistrate judges.

Section 304 changes the reappointment procedure for incumbent bankruptcy judges. Rather than requiring the judicial council for a circuit or a merit selection panel to undergo a lengthy and time-consuming screening process, this section streamlines the reappointment process for judges whose performance has previously been reviewed. In this manner, the section eliminates unnecessary expenditures of time and money.

Another example is section 202, which authorizes magistrate judges to try all petty offense cases. Traditionally, safeguards applicable to criminal

defendants charged with more serious crimes have not been applicable to petty offense cases because the burdens were deemed undesirable and impractical in dealing with such minor misconduct. Section 202 also authorizes magistrate judges to try misdemeanor cases upon either written consent or oral consent of the defendant on the record. This amendment enhances the efficiency of the courts, since most defendants routinely consent to proceeding before the Federal magistrate judge system. Presently, consent to trial of misdemeanor cases by magistrate judges is required to be in writing, although there is no legal significance between written consent and consent made orally on the record, provided that the defendant's consent is made with full knowledge of the consequences of such consent, is intelligently given, and is voluntary. Elimination of the written-consent requirement saves time and eases burdensome paperwork for court personnel, while preserving knowing and voluntary consent in such cases.

Additional sections that facilitate judicial operations are sections 201 and 205. Section 201 authorizes magistrate judges temporarily assigned to another judicial district because of an emergency to dispose of civil cases with the consent of the parties. Section 205 clarifies that deputy clerks may act whenever the clerk is unable to perform official duties for any reason, and permits the court to designate an acting clerk of the court, when it is expected that the clerk will be unavailable or the office of clerk will be vacant for a prolonged period.

Provisions in this bill also clarify existing law to better fulfill Congress' original intent. For example, section 208 enables the United States to obtain a Federal forum in which to defend suits against Federal officers and agencies when those suits involve Federal defenses. This section would legislatively reverse the Supreme Court's decision in *International Primate Protection League, et al.* v. *Administrators of Tulane Educational Fund, et al.*, 111 S.Ct. 1700 (1991), which held that only Federal officers, and not Federal agencies, may remove State court actions to Federal court pursuant to 28 U.S.C. 1442(a)(1). The section would also reverse at least three other Federal district court decisions which held that Federal officers sued exclusively in their official capacities cannot remove State court actions to Federal court. The result of these decisions has been that Federal agencies have had to defend themselves in State court, despite important and complex Federal issues such as preemption and sovereign immunity. Section 208 fulfills Congress' intent that questions concerning the exercise of Federal authority, as well as the scope of Federal immunity and Federal-State conflicts, be adjudicated in Federal court. It also clarifies that suits against Federal agencies, as well as those against Federal officers sued in either an individual or official capacity, may be removed to Federal district court. More importantly, this section does not alter the requirement that a Federal law defense be alleged for a suit to be removable pursuant to 28 U.S.C. §1442(a)(1).

Another example is section 503, which repeals a provision in a 1981 continuing appropriation resolution barring annual cost-of-living adjustments in pay for Federal judges except as specifically authorized by Congress. Repeal of section 140 restores the operation of 28 U.S.C. §461 as to article III judges and parity with the other two branches of Government, as enacted by the Federal Salary Cost-of-Living Adjustment Act of 1975 and amended by the Ethics Reform Act of 1989.

Several sections improve the judicial court system in other ways. Section 206 amends section 1332 of title 28 relating to diversity jurisdiction to raise the jurisdictional amount in diversity cases from $50,000 to $75,000. The purpose of this amendment is to supplement the increase of the jurisdictional amount from $10,000 to $50,000 in the 100th Congress by a modest upward adjustment to $75,000. Section 210 requires each Judicial Council to submit an annual report to the Administrative Office of the United States Courts on the number and nature of orders relating to judicial misconduct or disability under section 332 of title 28 of the United States Code. This reporting requirement was recommended by the Report of the National Commission on Judicial Discipline and Removal of August 1993, which found that reliable information concerning council orders was difficult to obtain.

In addition, section 608 extends by 6 months the due date of the Civil Justice Reform Act reports on the demonstration and pilot programs. The bill at section 609 also extends the authorization of appropriations by 1 year of the use of arbitration by district courts under 28 U.S.C. §651. This will give us more time, if needed, to consider how we will implement permanently alternative dispute resolution in the courts.

In conclusion, this bill is the result of careful consideration by members of the subcommittee and their staff, in close collaboration with the Administrative Office, who have all worked long and hard in attempting to produce a strong, bipartisan piece of legislation. I am pleased to say that the legislation we are introducing today not only enhances and improves the operation of the Federal judiciary, but also takes into consideration any potential increase in costs to the Federal budget.•

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1889. A bill to authorize the exchange of certain lands conveyed to the Kenai Native Association pursuant to the Alaska Native Claims Settlement Act, to make adjustments to the National Wilderness System, and for other purposes; to the Committee on Energy and Natural Resources.

THE KENAI NATIVE ASSOCIATION EQUITY ACT

• Mr. MURKOWSKI. Mr. President, today I introduce the Kenai Native Association Equity Act. This legislation will correct a significant inequity in Federal law with respect to lands conveyed to the Kenai Natives Association [KNA] under the Alaska Native Claims Settlement Act [ANCSA]. This legislation, which will mark the final outcome of a process begun nearly 14 years ago.

The legislation directs the completion of a land exchange and acquisition package between the U.S. Fish and Wildlife Service [USFWS] and KNA. The legislation will allow KNA, for the first time, to make economic use of lands conveyed them under ANSCA. The final stage of this process began by directing in Public Law 102–458, a land exchange and acquisition package between the USFWS and KNA. Over the past year, negotiations were completed, resulting in the legislation I am introducing today.

Mr. President, unlike other corporations in ANCSA, KNA, as an urban corporation, was not entitled to receive monetary settlement or additional lands than those granted under ANCSA. KNA ultimately selected 19,000 of its 23,040 entitlement within what later became the Kenai National Wildlife Refuge. KNA lands are located between operating oilfields within the refuge to the North and urban and suburban developments to the South.

At the request of the USFWS, KNA officials chose lands along the boundaries of the refuge so that development would be allowed. Notwithstanding the representation that development would be allowed, the USFWS advised KNA after selections were made that use of the property would be severely restricted by the application of section 22(g) of ANCSA.

Section 22(g) requires that all uses of private inholdings within the refuge comply with the laws and regulations applicable to the public lands within a refuge and that those lands be managed consistent with the purpose for which the refuge was established. Section 22(g) has been an ongoing problem in Alaska as it has significantly limited the economic use of private lands within refuges.

Pursuant to agreements between USFWS and KNA, this legislation will allow USFWS to acquire three small parcels of land and KNA's remaining ANCSA entitlement at appraised value. These parcels include: Stephanka Tract, 803 acres on the Kenai River; Moose River Patented Tract, 1,243

acres; Moose River Selected Tract, 753 acres; and Remaining Entitlement, 454 acres.

The total habitat acquisition of 2,253 acres will be purchased with *Exxon Valdez* oilspill funds at a cost of $4,443,000. Therefore, there would be no cost to the Federal Government for the purchase of these lands. Refuge boundaries would be adjusted to remove 15,500 acres of KNA lands from the refuge, thus resolving the 22(g) conflict. This can be done because, although the property is within the refuge—it does not belong to the Federal Government. KNA would also receive the refuge headquarters site in downtown Kenai which consists of a building and a 5-acre parcel.

Under the terms of this agreement, the USFWS has proposed, in order to maintain equivalent natural resource protection for Federal resources, that Congress designate the Lake Todatonten area, approximately 37,000 acres, as a BLM Special Management Area [SMA]. The lake is adjacent to the Kanuti National Wildlife Refuge. The SMA would be subject to subsistence preferences under ANILCA and to valid existing rights. While I support the intent of this provision I do intend on exploring its implications on land use closely during Senate hearings before the Energy and Natural Resources Committee.

Mr. President, I believe the Kenai Native Association has waited long enough to resolve these issues. It is my intention to move this legislation quickly and get it behind us.●

By Mr. FAIRCLOTH (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BIDEN, Mr. LOTT, Mr. DASCHLE, Mr. THURMOND, Mr. BYRD, Mr. WARNER, Mr. LEAHY, Mr. COCHRAN, Mr. HEFLIN, Mr. D'AMATO, Mr. JOHNSTON, Mr. GRAMM, Mr. BREAUX, Mr. FRIST, Ms. MOSELEY-BRAUN, Mr. LEVIN, Mr. SIMON, Mr. ROCKEFELLER, Mr. REID, Mr. DODD, Mr. GLENN, Mr. KERREY, Mr. KERRY, Mr. HARKIN, Mr. BRADLEY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mrs. BOXER, Mr. WYDEN, Mrs. HUTCHISON, Mr. COVERDELL, and Mr. PRYOR):

S. 1890. A bill to increase Federal protection against arson and other destruction of places of religious worship.

THE CHURCH ARSON PROTECTION ACT OF 1996

Mr. FAIRCLOTH. Senator KENNEDY and I stand here today united in our belief that the rash of church arson must end and now. If we in Congress cannot agree that church burning is a despicable crime, what can we agree upon? It is not a matter of liberals, conservatives, blacks, or whites. It is about justice, faith, and right and wrong. Five of these churches—sadly, including a recent one on last Sunday night—were located in my home State of North Carolina.

I have every confidence that local law enforcement in my State can solve these crimes, but there is a real possibility that persons from outside of my State and other States may have set the fires, and that is the need for this bill and for Federal law enforcement assistance and a Federal statute. We have taken too long as a nation to react to this tragedy.

I do not know why the response has been so slow, nor do I fully understand if these crimes were the acts of conspirators or copycats.

What I do know is that we are sending a clear message today to anyone who is thinking about burning a church, that the wrath of the Federal Government will fall upon them. Scoundrels who burn churches have no refuge in our America on this day or any other day. They should and will be prosecuted and punished to the fullest extent of the law.

To that end, Senator KENNEDY and I have introduced this bill, full of both symbol and substance, to protect houses of worship.

Growing up and living in the rural South, I understand better than a lot of people that the church serves as a center of family life, of the community life, and in so many of these areas life is built around the church. Consequently, they hold in more ways than one a sacred place in the hearts of the people within that community. There is far more potential in these churches to cure what ails us as a nation than the Federal Government will ever possess. Let us renew our commitment with energy and conscience to protect the rights of all Americans without regard to race or religion.

Mr. KENNEDY. Mr. President, recently, the entire Nation has watched in horror and disbelief as an epidemic of terror has gripped the South. Events we all hoped were a relic of the past are now almost a daily occurrence. The wave of arsons primarily directed at African American churches is a reminder of some of the darkest moments in our history—when African-Americans were mired in a quicksand of racial injustice. We have come a long way from the era of Jim Crow, the Klan, and nightly lynchings. But these arsons are a chilling reminder of how far we have to go as a nation in rooting out racism.

In the 1960's, at a time when acts of violence against African-Americans were commonplace, when white freedom workers were being murdered by cowardly racists, Congress first began to speak vigorously and in a bipartisan fashion to condemn this violence and address the many faces of bigotry. Today, we again speak with a united voice in introducing bipartisan legislation to address this alarming recent epidemic of church burnings.

I commend my colleague from North Carolina, Senator FAIRCLOTH, for his leadership on the legislation we are introducing today. It is vitally important for the American people to recognize that all Americans—Democrats and Republicans, whites and nonwhites, Catholics, Protestants, Jews, and Muslims—must speak with a united voice in condemning and combating these outrageous acts. We must send the strongest possible signal that Congress intends to act swiftly and effectively to address this festering crisis.

President Clinton has also spoken eloquently on this issue, and has provided strong leadership. I applaud his efforts to commit substantial additional Federal resources to the investigations. Just as it was appropriate in the 1960's for the Federal Government to play an important role in reducing racial unrest, it is vitally important today for the Federal Government to take an active role in combating these racist arsons.

I also commend Congressmen HENRY HYDE and JOHN CONYERS, who developed the bipartisan House bill that was passed swiftly and unanimously yesterday, and I urge the Senate to act with similar swiftness.

There are four basic components to the Faircloth-Kennedy bill. First, it provides needed additional tools for Federal prosecutors to address violence against places of worship. The bill amends the primary Federal statute dealing with destruction of places of worship to make it easier to prosecute these cases. Current law contains onerous and unnecessary jurisdictional obstacles that have made this provision largely ineffective. In fact, despite the large number of incidents of destruction or desecration of places of religious worship in recent years, only one prosecution has been brought under this statute since its passage in 1988. Our bill will breathe life into this statute by removing these unnecessary obstacles.

In addition, our bill strengthens the penalty for church arson by conforming it with the penalties under the general Federal arson statute. By conforming the penalty provisions of these two statutes, the maximum potential penalty for church arson will double, from 10 years to 20 years. Our bill also extends the statute of limitations from 5 to 7 years, giving investigators needed additional time to solve these difficult crimes.

Giving prosecutors additional tools will enable them to address the current crisis more effectively. However, we must also deal with the aftermath of the arsons that have left so many needy communities without a place of worship. The bill contains an important provision granting the Department of Housing and Urban Development the authority to make loan guarantees to lenders who provide loans to places of worship that have been victimized by arson.

This provision does not require an additional appropriation of funds to HUD. It simply gives HUD authority to use funds it already has. These loan guarantees will serve an indispensable function to help expedite the rebuilding process and the healing process.

These arsons have placed an enormous burden on State and local law enforcement, who also must investigate the crimes and address the tense aftermath within their communities. Our bill contains two measures to assist State and local law enforcement and local communities in responding to these vicious crimes. The Department of the Treasury is authorized to hire additional ATF agents to assist in these investigations, and to train State and local law enforcement officers in arson investigations. ATF already trains 85 to 90 percent of local law enforcement in how to investigate arson. This authorization will facilitate needed additional training.

The bill also authorizes the Department of Justice to provide additional funds to the Community Relations Service, a small but vital mediation arm established by the Civil Rights Act of 1964. The mission of the Community Relations Service is to go into a community and reduce racial unrest through mediation and conciliation. The Community Relations Service has worked effectively to calm communities during some of the Nation's most difficult moments in the battle for racial justice, and it has earned the respect of law enforcement officials and community leaders nationwide.

In 1996, its budget was cut in half—from 10 million to $5 million. As a result, at a time when its services are in enormous demand, the Community Relations Service is about to be forced to lay off half of its already slim staff. This bill authorizes the restoration of funds to the Community Relations. We must act now, because its services are urgently needed.

Finally, the bill reauthorizes the Hate Crimes Statistics Act. This rash of arsons demonstrates the need to document all hate crimes nationwide. Reauthorizing the Hate Crimes Statistics Act is essential, and law enforcement groups, religious leaders, and civil rights leaders throughout the Nation strongly support it.

Taken together, this bill represents a sensible and practical response to the church arson crisis. We have a constitutional obligation to preserve the separation of church and state, but we also have a Federal obligation to protect the right of all Americans to worship freely without fear of violence. We believe this legislation is a timely and constructive step to stem the tide of violence in the South. If more can be done, we will do it.

In a larger sense, this tragic violence provides an opportunity for all Americans to examine our consciences on the issue of prejudice. We must work to root out racism and bigotry in every form. If we create a climate of intolerance, we encourage racist acts of destruction. While I respect and indeed cherish the first amendment right of free expression, we must be mindful that words have consequences. It is distressing that hate crimes are on the rise—whether arson of a church or assaults and murders because of bigotry. At other times in our history, we have been able to act together to heal a sudden or lingering sickness in our society, and we will do so now. The fundamental challenge is to re-commit ourselves as a Nation to the basic values of tolerance and mutual respect that are the Nation's greatest strengths.

The courage and faith demonstrated by the parishioners and clergy of the burned churches is an inspiration to the entire country. Their churches may have burned, but their spirit endures, and it is stronger than ever.

I also welcome the outpouring of generosity from numerous sources in the private sector. I commend the many individuals, businesses, congregations, and charitable organizations that have pledged financial support to rebuild the churches. These generous acts, as Martin Luther King once said, "will enable us as a Nation to hew out of the mountain of despair a stone of hope."

I urge my colleagues to join in expediting action on this urgent legislation. America is being tested, and the people are waiting for our answer.

Mr. President, this Faircloth-Kennedy bill addresses the recent spate of arsons that have gripped the South. The bill contains a number of measures designed to assist prosecutors and investigators in pursuit of the cowardly perpetrators of these crimes, and to assist victims and communities in the rebuilding process. This statement pertains to Congress' constitutional authority to amend the criminal provision pertaining to destruction of religious property and violent interference with right of free exercise of religious worship.

The bill amends title 18, United States Code, section 247 to make it easier for prosecutors to establish Federal violations in instances of destruction or desecration of places of religious worship. Although section 247 was passed in 1988, there has been only one Federal prosecution due to the onerous jurisdiction requirements contained in section 247(b).

The interstate commerce requirement of section 247(b)(1) is much greater than in other similar Federal statutes. For example, title 18, United States Code, section 844(i) is the general Federal arson statute and contains a much lower interstate commerce threshold than is found in section 247(b)(1).

The $10,000 requirement of section 247(b)(2) is arbitrary and unnecessary, and does not reflect the serious nature of many bias motivated acts of violence against places of religious worship. For example, there have been a number of incidents of bias-motivated violence committed by skinheads against synagogues which involved firing gunshots into these sacred places of worship, or the desecration of solemn symbols or objects, such as a Torah.

The Justice Department is providing specific examples of the limitations of section 247 which it will present at a hearing scheduled for June 25, 1996 in the Judiciary Committee. The monetary damage amount in these incidents described above is minimal. Yet, the devastation caused by these crimes is enormous, and the Federal Government can and should play a role in prosecuting these heinous acts of desecration.

The Faircloth-Kennedy bill amends section 247 in a number of ways. Most importantly, the onerous jurisdictional requirements of section 247(b) are discarded in favor of a more sensible structure that will better enable prosecutors to pursue the cowardly perpetrators of these crimes.

Section 2 of the bill contains congressional findings that set out in explicit detail the constitutional authority of Congress to amend section 247. A hearing was conducted in the House of Representatives on May 21, 1996, and a hearing will be conducted in the Senate on June 25, 1996, in which substantial evidence has or will be presented to support these congressional findings.

Congress has three separate bases of constitutional authority for amending section 247. First, Congress has authority under section 2 of the 13th amendment to enact legislation that remedies conditions which amount to a badge or incident of slavery. The Supreme Court, in *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409 (1968), and *Griffin* v. *Breckenridge*, 403 U.S. 88 (1971), held that Congress has broad power under the 13th amendment to enact legislation that addresses societal problems of discrimination. In Griffin, the Supreme Court held that "there has never been any doubt of the power of Congress to impose liability on private persons under section 2 of the th[e Thirteenth] Amendment.

The arsons that have occurred have been directed primarily at African-American churches. Although a number of the perpetrators have not been apprehended, it is clear from the statement of the Justice Department that a substantial number of the arsons were motivated by animus against African-Americans. Indeed, these events are a tragic reminder of a sad era in our Nation's history, when African-Americans were mired in a quicksand of racial injustice. As such, Congress has the authority under the 13th amendment to amend section 247, and to eliminate the interstate commerce requirement altogether.

Congress also has authority under the commerce clause to enact this legislation. As the record makes clear, the churches, synagogues, and mosques that have been the targets of arson and vandalism, serve many purposes. On

Saturdays or Sundays, they are places of worship. During the rest of the week, they are centers of activity. A wide array of social services, such as inoculations, day care, aid to the homeless, are performed at these places of worship. People often register to vote, and vote at the neighborhood church or synagogue. Activities that attract people from a regional, interstate area often take place at these places of worship. There is ample evidence to establish that Congress is regulating an activity that has a "substantial effect" upon interstate commerce.

Mr. President, I would like to include as cosponsors of this legislation the Senator from West Virginia [Mr. BYRD]; the Senator from Connecticut [Mr. DODD]; and the Senator from Alabama [Mr. HEFLIN].

Mr. President, I ask unanimous consent the upcoming hearing on church arson currently scheduled for June 25, 1996 by the Judiciary Committee as well as excerpts of other statements submitted in the context of that hearing be made a part of the overall record pertaining to consideration of the Faircloth-Kennedy church arson prevention bill.

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

EXCERPT OF STATEMENT OF DEVAL PATRICK, ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, BEFORE THE COMMITTEE ON THE JUDICIARY, MAY 21, 1996

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear today to discuss the efforts of the Department of Justice to prosecute those individuals responsible for the deplorable act of setting fires to houses of worship and intimidating their parishioners.

Let me assure you all, first and foremost, that the Department of Justice considers investigation of church fires and prosecution of those persons responsible for attempting to destroy houses of worship to be among our most important investigative and prosecutorial priorities. Houses of worship have a special place in our society. They are, of course, the center of a community's spiritual life. In many communities, the church is the center of its social life as well. As we have seen in communities that are the subject of today's hearing, destruction of a church can have devastating effects.

When the fire is accompanied by an explicit or implied threat of violence directed at church members because of their race, these devastating effects are multiplied. In our society, arson of a church attended predominantly by African Americans carries a unique and menacing threat—that those individuals are physically vulnerable because of their race. These threats are intolerable; no one in our society should have to endure them. The Department of Justice is committed to insuring that those who make such threats will be prosecuted and will serve sentences commensurate with the cowardly and despicable nature of their actions.

I will provide a more general overview of federal prosecutorial activities.

FEDERAL JURISDICTION

There are a number of statutes that provide federal jurisdiction over arsons at churches.

We also have jurisdiction under 18 U.S.C. 247 and 248. Under 18 U.S.C. 247, anyone who "intentionally defaces, damages, or destroys and religious real property, because of the religious charter of that property, or attempts to do so," through use of fire, has committed a felony. Subsection (b) of the statute states that the defendant must have traveled in interstate or foreign commerce, or used a "facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce" in committing the crime, and caused more than $10,000 damage.

Section 844(h) of Title 18 applies when fire or an explosive is used to commit another crime, and section 844(i) of Title 18 prohibits the use of fire when destroying a building used in interstate or foreign commerce. Section 248(a)(3) of Title 18 makes it a crime to "intentionally damage[] or destroy[] the property of a place of religious worship." As we discuss later, however, our ability to use 248 may be limited.

SUCCESSFUL PROSECUTIONS

Investigation of church fires is extremely challenging. Fire often destroys all of the relevant evidence. In addition to examining the evidence at the scene of the fire, many witnesses must be interviewed in order to get a lead, as there are seldom witnesses to an arson at a church, particularly churches located in rural areas, as many of these churches are. There are currently over 200 federal agents from the ATF and FBI assigned to the various fires we are investigating.

We have had successful federal prosecutions, and have secured sentences commensurate with the seriousness of these crimes. Two recent cases demonstrate the type of investigations and prosecutions that vindicate federal rights.

MAURY COUNTY, TENNESSEE

In January of 1995, two African American churches and an African American-owned tavern were burned. Local law enforcement investigated, and arrested three suspects, all of whom said the fires were the result of actions they took while intoxicated, and were intended only as a joke. The FBI also investigated, and determined that all three defendants spent a Sunday watching the Super Bowl, drinking, and discussing their hatred of African Americans. The discussion later turned specifically to "burning nigger churches." After gathering various supplies, the defendants first drove to an adjoining county and tried to set fire to the tavern by throwing a molotov cocktail through the window. It failed to ignite. They also burned a cross on the tavern property. They then crossed back into Maury County and went to the Friendship Missionary Baptist Church, an African American church, and threw a railroad tie and molotov cocktail through the window. The fire ignited and caused heavy damage to the church. They also attached a small cross to the church sign and ignited it. They then drove to another African American church, the Canaan African Methodist Episcopal Church, again throwing a molotov cocktail into the church and causing damage, and again leaving a cross on church property.

The FBI obtained inculpatory statements and physical evidence, and identified other persons who later testified before the grand jury concerning the defendants' intent to burn African American churches. Attorneys from the United States Attorney's Office for the Middle District of Tennessee, as well as from the Criminal Section of the Civil Rights Division, participated in the Federal prosecution of these three defendants. They also met often with local church officials, not only to keep them apprised of the developments in the Federal prosecution, but also to discuss with them the impact of this attack on the members of the church.

The defendants were arrested in August of 1995 on Federal charges of violating 18 U.S.C. 241 by conspiring to set fire to the two African American churches and the tavern. They pled guilty to the Federal charges in October of 1995. Two of the defendants were sentenced to 33 months in Federal prison, and the third to 57 months, for this hate crime.

One reason we decided to proceed with a Federal prosecution was that because the tavern firebombing occurred in another county, trial in State court would have required separate State indictments and resulted in the juries in each case seeing only part of the overall crime. The Federal conspiracy charge permitted the full scope and nature of the crime to be presented in one prosecution, and provided certain evidentiary advantages, such as the admissibility of co-conspirator statements. In addition, the sentences these defendants would have received under local law were much less than Federal law would permit. The Federal sentencing guidelines permitted the court to tailor sentences which reflected the culpability and subsequent cooperation and acceptance of responsibility by the defendants. The Government was able successfully to argue at sentencing that the leader of three defendants deserved an enhanced sentence. The Federal investigation also revealed that the local firefighters who responded to the first church burning were placed at a substantial risk of death or serious bodily injury by the fire, which also persuaded the court to impose an enhanced sentence. The decision to proceed against these defendants in Federal court and on Federal charges resulted in sentences that fit the contemptible nature of their actions and the effect of those actions on the members of the churches they attempted to destroy.

PIKE COUNTY, MISSISSIPPI

On April 5, 1993, on the 25th anniversary of the death of Rev. Martin Luther King, Jr., two African American churches in rural southern Mississippi burned to the ground. The FBI, with some cooperation by the local sheriff's department, took the lead in the investigation and identified three suspects, one adult and two juveniles. The Bureau contacted the father of one suspect, and met with the suspect, his father and his attorney. Later the Bureau agent and a lawyer from the criminal Section of the Civil Rights Division met with another suspect and the suspect's parents. The suspects admitted setting fire to the churches. The churches were chosen because they were African American churches, and the suspects admitted making racially derogatory remarks such as "Burn Nigger Burn" and "that will teach you Niggers" when setting the fires.

These fires were set in an area of Mississippi with a disturbing and violent racial past. This prosecution sent a strong message that this sort of violence will not be tolerated. A thorough six month investigation was done, followed by grand jury testimony. On October 1, 1993, all three participants pled guilty to violating 18 U.S.C. 241. Two defendants were sentenced to 37 months in Federal prison and one to 46 months.

These are two instances of successful Federal investigation and prosecution of hate crimes involving the burning of African American churches. Other fires have been investigated jointly with State and local authorities. Some of these have resulted in State convictions and lengthy sentences.

INCREASE IN REPORTS OF CHURCH FIRES

We have found a disturbing increase in the number of fires at churches reported to the Justice Department over the past two years. As of May 1, 1996—only four months into the year—we had received reports of fires at 24 churches, seventeen of which occurred at churches in which the membership is predominantly African American. During 1995, we received reports of fires at 13 churches, and reports of acts of vandalism at three churches that did not involve fires. Eleven of the fires that occurred in 1995 were at African American churches. From 1990 through 1994, we received and investigated reports of fires at only 7 houses of worship, 6 of which were at African American churches, and acts of vandalism at 5 synagogues.

This pattern of church fires has not been limited to one region of the country. The reports of church fires occurring in 1996 have come from Alabama, Georgia, Louisiana, Mississippi, Tennessee, Virginia, South Carolina, and Texas in the southern United States, and also from Arizona, Maryland, and New Jersey. In 1995, we investigated church fires that occurred in Alabama, North and South Carolina, and Tennessee, and also one that occurred at an African American church in Washington state.

Nearly one-quarter of the cases reported to us in 1995 and 1996 have been resolved. Of the 24 fires reported to us as of May 1 of this year, arrests have been made in two cases, and one has been determined to have been accidental. The rest remain under active federal investigation, and we are hopeful that we can bring some to conclusion soon. Of the 13 fires and 3 incidents of vandalism occurring in 1995, 10 remain under active federal investigation. Two investigations have been closed after successful federal prosecution, and one fire was determined to be accidental. Arrests have been made in two of the incidents still under active investigation. The three incidents of vandalism at churches in Alabama were resolved through local prosecution.

We have taken a number of steps to encourage local law enforcement personnel throughout the country and others to contact the FBI and ATF whenever a fire appears suspicious. We have also spoken to church and civil rights leaders in many areas to encourage them to get the word out to their parishioners and members that fires and acts of vandalism at houses of worship are of serious federal concern, and that they should quickly report these incidents to both local and federal officials.

I recently went to Boligee, Alabama, to visit the sites of recent church arsons and to meet with local law enforcement officials as well as officials of the damaged churches. I spoke both of the high priority these cases have in the Department of Justice, and of our need for a close relationship with local law enforcement and local citizens regarding these kinds of actions. I was heartened by the reception I was given by local church officials, and I hope they, and other church members and other citizens around the country fully understand the Department's commitment. I know that Assistant Secretary James Johnson from the Department of the Treasury has also made a number of visits to churches around the country victimized by suspicious fires, and has explained the manner in which the federal government is responding to these fires.

I am sure that local church and community members are as frustrated as we are by those instances in which church fires are not yet solved. I certainly hope that those same officials and citizens understand that we are actively investigating these fires, and doing whatever we can to determine what happened and to make arrests where criminal activity occurred. It is important to remember that arsons are among the most difficult crimes to solve. Fire often destroys important evidence. Some of these fires were set at churches located in rural, isolated areas, and for that reason the fires at some were extensive. In some instances, churches burned to the ground. It is not yet clear whether the increase in the number of fires reported to us reflects an increase in the number of fires that have occurred, or reflects an increase in reporting. As I stated earlier, we have actively encouraged local citizens and law enforcement officials to report all fires at houses of worship to federal officials, and recent publicity about some church fires may have encouraged the reporting of others.

It is clear, however, from some of the cases that have been solved, that some of the people who have set fires at houses of worship are motivated by hate. Most of the other cases are still under investigation. As you know, I cannot discuss specifics of any open case. I can say, however, that during our investigation we focus not only on the circumstances of the specific fire before us, but also on whether, if we identify an individual or individuals responsible for the fire, there is any evidence that these individuals have any ties to fires that have occurred elsewhere in the country. Because these investigations are ongoing, it is premature to draw conclusions one way or the other as to whether the fires we are seeing are part of an organized hate movement.

DIFFICULTIES WITH FEDERAL JURISDICTION

While I mentioned the Federal statutes that give us jurisdiction over some fires and acts of vandalism at houses of worship, using those statutes does present some difficulties.

18 U.S.C. 241 applies when we have two or more defendants acting in a conspiracy. While we can get significant jail sentences under section 241, we can use section 241 only when we have a conspiracy of two or more persons. When we do not have two or more individuals involved in the fire, section 241 is not available.

When we are left with only one suspect, our jurisdiction is provided by 18 U.S.C. sections 247 or 248. Prosecutions under section 247 are complicated significantly by the fact that subsection (b) of the statute states that the defendant must have traveled in interstate or foreign commerce, or used a "facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce" in committing the crime, and caused more than $10,000 damage. These provisions make this statute nearly impossible to use. The $10,000 requirement means that when the damage from the fire is minimal, or when hate is expressed, not through fire but through desecration or defacement of houses of worship, 18 U.S.C. 247 is not an available source of jurisdiction. In those cases, the message of hate is just as clear, and the effect on the victims often just as palpable and disturbing, but an important law enforcement tool is not available.

18 U.S.C. 248(a)(3) also provides Federal jurisdiction in church arsons. While that section could be a useful tool to address this problem, we believe that the Supreme Court's recent decision in *United States* v. *Lopez*, 115 S.Ct. 1624 (1995), may make use of that provision more difficult.

Section 844(h) of title 18 applies when fire or an explosive is used to commit another crime, and section 844(i) of title 18 prohibits the use of fire when destroying a building used in interstate or foreign commerce. Their utility is limited, however, where no other crime is present, or the interstate commerce nexus is not met.

CONCLUSION

The Clinton Administration is determined to address this problem using all the law enforcement and investigative tools available, working cooperatively with our Federal as well as State and local law enforcement. Solving these crimes, and punishing those responsible, remains a high priority for this Administration.

STATEMENT BY THE REV. DR. JOSEPH E. LOWERY, PRESIDENT, SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE, CHAIRMAN, BLACK LEADERSHIP FORUM, INC., TO THE JUDICIARY COMMITTEE, TUESDAY, MAY 21, 1996

Mr. Chairman, and Members of the Judiciary Committee, the Department of Justice through the Assistant Attorney General, Civil Rights Division, has advised us that (as of April 24, 1996) they have investigated "fires and incidents of desecration" at 46 different houses of worship in 15 States . . . since 1990.

Of the 46 incidents listed, 29 remain unsolved. So far in 1996, 25 incidents have been reported, and 23 remain unsolved.

We have been outraged at these continuing attacks on places of worship—and sorely disappointed that until recently law enforcement in particular, as well as government and media in general—have seemed only mildly interested in focusing on these acts of terrorism. Scant notice was given by national media until a church where the assistant pastor was a well known professional football star—was torched.

In late 1995, SCLC intensified its protest and plea to law enforcement agencies to unleash all available resources to bring these criminals to justice.

In early 1996 we visited the sites of burned churches in Alabama and Louisiana. Subsequently, Asst. Atty. Gen. Deval Patrick visited our offices in Atlanta to assure us that the investigation of these fires would be given top priority. An official in the enforcement division of the Treasury Department (ATF) also called and informed us that a Joint Task Force with the Justice Dept.—consisting of approximately 100 persons—had been assigned to the investigation. We were advised that two of the officers originally assigned to the Task Force had been removed after it was discovered that they had been among ATF agents who attended a Good Ol' Boy Roundup, where shameful racist activities took place. It is our understanding that none of the agents who frequented these "Roundups" has been dismissed or severely disciplined. African Americans are concerned that many law enforcement agencies include personnel who are also members of racist groups.

We are not surprised at this feeble response to racist behavior—for like the national response to these church burnings, it represents a fifty-first state in the nation—"the state of denial". While we have been shocked as a nation at the rise of hate groups and right-wing terrorists that have bombed federal buildings, and militia groups that pose serious threats to democracy, we have downsized the racist nature of these groups. History, however, is clear that hate mongers in this nation are usually integrated with white supremacists, anti-Semites, and neo-Nazis. They are usually gun addicts and are heavily armed with assault weapons.

Is it any wonder that we are outraged that law enforcement agencies insist on denying

the racist nature of these attacks on the soul of the Black community—our churches?

A few days ago a gang of white teenagers in Ft. Myers, Florida—known as "Lords of Chaos"—shot and killed a high school band director who uncovered their mayhem. This gang of white teens—from affluent homes (some of whom were honor students)—had burned a soft drink warehouse, a restaurant with exotic birds; had burned property of a Baptist church and were on their way to attack Disney World with assault weapons. What the media have hardly mentioned is that their plans included a shooting spree against Black tourists following the attack on Disney.

We are witnessing a frightening and serious assault on African Americans in this nation, in the judicial and legislative suites—as well as in the streets. One hundred years ago, around the time of Plessy vs. Ferguson (separate but equal) African Americans were stripped of political power and our properties including churches were burned. One hundred years later the ghost of Plessy vs. Ferguson and the forces that ended reconstruction are haunting the nation. Our children are cast into inferior courses by "tracking" and other forms of miseducation and denial of justice and equal opportunity in education. Our voting rights are being devastated by federal judges who hold the sacred rulings of their predecessors in contempt. Equal opportunities in employment and economic enterprise are imperiled by the assault on affirmative action. The rhetoric around welfare reform suggests that welfare recipients are black, lazy, dishonest, and need to be penalized for being poor. It is soundly perceived and believed that efforts to balance the budget are totally insensitive to the needs of the poor and elderly—and that the budget should be balanced on the backs of the poor. So-called angry white males are concerned that affirmative action, the Federal government, and welfare recipients are their enemies and are responsible for their economic uncertainties. These misconceptions are fomented by the rhetoric and policies of extremists in both the public and private sector.

While we continue to call for intensive and massive efforts by law enforcement to bring these criminals to justice, we recognize that concomitantly, we must: (1) recognize the widening impact of anti-Black, anti-poor policies, in creating attitudes of hostility that can translate into acts of hostility; (2) we must hold accountable the extremist groups that fan flames of racial and class divisions.

We would strongly urge the Congress of these United States to:

1. Call for a massive, intense effort on the part of the FBI, and the entire law enforcement contingency of the United States government to bring to justice those who committed these crimes.

2. Commend, support and encourage the ministers, congregations and communities that refuse to be intimidated by these cowardly acts of terrorism. The message must be loud and clear that the African American community will not be intimidated in 1996 any more than we were in 1896, 1963 or any other time. These attacks stiffen our resistance to oppression and render firm our resolve in the pursuit of justice and equity.

We respectfully urge this committee and the Congress to remember the history of fire bombing of churches in our community. While no life has been lost, we recall with deep pain and sorrow the murder of four little girls in Sunday school in a church in Birmingham, Alabama. These criminals must be stopped before such tragedies recur.

3. We respectfully urge the committee and the Congress to seek ways and means of addressing the economic distress, the loss of jobs, the growing fears and uncertainties about the future in ways that do not make African Americans, Hispanics, women, and low income persons—scapegoats.

We urge the Congress to engage in a positive campaign to achieve racial justice and an end to political, judicial, economic and street violence.

We believe that an intelligence system and advanced criminological technology that can identify terrorists in faraway lands, and in New York and Oklahoma, ought to be able to apprehend angry arsonists who burn churches.

Finally, some religious extremists have offered rewards for the culprits and challenged civil rights groups to match the reward monies.

We believe the religious community could better serve the common good by engaging in joint efforts to eliminate the climate of hostility which encourages acts of hostility. We are willing to work together for social justice, the beloved community, and an end to economic, political, judicial and physical violence.

EXCERPTS OF TESTIMONY OF JOHN W. MAGAW, DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, BEFORE THE COMMITTEE ON THE JUDICIARY, MAY 21, 1996

Thank you, Mr. Chairman, Mr. Conyers, and members of the Committee, for providing this forum to discuss the Federal response to the recent series of church fires, predominately African-American, that have occurred in the Southeastern United States. The Bureau of Alcohol, Tobacco and Firearms is the arson investigative agency of the Federal government, and we bring unparalleled expertise to fire investigations. Today, I'd like to highlight ATF's role in working with State and local fire and police authorities, the Federal Bureau of Investigation, and the Civil Rights Division of the Department of Justice in investigating these fires. The burning of churches is a particularly heinous crime because those who would attack our churches seek to strike at our most fundamental liberties and sources of personal support. African-American churches historically have served as places of sanctuary, centers of the community, and symbols of freedom. ATF is committed to fully applying all of our investigative resources to determine the cause of these fires and arrest those responsible for the arsons.

Although ATF has dedicated a tremendous amount of resources to investigating this unusual increase in the number of church fires, church fires are not necessarily a new phenomenon. According to statistics compiled by the National Fire Data Center (NFDC) in the U.S. Fire Administration, 179 church fires were reported in 1994. The NFDC estimates that the statistics represent half of the actual number of fires which occur each year. ATF has investigated 135 church fires across the United States since October 1, 1991. However, as depicted in the displayed pie chart, all church fires that ATF initially investigates are not determined to be arsons.

CURRENT CHURCH FIRE INVESTIGATIONS

Since January 1995, ATF has conducted more than 2,600 fire investigations. During this same period, ATF has conducted 51 church fire investigations. Twenty-five of these investigations are arsons which occurred at predominately African-American churches in the Southeast. These include six in Tennessee: five each in Louisiana and South Carolina; four in Alabama; three in Mississippi; and one each in Virginia and Georgia. These locations are reflected in the displayed map chart. As you know, these investigations are ongoing and, therefore, I am unable to go into detail about the specifics of these fires. I can tell you that, as of May 15, 1996, there have been two individuals arrested in connection with fires in Williamsburg County and Manning, South Carolina. In addition, there have been three arrests in Lexington County, South Carolina; one arrest in Tyler, Alabama; and another in Satartia, Mississippi. I am confident that we will make additional arrests in the near future.

The concentration of arsons at African-American churches, depicted on the line chart, raises the obvious possibility of race/hate-based motives. The proximity in time and geographic region indicates the possibility that some of the fires are connected. Because of the potential of racial motives, and the possibility that some fires may be connected, there has been an extraordinary degree of coordination of the various investigations. We are always aware of the possibility that evidence and information developed in one investigation might provide valuable leads in another. While the targets, timing, and locations of the arsons have resulted in heightened attention to race/hate-based motives and possible connections, ATF must also examine all other possible motives for the fires. Motives can range from blatant racially motivated crimes to financial profit to simply personal revenge or vandalism. In any event, the motive in one arson does not automatically speak to the motive in another arson or series of arsons. A conspiracy was uncovered involving at least two fires in South Carolina. We have not yet found any evidence of an interstate or national conspiracy, but until our work is done no motive or suspect will be eliminated.

The Bureau of Alcohol, Tobacco and Firearms (ATF) is the arson investigative agency of the Federal government and we bring unparalleled expertise to fire investigations. AFT derives its authority to investigate arson incidents, in part, from 18 U.S.C. Section 844(i) which makes it a Federal crime to use explosives or fire to destroy property affecting interstate commerce. The legislative history of this law makes it clear that Congress intended it to cover churches and synagogues. The interstate nexus generally flows from national or international affiliations that involve the movement of funds, property, and other support services across State boundaries.

Since January 1995, ATF has conducted more than 2,600 fire investigations. During this same period, ATF has conducted 51 church fire investigations. Twenty-five of these investigations are arsons which occurred at predominately African-American churches in the Southeast. We are working in concert with over 20 State and local law enforcement and fire agencies, as well as with the FBI, the Civil Rights Division of the Department of Justice, U.S. Attorneys' offices, and local prosecutors. We have committed virtually every arson investigative

resource at our disposal to the investigation of the African-American church fires. Approximately 100 ATF special agents have been assigned to the active investigations in the Southeast. We have employed all of ATF's investigative resources, such as our National Response Teams, Certified Fire Investigators, and ATF-trained accelerant detecting canines to help process the crime scenes.

Because of the potential of racial motives, and the possibility that some fires may be connected, there has been an extraordinary degree of coordination of the various investigations. A conspiracy was uncovered involving at least two fires in South Carolina. We have not found any evidence so far of an interstate or national conspiracy, but until our work is done no motive or suspect will be eliminated. African-American churches have served as places of sanctuary, centers of the community, and symbols of freedom. We will continue to vigorously pursue all investigative leads to solve these arsons and remove the fear.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a section-by-section analysis of the legislation be printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

FAIRCLOTH-KENNEDY CHURCH ARSON PREVENTION ACT

Section One: Short Title: This section notes that the bill may be cited as "The Church Arson Prevention Act of 1996."

1. Sections Two and Three: Amendment to Federal Criminal Code.—Title 18, United States Code, Section 247, is one of the principal federal statutes addressing destruction of religious property. Since its passage in 1988, this provision has been used once by federal prosecutors, despite the hundreds of incidents of destruction or desecration of religious property. (The one case involved the murder of a cult member by another cult member.) The reason prosecutors do not use the statute is because it contains jurisdictional requirements that, as a practical matter, have been impossible to meet.

Specifically, section 247(b) contains a very high interstate commerce requirement, a requirement that is not constitutionally mandated, even after *Lopez*. The level of interstate commerce required under section 247(b) is much higher than is required in other similar federal statutes, such as the arson statute.

In addition, in cases of destruction of religious property, there is a requirement that the damage exceed $10,000. The monetary requirement is arbitrary, and does not reflect the seriousness of many crimes. For example, there have been a number of very serious cases involving skinheads firing gunshots into synagogues that could not be prosecuted under this statute because the damage did not exceed $10,000.

The upshot of these two requirements is that section 247 is essentially useless because prosecutors cannot meet the unduly onerous jurisdictional requirements. The attached bill (Section 3) addresses this problem by eliminating these unworkable jurisdictional requirements and replacing them with a more sensible scheme that will expand the scope of a prosecutor's ability to prosecute religious violence under section 247. The monetary requirement is eliminated altogether, and the interstate commerce requirement is replaced by a much more workable framework that will enable prosecutors to prosecute church arsons, as well as other serious acts of religious violence, under this statute. The House bill contains a very similar provision, and the Administration supports this approach.

The Senate bill pertaining to section 247 contains two additional features that are not contained in the House bill. First, the Senate bill conforms the penalty provisions of section 247 so that they are identical to the general federal arson statute. Presently, if a defendant is prosecuted under the federal arson statute for the arson of a building in which nobody is injured, he faces a maximum possible penalty of 20 years. However, if that same person burns down a place of religious worship, and is prosecuted under section 247, the maximum possible penalty is 10 years. Similarly, the statute of limitations for prosecutions under the general federal arson statute is seven years, while it is only five years under section 247. The Senate bill corrects these anomalies by conforming these provisions of section 247 to the provisions of the federal arson statute.

The Senate bill (Section 2) also contains the requisite Congressional findings that enable Congress to amend section 247. These findings, in conjunction with the extensive factual record that is being generated, are intended to ensure that the bill withstands constitutional scrutiny.

2. Section 4: Loan Guarantees—The Senate bill contains a provision intended to assist victims in seeking to rebuild without running afoul of First Amendment establishment clause concerns. Under this provision, HUD will have the authority to use up to $5,000,000 from an existing fund to extend loan guarantees to financial institutions who make loans to 501(c)(3) organizations that have been damaged as a result of an act of terrorism or arson. This provision does not require an appropriation of additional funds to HUD. It will simply give HUD the authority to use already existing funds in a new manner. The financial benefit derives primarily to the financial institution, which now has the ability to make certain loans that it might now otherwise have considered. The House bill does not contain this provision.

3. Section 5: Additional Resources to ATF—ATF trains approximately 85-90% of state and local law enforcement in how to investigate suspicious fires. It has been very difficult for state and local enforcement to keep pace with the recent spate of arsons. As a result, ATF has played a prominent role in these investigations. The bill contains authorization language (Section 5) for ATF to add investigators and technical support personnel to participate in these investigations, and to train state and local law enforcement with the necessary arson investigation skills to enable them to conduct these difficult investigations. The House bill does not contain this provision.

4. Section 5: Additional Resources to Community Relations Service—The Community Relations Service is the mediation/conciliation arm of the Justice Department that was created as part of the Civil Rights Act of 1964. Its mission is to go out in the community to quell racial unrest through mediation and conciliation. From working in Memphis following the death of Martin Luther King to working in Los Angeles during the Rodney King riots, the Community Relations Service has worked to calm communities during our nation's most tense moments. CRS focuses on non-litigation approaches to problem solving, and has earned the respect of police chiefs and community leaders across the country.

In an unfortunate development, CRS had its budget cut in half (10 million to 5 million) during the 1996 appropriation cycle. Consequently, effective June 22nd, at a time when their services are in great demand, CRS will be forced to lay off almost half its staff, unless they get additional money. Section 5 of the bill contains authorization language for CRS to receive such sums as are necessary to perform these essential services. It is Senator Kennedy's hope that CRS ultimately will be funded at 1995 levels. The House bill does not contain this provision.

5. Section 6: Reauthorization of the Hate Crimes Statistics Act—Newspaper reports give differing accounts of the number of church fires that have occurred over the past two years. The inability to document the number of such incidents points to the need to reauthorize the Hate Crimes Statistics Act permanently.

Section 7 contains a provision permanently reauthorizing the Hate Crimes Statistics Act. Although the Senate has already passed a separate bill reauthorizing the HCSA, the House has not acted. Given the paucity of time remaining in this legislative term, it is imperative to pass the HCSA reauthorization as soon as possible. As a result, it has been included in the Senate bill.

If you have any questions, feel free to contact me at 224-4031. I hope your Senator will consider co-sponsoring this proposal so that the Senate can send a strong message to the American public on this pressing issue.

6. Section 7: Sense of the Senate—Section 7 is a sense of the Senate resolution commending individuals and entities who have assisted financially, or offered to assist financially, in the rebuilding process. This resolution encourages the private section to continue these efforts.

7. Section 8: Severability Provision.—This clarifies the severability of all provisions of this bill.

Mr. KENNEDY. I think I have 2 minutes left. I yield 2 minutes to the Senator from Alabama for his comments.

Mr. THURMOND. Mr. President, may I make an inquiry? Am I listed on that bill as cosponsor? I just want to find out.

Mr. KENNEDY. Senator FAIRCLOTH, I think, is indicating in the affirmative, Senator.

Mr. FAIRCLOTH. Yes, the ones so far are Senator LOTT, Senator THURMOND, Senator WARNER, Senator D'AMATO, Senator GRAMM, Senator Frist, and Senator COCHRAN. There are several others, and many more who are going to sign on, but you are listed, Senator THURMOND.

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes, 30 seconds.

Mr. KENNEDY. I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, we recently awoke once again to disturbing news that has become all-too-commonplace. We were told that during the night, additional southern black churches had been burned. These recent church burnings came amidst heightened national concern over the epidemic of such episodes throughout

the South. As each fire is reported, we cling to the hope that what we will hear is that it was the result of an accident and not the work of some demented arsonist. The evidence, however, points away from the accidental fire.

As these hateful incidents continue to occur with alarming regularity, we are reminded of some of the most terrible moments of the civil rights struggle of the 1960's. Then, homes, businesses, churches, and other property was set afire in the dark of the night by those who wanted to preserve the existing social order. Their goal was to intimidate and frighten those working legally for the causes of equality and integration.

To those of us who remember those dark days and who applaud the progress which has been made in our society since then in terms of race relations, these current images of fires at churches in the early hours before dawn are profoundly disturbing and disconcerting. This is not supposed to happen in this day and age, not in the South or anywhere in this country.

Such incidents remind us that such hatred is alive in the United States of America and it is directed today at the very heart of these small, rural black communities. We ask ourselves who would hate a group enough to burn its church, the spiritual and social center of the community. The forces of evil are intentionally striking at the very soul of these communities by destroying their most sacred and powerful symbols.

Last week, the President said:

> This country was founded on the premise of religious liberty. It's how we got started * * * It is the cruelest of all ironies that an expression of bigotry in America that would sweep this country is one that involves trashing religious liberty.

Most would agree that one of the most logical institutions or symbols for bringing different people together would be a house of worship. What better venue could there be for transcending social and cultural division than the spiritual setting provided by a church?

These fires are far more than an expression of religious bigotry. The fact that these small churches are so much more to the community than simply places of worship makes the expressions of hatred even more egregious. They go beyond religion to the very essence of racial hatred. We have to ask ourselves what kind of hatred could possibly motivate individuals to destroy these symbols of a community in such a despicable manner.

As the Government searches for ways to address this epidemic, including the legislative efforts which I strongly support, we have to look at the twin possibilities of a conspiracy and the work of copycat arsonists. If it is a conspiracy, the work of one isolated group or groups fanning their hatred across the South, then our task is to find the perpetrators and prosecute them to the fullest extent of the law. Some of the evidence points to a conspiracy, such as the timing of the fires—they have all occurred in the very early hours of the morning, before day-light. As disturbing as it would be, it would be better for us as a country if the fires are the result of a conspiracy, the work of one group of individuals that does not reflect the current sentiment in this region of the country.

If, on the other hand, they are the result of copycats, which is more likely the case, then we are dealing with a societal disease. Addressing such a societal ill is far more difficult and requires a much different response that goes beyond basic law enforcement. At the same time, it provides us with an opportunity to reevaluate race relations in this country and to seek new ways to improve them. As these tragic fires illustrate, some remedial attention with regard to continued progress in race relations is needed.

There are some ways in which communities can be brought together because of these fires. White churches should invite their black neighbors who have lost their places of worship to come and worship with them. Black and white churches should come together in forming watches to prevent these attacks in the future. Ministers—black and white—should speak forcefully about racial equality and of the importance of honoring houses of God and keeping them sacred.

These rather small but commonsense acts of neighborliness and spiritual leadership could direct more attention on where we are in terms of racial attitudes and relations. It is sad that with all the progress we have made over the last few decades, these kinds of terrorist acts still occur. Throughout my career, I have striven to promote racial harmony in my State and throughout the Nation. I am proud of the progress we have made. But, as my time in the Senate draws to a close, I am, frankly, quite disheartened that these kinds of incidents are again plaguing our society.

While we do all in our power possible to stop these hate crimes, bring their perpetrators to justice, and encourage compliance with the law, we should also ask ourselves if there is more we can do as individual communities to advance the causes of equal rights and racial harmony. So, Mr. President, I support the Faircloth-Kennedy bill. I think it is an improvement over the House bill. A lot of work has gone into this. I think it approaches the situation with an investigatory device, to try to enhance the right of the FBI to investigate these terrible acts that are occurring throughout our Nation.

Senator PRYOR has asked me to add his name to this. I am sure there will be others. I ask unanimous consent the cosponsors' names be allowed to be entered for a period of time following this.

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

Mr. HEFLIN. Mr. President, I also see this as an opportunity to bring further improvement in regard to race relations. Yesterday I spoke with a group of Methodist ministers. I told them this was an opportunity to extend a hand of friendship to the black members of churches that were destroyed, to endeavor to try to work with them to improve their lot in the agony they are suffering today. I think this is an opportunity.

I do not know whether this is a conspiracy or whether it is a copycat situation. If it is a conspiracy, we should root out the perpetrators of this and punish them. If it is a copycat situation, then we have to try to work to remove the root cause.

So, it is something I think the American people ought to be aware of, and that they ought to do everything they can to address these crimes.

I fully support this bill.

Mr. KENNEDY. Mr. President, I yield the remainder of our time.

Mr. FAIRCLOTH. Mr. President, any time I have remaining I also yield back.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the Senator from Massachusetts and the Senator from North Carolina, have they completed their remarks and the introduction of their bill?

Mr. KENNEDY. I thank the Chair and ranking minority member for yielding for this purpose. We yield back our time.

Mr. NUNN. I congratulate both Senators on taking this step. I think there is nothing that is so discouraging and heartbreaking than to see the burnings that have taken place of churches across much of our country.

I congratulate both the Senator from Massachusetts and the Senator from North Carolina. Maybe we can get unanimous support for denouncing this unexplainable and detestable series of acts. Whatever the cause, I think the message should go out that the U.S. Senate is firmly on record, both sides of the aisle, every political philosophy, deploring this kind of conduct.

So I congratulate both Senators for introducing this bill. I know it will receive prompt and careful consideration by the Senate and the respective committees.

Ms. MIKULSKI. Mr. President, I rise today to voice my strong condemnation of the rash of church burnings that have swept through the South. This is a national crisis.

These acts of terrorism, which are aimed solely at predominately black churches, strike at the very heart of

what is sacred in our country—the right to freedom of religion and fundamental civil rights. Churches, mosques, temples, and synagogues are sanctuaries where Americans enjoy the freedom to worship. That is why these acts are truly repugnant, and I am outraged that the arsons continue.

Yesterday the Senate passed unanimously a resolution expressing our horror at these repugnant acts, and calling for rigorous investigation and prosecution of these crimes. I was proud to be a cosponsor of that resolution.

But we can and must do more. That is why I am cosponsoring the bill introduced by my colleagues, Senators KENNEDY and FAIRCLOTH, that will make it easier for the Federal Government to investigate and prosecute crimes involving the intentional destruction of churches.

Our Nation has made tremendous progress since the civil rights movement in the 1960's. Church burnings turn the clock back on the strides we have made since the 1960's and bring shame to our great Nation. Our Nation cannot tolerate the increasing number of black church arsons. The burnings have reached epidemic proportions.

It is a painful reminder of a time when hate and ignorance prevailed in many parts of the country. The perpetrators of these crimes must be caught and punished. They must know that our Nation will not tolerate or encourage these cowardly acts. Citizens around the country are outraged that places of worship—mostly in small Southern towns—are being burned to the ground. Many of the churches are historic landmarks. Some were erected over 100 years ago.

Black churches are the lifeblood in small Southern communities—by burning these churches the arsonists strike at the very heart of the black community. But, all of us who worship and believe in God are hurt by these church burnings; they strike everyone.

Faith built our country. We must begin building bridges to destroy the plague of racism. It is the basis of our Constitution that everyone has the freedom to worship wherever they please. These fundamental freedoms must be protected from those who would like to bully and intimidate peaceful, worshiping citizens.

Nearly 40 churches have burned since the beginning of the year. This is the worst kind of terrorism. It is reminiscent of a time when the Ku Klux Klan and other hate groups felt free to burn crosses, lynch innocent blacks, and burn churches. The current wave of church burnings has targeted remote, isolated places of worship in Southern black communities. These arsonists sneak into the night to torch churches falsely believing they will not be caught. We must not let these arsonists continue to commit their acts without being punished.

Our country will not tolerate this kind of moral outrage and shame. Federal prosecutors should be able to investigate and prosecute these criminals to the fullest extent allowed by law. Federal prosecution of those who are responsible for these fires at churches should be the highest national priority. We need to have the resources to go after these criminals; a civilized society cannot continue to have churches being burned to the ground every other day.

It is encouraging that my Senate colleagues in a bipartisan fashion have come together to condemn the church burnings. This is an issue that crosses all racial and party lines. We need to begin rebuilding—the churches across the South and the moral fabric of our country.

We must do all that we can to bring these criminals to justice. We are all the victims of the rash of church burnings in our country.

I urge my colleagues to support the Kennedy-Faircloth bill. The legislation will give law enforcement officials the tools they need to stop this terrible epidemic.

We must come together to begin healing the racial wounds caused by the church fires. Racism and hatred have no place in our country.

Mr. KERRY. Mr. President, I join my colleagues to express concern and outrage at the dastardly acts of hatred and violence against black churches, against good and decent people, people of faith with a strong sense of community. This legislation is a bipartisan statement that the United States Senate is determined to bring this outrage to a halt.

Make no mistake, those who have set these churches ablaze have rekindled our desire to stamp out bigotry and prejudice everywhere. There was a time in America, not long ago, when many of us were involved in the Civil Rights movement with men and women of good will—white and black—who demonstrated and marched for equal rights and justice in the face of the worst kind of violence, hatred, and bigotry. Black churches had long been a refuge from prejudice and served as the symbol of community for millions of Americans who were the victims of blind intolerance that raged throughout this country.

We cannot and must not let the hatred and ignorance of a few criminals, arsonists, separatists, or supremacists turn back the clock on the progress we have made toward racial equality. We must, in this face of the haters, the bigots, and the racists, strengthen our resolve to tear down the walls that divide us and stand together, shoulder-to-shoulder, in solidarity against intolerance and this kind of violent, destructive, sociopathic behavior directed at our fellow citizens.

Those who have committed these hate crimes have forgotten the lessons of history. They have forgotten or never learned what America went through in the 1960s. They have forgotten the faces on the bridge in Selma, the burning bus of the Freedom Riders ablaze in Anniston, AL and the horrifying scene of demonstrators being dragged from the bus and beaten. They have forgotten the image of "Bull" Connor ordering the use of police dogs and fire hoses on demonstrators in Birmingham. They have forgotten or never learned the meaning of the assassination of Dr. King. These thugs are no different than the haters, cowards, and common criminals in white hoods who burned crosses in the middle of the night in a reign of terror against innocent people who sought only fairness, equal rights, and justice.

We can thank God that history taught most of us a lesson. History has passed its own lesson on the cross-burners along with men like "Bull" Connor because of their racism, ignorance and cowardice. But now, years later, those who learned nothing from history, or those too young, too alone, too desocialized, disinterested, or demoralized to know better are burning churches instead of crosses, and they must be brought to justice.

As a nation and as one people united in our constitutional, religious, and philosophical belief in equal justice under the law, we cannot let the actions of these criminals result in bitterness, anger, or retaliation. We cannot let them divide us. We must remember the words of Martin Luther King who said,

> I've seen too much hate to want to hate myself, and I've seen hate on the faces of too many sheriffs, too many White Citizens Councilors, and too many Klansmen of the South to want to hate, myself; and every time I see it, I say to myself: hate is too great a burden to bear.

Let Dr. King's words be our lesson as we find these criminals, bring them to justice, and rally together for an end to hatred and intolerance in this Nation.

I commend the Senators who have taken the leading roles in crafting the language on which we will be voting, and I urge my colleagues to support the bill.

Mr. President, I yield the floor.

Mr. KOHL. Mr. President, I rise to cosponsor the Church Arson Protection Act of 1996 introduced today by Senators KENNEDY and FAIRCLOTH.

Since the beginning of this year, a series of fires have swept our country. More than 30 predominantly African-American churches in the southeast have been burned. Not all of the fires have been set by people filled with racial hatred. But many have. And even one is too much.

Passing this measure is the least we can do to address this problem. With this new law, we send a clear message to every person who is thinking of setting fire to a place of worship: we will

catch you. If you think that any church is small and remote, think again. No church is too small or remote for us not to care about it. If you think that you can burn all of the evidence, think again. We will find the evidence. If you think that no one cares if you burn a church used by African Americans, think again. This Nation condemns your actions.

In the last few months, the FBI, the Bureau of Alcohol, Tobacco and Firearms, and State and local law enforcement have vigorously investigated the fires in our churches. They have made numerous arrests and have leads on many other cases.

Despite this progress, the news of these fires is genuinely disturbing and perplexing. How could anyone do such a heinous thing? How could anyone burn a church and feel proud of their actions? No one who is truly committed to the principles of our country could do this. This Nation was founded on tolerance and respect for religious worship. And the greatest battle of our country's short life has been fought for the principle of racial tolerance.

Many people may say that these fires are a blow aimed at racial and religious equality. And they are. But they are feeble and small swats. We will rebuild the burned churches; we will condemn the bigots who started the fires; and with this law, we will help assure that punishment is swift, sure, and severe. These fires cannot undo the progress in race relations that we have made as a nation.

So today, I rise to cosponsor this legislation. And I urge my fellow Senators to pass it rapidly an unanimously.

Mr. D'AMATO. Mr. President, what has happened recently in this country is abominable and we have all heard the reports: yet another church, attended by black parishioners, was torched in the South. The recent rash of arson attacks on black churches should put this country in fear; it has to this Senator.

These cases of arson are more than the destruction of a structure; it is the destruction of the congregation and the communities themselves. This is the time for this body, and for all this Nation, to lend their support to these communities and these congregations for they have suffered a tremendous loss. If we allow this to continue with impunity in America, what protection do any of us have?

The reporting of over 30 church burning in 18 months indicates the need for a swift and just response. The responsible parties must be caught and prosecuted to the fullest extent of the law. These malicious burnings must end and end now.

By Mrs. BOXER (for herself and Mr. BINGAMAN):

S. 1891. A bill to establish sources of funding for certain transportation infrastructure projects in the vicinity of the border between the United States and Mexico that are necessary to accomodate increased traffic resulting from the implementation of the North American Free Trade Agreement, including construction of new Federal border crossing facilities, and for other purposes; to the Committee on Environment and Public Works.

THE BORDER INFRASTRUCTURE, SAFETY, AND CONGESTION RELIEF ACT OF 1996

Mrs. BOXER. Mr. President, I rise today to introduce the Border Infrastructure, Safety and Congestion Relief Act of 1996 with Senator BINGAMAN of New Mexico.

When the Senate debated the North American Free Trade Agreement, I opposed it on the grounds that the United States was unprepared for its impact on our environment, infrastructure, and labor relations. In fact our Mexican border States face trying to handle the increased traffic from NAFTA in less time than it takes to design, review and construct major highway projects.

Now that NAFTA is a reality, however, I am determined to make it work to California's best advantage.

Whatever its shortcomings, NAFTA has increased trade across our borders. However, this trade boom now threatens to overwhelm residents and businesses in the border region of San Diego and Imperial Counties. In California's border community of Otay Mesa, my colleagues, you can see that the new global economy is choking old city streets.

To get a good idea of the problem, you need look no further than Otay Mesa Road.

Just a few miles up the road is the Otay Mesa Port of Entry. Serving a border region of over 4 million people, it is the third-busiest truck crossing on the United States-Mexico border and the only commercial crossing facility linking San Diego and Tijuana. The number of trucks crossing annually at Otay Mesa has increased from 668,000 in 1993 to more than 1.5 million today. Daily traffic is expected to double again by the year 2010.

The Otay Mesa Port is connected to the U.S. Interstate Highway System by this one city street, which narrows to two lanes before reaching Interstate 905. Otay Mesa Road already carries traffic that is three times its design capacity.

In Imperial County the situation is similar, if slightly less intense. The Calexico/Mexicali Port of Entry serves a regional population of 1 million. The border crossing opens on to a two-lane road with no shoulders, which is expected to carry truck, car and bus traffic through the heart of Calexico.

Between Otay Mesa and Calexico, construction is beginning on a new Federal border port of entry at Tecate. The U.S. Department of Transportation is providing no direct funding to link any of these stations with the regional road networks.

The California Transportation Commission recently approved shifting $244 million from other transportation projects in the State to the border region as a down payment on about $1 billion in needed infrastructure improvements to serve commercial vehicle traffic crossing the California-Mexico border.

The State of California is doing its share. Now, State transportation officials are demanding Federal assistance—over and above the State's current Federal highway funding—to help pay for these border improvements.

That is why Senator BINGAMAN and I are introducing the Border Infrastructure, Safety and Congestion Relief Act of 1996.

Our bill provides a two-level system for Federal assistance to fund the States' top-priority border infrastructure projects:

First, it establishes a $500 million Border Infrastructure Trust Fund to provide grants by the Secretary of Transportation to the States in order to pay for new or upgraded connections to the National Highway System.

States could also be reimbursed for projects that have begun any time since 1994, when NAFTA was implemented. This means that California would not be penalized for putting its State money up early to prepare for NAFTA with projects such as the new inspection station at Otay Mesa.

We also allow provide up to $10 million, if needed, for the Attorney General to use to provide transportation improvements for the Border Patrol and other law enforcement agencies. I believe that we should do more at the border to deter drug smuggling and illegal immigration. My bill will provide important help in funding access roads, lighting, and other transportation improvements needed by our Federal law enforcement agencies.

The second part of our bill would authorize Federal loan guarantees to assist the States in financing major construction of high-cost, revenue-producing projects, such as toll roads. The assistance is provided through the State Infrastructure Bank pilot program, established under the National Highway System Designation Act of 1995. Our bill, however, would authorize new Federal funds to finance border infrastructure projects.

The final part of the bill authorizes Federal assistance to railroad projects in the border region which are intermodal and will provide traffic congestion relief by providing a rail alternative for freight shipments. These loan guarantees for railroad improvements would be provided under the Railroad Revitalization and Regulatory Reform Act of 1976.

This assistance is critical to San Diego's efforts to reopen the eastern

extension of the San Diego & Arizona Eastern Railway. Extending this railroad across southeastern California will provide a critical link to the U.S. national rail network. By providing fast and efficient service to new markets throughout Mexico, it is also San Diego's best opportunity to take advantage of NAFTA. Trade with Mexico's interior offers the San Diego region its greatest opportunity to take full advantage of NAFTA. But this cannot happen without good, dependable rail service.

In today's post-cold-war global marketplace, the competition is economic. America's place in the world will be determined largely by our ability to produce and market goods and services and deliver them efficiently into that global marketplace.

I have been working with the San Diego House delegation, local elected officials, and members of the community to make Washington pay much greater attention to our infrastructure needs at the border. The San Diego Association of Governments, the four-State Border Trade Alliance business group and the Greater San Diego Chamber of Commerce have endorsed my legislation.

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

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

S. 1891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Infrastructure Safety and Congestion Relief Act of 1996".

SEC. 2. FINDINGS.

Congress finds that—

(1) although the United States Customs Service has collected increased duties, merchandise fees, and revenues from other commerce-related activities because of the approval and implementation of the North American Free Trade Agreement, these increased revenues have not been accompanied by Federal funding for improving transportation facilities along the international borders of the United States to ensure the free and safe flow of trade destined for all States and regions of the United States;

(2) because of NAFTA, all 4 States along the United States-Mexico border will require significant investments in highway infrastructure capacity and motor carrier safety enforcement at a time when border States face extreme difficulty in meeting current highway funding needs;

(3) the full benefits of increased international trade can be realized only if delays at the borders are significantly reduced; and

(4) the increased revenues to the general fund of the Treasury described in paragraph (1) should be sufficient to provide Federal funding for transportation improvements required to accommodate NAFTA-generated traffic, in an amount above and beyond regular Federal transportation funding apportionments.

SEC. 3. DEFINITIONS.

In this Act:

(1) BORDER REGION.—The term "border region" means the region located within 60 miles of the United States border with Mexico.

(2) BORDER STATE.—The term "border State" means California, Arizona, New Mexico, and Texas.

(3) FUND.—The term "Fund" means the Border Transportation Infrastructure Fund established under section 4(g).

(4) NAFTA.—The term "NAFTA" means the North American Free Trade Agreement.

(5) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 4. DIRECT FEDERAL ASSISTANCE FOR BORDER CONSTRUCTION AND CONGESTION RELIEF.

(a) IN GENERAL.—Using amounts in the Fund, the Secretary shall make grants under this section to border States that submit an application that demonstrates need, due to increased traffic resulting from the implementation of NAFTA, for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws.

(b) GRANTS FOR CONNECTORS TO FEDERAL BORDER CROSSING FACILITIES.—The Secretary shall make grants to border States for the purposes of connecting, through construction or reconstruction, the National Highway System designated under section 103(b) of title 23, United States Code, with Federal border crossing facilities located in the United States in the border region.

(c) GRANTS FOR WEIGH-IN-MOTION DEVICES IN MEXICO.—The Secretary shall make grants to assist border States in the purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment that are to be located in Mexico if real time data from the devices is provided to the nearest United States port of entry and to State commercial vehicle enforcement facilities that serve the port of entry.

(d) GRANTS FOR COMMERCIAL VEHICLE ENFORCEMENT FACILITIES.—The Secretary shall make grants to border States to construct, operate, and maintain commercial vehicle enforcement facilities located in the border region.

(e) LIMITATIONS ON EXPENDITURES OF FUNDS.—

(1) COST SHARING.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall be 80 percent.

(2) ALLOCATION AMONG STATES.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2001, the Secretary shall allocate amounts remaining in the Fund, after any transfers under section 5, among border States in accordance with an equitable formula established by the Secretary in accordance with subparagraphs (B) and (C).

(B) CONSIDERATIONS.—Subject to subparagraph (C), in establishing the formula, the Secretary shall consider—

(i) the annual volume of international commercial vehicle traffic at the ports of entry of each border State as compared to the annual volume of international commercial vehicle traffic at the ports of entry of all border States, based on the data provided in the most recent report submitted under section 8;

(ii) the percentage by which international commercial vehicle traffic in each border State has grown during the period beginning on the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182) as compared to that percentage for each other border State; and

(iii) the extent of border transportation improvements carried out by each border State during the period beginning on the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182).

(C) MINIMUM ALLOCATION.—Each border State shall receive not less than 5 percent of the amounts made available to carry out this section during the period of authorization under subsection (i).

(f) ELIGIBILITY FOR REIMBURSEMENT FOR PREVIOUSLY COMMENCED PROJECTS.—The Secretary shall make a grant under this section to a border State that reimburses the border State for a project for which construction commenced after January 1, 1994, if the project is otherwise eligible for assistance under this section.

(g) BORDER TRANSPORTATION INFRASTRUCTURE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Border Transportation Infrastructure Fund to be used in carrying out this section, consisting of such amounts as are appropriated to the Fund under subsection (i).

(2) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to make grants under this section and transfers under section 5.

(B) ADMINISTRATIVE EXPENSES.—An amount not exceeding 1 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(h) APPLICABILITY OF TITLE 23.—Title 23, United States Code, shall apply to grants made under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund to carry out this section and section 5 $125,000,000 for each of fiscal years 1998 through 2001. The appropriated amounts shall remain available for obligation until the end of the third fiscal year following the fiscal year for which the amounts are appropriated.

SEC. 5. CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.

At the request of the Attorney General, the Secretary may transfer, during the period consisting of fiscal years 1998 through 2001, up to $10,000,000 of the amounts from the Fund to the Attorney General for the construction of transportation infrastructure necessary for law enforcement in border States.

SEC. 6. BORDER INFRASTRUCTURE INNOVATIVE FINANCING.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage the establishment and operation of State infrastructure banks in accordance with section 350 of the National Highway System Designation Act of 1995 (109 Stat. 618; 23 U.S.C. 101 note); and

(2) to advance transportation infrastructure projects supporting international trade and commerce.

(b) FEDERAL LINE OF CREDIT.—Section 350 of the National Highway System Designation Act of 1995 (109 Stat. 618; 23 U.S.C. 101 note) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

"(l) FEDERAL LINE OF CREDIT.—

"(1) DEFINITIONS.—In this subsection, the terms 'border region' and 'border State' have the meanings provided in section 3 of the Border Infrastructure Safety and Congestion Relief Act of 1996.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the general fund of the Treasury $100,000,000 to be used by the Secretary to make lines of credit available to—

"(A) border States that have established infrastructure banks under this section; and

"(B) the State of New Mexico which has established a border authority that has bonding capacity.

"(3) AMOUNT.—The line of credit available to each participating border State shall be equal to the product of—

"(A) the amount appropriated under paragraph (2); and

"(B) the quotient obtained by dividing—

"(i) the contributions of the State to the Highway Trust Fund during the latest fiscal year for which data are available; by

"(ii) the total contributions of all participating border States to the Highway Trust Fund during that fiscal year.

"(4) USE OF LINE OF CREDIT.—The line of credit under this subsection shall be available to provide Federal support in accordance with this subsection to—

"(A) a State infrastructure bank engaged in providing credit enhancement to creditworthy eligible public and private multimodal projects that support international trade and commerce in the border region; and

"(B) the New Mexico Border Authority;

(each referred to in this subsection as a 'border infrastructure bank').

"(5) LIMITATIONS.—

"(A) IN GENERAL.—A line of credit under this subsection may be drawn on only—

"(i) with respect to a completed project described in paragraph (4) that is receiving credit enhancement through a border infrastructure bank;

"(ii) when the cash balance available in the border infrastructure bank is insufficient to pay a claim for payment relating to the project; and

"(iii) when all subsequent revenues of the project have been pledged to the border infrastructure bank.

"(B) THIRD PARTY CREDITOR RIGHTS.—No third party creditor of a public or private entity carrying out a project eligible for assistance from a border infrastructure bank shall have any right against the Federal Government with respect to a line of credit under this subsection, including any guarantee that the proceeds of a line of credit will be available for the payment of any particular cost of the public or private entity that may be financed under this subsection.

"(6) INTEREST RATE AND REPAYMENT PERIOD.—Any draw on a line of credit under this subsection shall—

"(A) accrue, beginning on the date the draw is made, interest at a rate equal to the current (as of the date the draw is made) market yield on outstanding, marketable obligations of the United States with maturities of 30 years; and

"(B) shall be repaid within a period of not more than 30 years.

"(7) RELATIONSHIP TO STATE APPORTIONMENT.—Funds made available to States to carry out this subsection shall be in addition to funds apportioned to States under section 104 of title 23, United States Code.".

SEC. 7. RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM.

(a) PURPOSE.—The purpose of this section is to provide assistance for freight rail projects in border States that benefit international trade and relieve highways of increased traffic resulting from NAFTA.

(b) ISSUANCE OF OBLIGATIONS.—The Secretary shall issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 832), in such amounts, and at such times, as may be necessary to—

(1) pay any amounts required pursuant to the guarantee of the principal amount of an obligation under section 511 of the Act (45 U.S.C. 831) for any eligible freight rail project described in subsection (c) during the period that the guaranteed obligation is outstanding; and

(2) during the period referred to in paragraph (1), meet the applicable requirements of this section and sections 511 and 513 of the Act (45 U.S.C. 832 and 833).

(c) ELIGIBILITY.—Assistance provided under this section shall be limited to those freight rail projects located in the United States that provide intermodal connections that enhance cross-border traffic in the border region.

(d) LIMITATION.—Notwithstanding any other provision of law, the aggregate unpaid principal amounts of obligations that may be guaranteed by the Secretary under this section may not exceed $100,000,000 during any of fiscal years 1998 through 2001.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make loan guarantees under this section $10,000,000 for each of fiscal years 1998 through 2001.

SEC. 8. REPORT.

(a) IN GENERAL.—The Secretary shall annually submit to Congress and the Governor of each border State a report concerning—

(1) the volume and nature of international commercial vehicle traffic crossing the border between the United States and Mexico; and

(2)(A) the number of international commercial vehicle inspections conducted by each border State at each United States port of entry; and

(B) the rate of out-of-service violations of international commercial vehicles found through the inspections.

(b) INFORMATION PROVIDED BY UNITED STATES CUSTOMS SERVICE.—For the purpose of preparing each report under subsection (a)(1), the Commissioner of Customs shall provide to the Secretary such information described in subsection (a)(1) as the Commissioner has available.

By Mr. LAUTENBERG (for himself and Mr. WELLSTONE):

S. 1892. A bill to reward States for collecting Medicaid funds expended on tobacco-related illnesses, and for other purposes; to the Committee on Finance.

THE TOBACCO MEDICAID RECOVERY ACT OF 1996

Mr. LAUTENBERG. Mr. President, I rise to introduce the Tobacco Medicaid Recovery Act, along with Senator WELLSTONE.

This bill will create a new Federal/State partnership to help recover Medicaid costs associated with tobacco use.

Mr. President, for years, the tobacco industry has hooked Americans on products that cause death and disease. They've made billions of dollars in the process. But they've never been held accountable.

When big tobacco sells it's deadly products, all Americans pay the price. Not only through the mothers and fathers, sisters and brothers who are lost to lung cancer and other diseases. But through the higher taxes that must be paid to support programs like Medicaid.

Mr. President, 10 courageous states are suing the tobacco industry for the large Medicaid costs associated with tobacco use. There are two other states, including New Jersey, that will soon file suit and 10 others that may file before the summer is out. These suits enjoy bipartisan support from Democratic and Republican governors and Democratic and Republican state attorney generals. In fact, I was pleased to be joined this morning in unveiling this legislation with Mike Moore, attorney general from Mississippi, Hubert "Skip" Humphrey, attorney general from Minnesota, and Bob Butterworth, attorney general from Florida. They are all leaders in suing the tobacco industry for Medicaid costs and strongly support this legislation. The Minnesota suit is being supported by its Republican Governor, Arne Carlson, and the Florida suit is being supported by its Democratic Governor, our former colleague Lawton Chiles.

Mr. President, the tobacco industry is fighting hard to avoid being held accountable. It doesn't just use every hardball legal tactic in the book. It has even sent its hired guns into state attorney generals' offices to intimidate them.

In one case, a state official was warned not to sue the industry—and if the state did, the industry would force the state to pay enormous sums—including the possible deposition of every single Medicaid recipient in that state.

Mr. President, the courageous states, like Mississippi, Minnesota and Florida, who have taken on the tobacco companies deserve more Federal support—because they are doing the Federal taxpayers' bidding. If they are successful in their litigation, they must return the Federal portion of Medicaid funds to Washington. The Federal government should be helping them get this money, not sitting on its hands.

This legislation would allow the states to keep a third of the Federal portion to better serve the needs of their Medicaid recipients—their seniors, disabled, poor children and pregnant women.

Another third of the Federal share would go to the National Institutes of Health to conduct research on the diseases caused by tobacco products, like lung cancer and heart disease.

Finally, the balance would go into the Federal Treasury to help reduce the deficit.

Currently, many states are sitting on the fence, thinking how difficult and expensive it will be to sue the tobacco

industry. This bill may get them off the fence, and into battle with the industry.

Mr. President, it is time for the Federal government to help states get the taxpayers' money back. It is time to reward the states for trying to hold the tobacco companies accountable, and provide an incentive for those considering entering the fray.

This bill could provide states with millions in much needed Medicaid funds. It could increase funding for the National Institutes of Health. And it will not increase the deficit.

I urge my colleagues on both sides of the aisle to support this common sense legislation that will help our state taxpayers.

Mr. President, I ask unanimous consent the text of the legislation and a summary of it be printed in the RECORD.

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

S. 1892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tobacco Medicaid Recovery Act of 1996".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Federal taxpayers pay for approximately $20,000,000,000 each year in Federal health expenditures to treat tobacco-related illnesses, including expenditures incurred under the medicare and medicaid programs operated under titles XVIII and XIX of the Social Security Act, health care programs carried out by the Secretary of Veterans Affairs under chapter 17 of title 38, United States Code, and other Federal health care programs. These expenditures often contribute to an increase in the Federal budget deficit.

(2) According to the Centers for Disease Control and Prevention, tobacco-related illnesses cost the medicaid program under title XIX of the Social Security Act $5,100,000,000 each year.

(3) The efforts of several States that are attempting under Federal law, including in some cases, under the Federal anti-racketeering statutes, or under State law, to recover the health care costs incurred under the medicaid program for the treatment of individuals with diseases attributable to the use of tobacco products from the manufacturers of such products, are to be commended.

(b) PURPOSE.—The purpose of this Act is to reward States that successfully recover the Federal and State health care costs incurred under the medicaid program for the treatment of individuals with diseases attributable to the use of tobacco products by providing increased funding for their medicaid programs and to provide increased resources to the National Institutes of Health.

SEC. 3. INCENTIVE PAYMENTS FOR COLLECTION OF MEDICAID FUNDS EXPENDED ON TOBACCO-RELATED ILLNESSES.

(a) FINANCIAL REWARD FOR SUCCESSFUL RECOVERIES.—Section 1903(d) of the Social Security Act (42 U.S.C. 1396b(d)) is amended by adding at the end the following new paragraph:

"(7)(A) Notwithstanding any other provision of law, if a State recovers, by judgment in, or settlement of, any suit arising under Federal or State law, amounts expended as medical assistance under the State plan for the treatment of individuals with diseases attributable to the use of tobacco products, from a manufacturer of tobacco products, the State shall notify the Secretary of the amount of such recovery. Upon receipt of such a notice, the Secretary shall determine the amount of Federal expenditures under this title that are attributable to the amounts recovered, based on the Federal medical assistance percentage, as defined in section 1905(b), for such State. The Secretary shall treat the amount so determined as an overpayment under this section, in accordance with paragraph (2)(A), and with respect to such amount shall do the following:

"(i) Provide that the State shall retain ⅓ of such amount, for the purpose of using such funds to meet the non-Federal share of expenditures under the State plan with respect to which payments may be made under this title.

"(ii) Pay ⅓ of such amount to the Director of the National Institutes of Health, for the purpose of conducting disease research.

"(B) Any amount of new budget authority or outlays resulting from the provisions of this paragraph shall not be counted for any purpose under section 251 or 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(C) For purposes of this paragraph—

"(i) the term 'manufacturer of tobacco products' has the meaning given such term by section 5702(d) of the Internal Revenue Code of 1986; and

"(ii) the term 'tobacco products' has the meaning given such term by section 5702(c) of such Code.".

(b) CONFORMING AMENDMENT.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting "; and"; and

(3) by inserting after paragraph (62) the following new paragraph:

"(63) provide that the State shall provide prompt notice to the Secretary of the amount of any recovery from a manufacturer of tobacco products, as defined in section 1903(d)(7)(C)(i), of expenditures for medical assistance provided under such plan for the treatment of individuals with diseases attributable to the use of tobacco products, as defined in section 1903(d)(7)(C)(ii).".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to amounts recovered on and after the date of the enactment of this Act.

LAUTENBERG BILL TO REWARD STATES FOR RECOUPING MEDICAID EXPENDITURES FOR TOBACCO-RELATED ILLNESSES

This legislation recognizes the following:

States who sue the tobacco industry for Medicaid costs face tremendous expenses, intimidation and extraordinary legal tactics from the tobacco industry.

Pursuant to the Medicaid statute and other legal interpretations, states must return the Federal Medicaid share of any award to the Federal government.

States should be rewarded for their efforts to recoup Federal tax dollars.

This bill will do the following:

Upon a settlement or a jury award between a state and a tobacco company, the Federal government shall return 33 percent of the Federal share of the award to the states to be used in their Medicaid programs.

Another 33 percent of the Federal share shall be placed in an NIH Trust Fund to be used for research on lung cancer, heart disease and other illnesses.

The final 34 percent of the Federal share shall be used for deficit reduction.

By Mrs. FEINSTEIN:

S. 1893. A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes; to the Committee on Indian Affairs.

THE TORRES-MARTINEZ SETTLEMENT AGREEMENT ACT OF 1996

Mrs. FEINSTEIN. Mr. President, today I rise to introduce legislation that will ratify the settlement agreement negotiated by the U.S. Departments of the Interior and Justice, Imperial Irrigation Water District, Coachella Valley Water District, and the Torres-Martinez Desert Cahuilla Indian Tribe. This settlement agreement resolves a long standing dispute to replace reservation lands the Torres-Martinez Tribe lost due to flooding from the Salton Sea.

In 1876, the Torres-Martinez Indian Reservation was created by a 640-acre section of land in Coachella Valley, California at the northern end of the Salton Sink. The Reservation was expanded in 1891 adding approximately 12,000 acres to the original 640-acre reservation. Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the reservation lands. In 1909, an additional 9,000 acres of land were then submerged under the Salton Sea.

Today, the federal government holds 25,000 acres of the reservation in trust for the Tribe. Of this parcel, 11,800 acres is either currently under water or has been condemned as uninhabitable due to runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea. Since 1982, the United States government, acting for the Tribe, has been negotiating with the Imperial and Coachella Valley Water Districts to compensate the Tribes for the loss of their reservation lands.

In the settlement agreement, the Torres-Martinez Indian Tribe will receive $14 million: $10 million from the U.S. government and $4 million from the water districts. From these funds, the Tribe can acquire and take into trust 11,800 acres of land. Of these parcels, 11,160 must be contiguous to existing reservation land. The Tribe can acquire the remaining 640 acres within the Coachella Valley only if the local governing body or Riverside County does not object. The Tribe's right to conduct gaming on lands taken into trust is limited and restricted to one gaming operation on one site.

In return, the irrigation districts would be granted a permanent flowage easement over tribal and Federal lands

within the minus 220 foot contour of the Salton Sink.

The settlement of this land dispute has been a major concern for many years. It has taken more than ten years for all parties involved to reach a consensus on the settlement agreement. There have been competing interests and priorities for everyone involved, including completion of the construction of the Route 86 Expressway project.

All parties involved in negotiating this settlement agreement have worked hard to reach a consensus to implement this agreement. The Tribe has agreed to give local communities the right to veto its purchase of land and Riverside County has passed a resolution in support of this settlement agreement. Moreover, construction of Route 86 will progress.

I commend the Departments of the Interior and Justice, the Coachella and Imperial Water Districts, and the Torres-Martinez Tribe for remaining committed to resolving this issue.

Mr. President, I ask unanimous consent that the resolution passed by Riverside County in support of the agreement and correspondence I have received from the Water Districts and the Torres-Martinez Tribe indicating the accuracy of this legislation in completely implementing the settlement agreement, be printed in the RECORD following my remarks.

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

(See Exhibit 1.)

Mrs. FEINSTEIN. Mr. President, Congressman Sonny Bono introduced identical legislation last Thursday and the Native American and Insular Affairs Subcommittee of the House Resources Committee has scheduled hearings this afternoon on this legislation. I look forward to working with the Senate Committee on Indian Affairs to implement this agreement in law and the Appropriations Committee to provide funds as outlined in the settlement agreement.

I hope my colleagues will join me today in enacting this legislation.

EXHIBIT 1

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

From: Supervisor Wilson.

Subject: Support of Legislation for Settlement With Torres-Martinez Indian Tribe.

Recommended Motion: That the Board take a position in support of the attached draft legislation, proposed by Congressman Sonny Bono and providing for settlement with the Torres-Martinez Indian Tribe by providing compensation for acquisition of lands in the Coachella Valley; further, direct the county Executive Office to immediately forward copies of the Board Minute Order to members of California's Congressional delegation.

Justification: The accidental creation of the Salton Sea in 1905–1907 resulted in approximately 12,000 acres of Torres-Martinez Indian Tribal lands in the southeastern Coachella Valley being either underwater or unusable. There has been litigation since 1982 by the Federal Government on behalf of the Tribe against Coachella Valley Water District and Imperial Irrigation District, and the Tribe itself filed litigation in 1991. In addition to the issue of compensation to the Tribe, the completion of Highway 86 is also at risk, as the alignment and construction of the highway is contingent on right-of-way on existing Tribal lands.

The attached draft legislation has been developed in consultation with all parties, and I am advised that all are in agreement with its provisions. It provides the Tribe with funds to acquire 12,000 acres, either in entirety in the "primary" acquisition area (Avenue 56, also known as Airport Blvd., south to the Riverside/Imperial County line) which is adjacent to existing Tribal lands, or up to 640 acres (out of the total 12,000) in the "secondary" acquisition area (the remainder of the Coachella Valley, generally from Desert Hot Springs southeast to Avenue 56).

Finally, the legislation authorizes the Tribe to establish a single gaming site, and provides land use jurisdiction within the secondary acquisition area with the ability to protest acquisition/conversion of land to Tribal status within 60 days of being notified of the Tribe's intent.

County Counsel worked directly with Congressman Bono's staff in development of the draft legislation, and I urge the Board's support of this proposed settlement.

ROY WILSON.

BAYH, CONNAUGHTON & MALONE, P.G.
Washington, DC, June 14, 1996.

Hon. DIANNE FEINSTEIN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I would like to transmit correspondence from Coachella Valley Water District, the Imperial Irrigation District and the Torres-Martinez Desert Cahuilla Indians regarding the Torres-Martinez settlement legislation (H.R. 3640).

For the past four years, on behalf of the water districts and in full cooperation with the Tribe, I have assisted in facilitating this settlement through the Departments of the Interior and Justice. The legislation introduced by Rep. Bono in the House accurately and completely implements the settlement agreement. Thus, all parties support enactment of this legislation and ask that you sponsor the companion bill on the Senate side.

We appreciate your consideration of our request and are grateful for all of the help we have received from Mia Ellis, Susy Elfving and your other staff members over the past several years. We are close to the finish line and we ask that you and Senator Boxer help us on the Senate side in enacting this legislation that is so critical to both the Tribe and the water users in the Imperial and Coachella Valleys of California.

Thank you.

Sincerely,

JOSEPH FINDARO.

COACHELLA VALLEY WATER DISTRICT,
Coachella, CA, June 14, 1996.

Hon. DIANE FEINSTEIN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The text of the Torres-Martinez settlement legislation (introduced by Congressman Bono in the House as H.R. 3640) accurately and completely implements the settlement agreement. We, therefore, support enactment of this legislation and request that you sponsor this legislation in the Senate.

Yours very truly,

TOM LEVY,
General Manager-Chief Engineer.

IMPERIAL IRRIGATION DISTRICT,
Imperial, CA, June 14, 1996.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I sincerely appreciate your consideration of our request to carry the Senate companion bill to authorize the Torres-Martinez land claims settlement.

The text of the Torres-Martinez settlement legislation (introduced in the House by Rep. Bono as H.R. 3640) accurately and completely implements the settlement agreement. We therefore support enactment of this legislation and request that you sponsor this legislation in the Senate.

Again, thank you for your assistance.

Sincerely,

ERIC E. YODER,
Government Relations.

THE TORRES MARTINEZ
DESERT CAHUILLA INDIANS,
Thermal, CA, June 14, 1996.

Hon. DIANNE FEINSTEIN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The text of the Torres-Martinez settlement legislation (introduced by Rep. Bono in the House as H.R. 3640) accurately and completely implements the settlement agreement. We therefore support enactment of this legislation and request that you sponsor this legislation in the Senate.

We thank you for all of your assistance.

Sincerely,

MARY E. BELARDO,
Chairperson.

LAW OFFICES OF
THOMAS E. LUEBBEN,
Albuquerque, NM, June 14, 1996.

Attention: Mia Ellis.

Re Torres-Martinez settlement legislation, H.B. 3640.

Hon. DIANNE FEINSTEIN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The text of the Torres-Martinez settlement legislation (introduced by Rep. Bono in the House as H.R. 3640) accurately and completely implements the settlement agreement. We therefore support enactment of this legislation and request that you sponsor this legislation in the Senate.

Sincerely,

RICHARD L. YOUNG,
Attorney for Torres-Martinez,
Desert Cahuilla Indians.

CITY OF DESERT HOT SPRINGS,
Desert Hot Springs, CA, June 10, 1996.

Hon. DIANNE FEINSTEIN,
Senate, Hart Senate Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: Soon President Clinton is expected to approve a settlement of claims by the Torrez-Martinez Desert Cahuilla Indian Tribe regarding the Salton Sea. The Imperial Irrigation District and our district will be signing this agreement along with the Tribe and the Federal government.

This settlement resolve long-standing disputes concerning land and water use in our region of California. At the local level, there is widespread support finally settling the dispute and for swift enactment of legislation

to implement this settlement. We, therefore, urge you to sponsor this legislation for introduction in the Senate concurrently with House introduction.

The Cahuilla Indian Tribe will receive $14 million, approximately $4 million from the two water districts and $10 million from the federal government. The districts will receive permanent flowage easements, the Tribe will be able to purchase new lands, and local water rights will be protected.

We appreciate the attention your staff has given this matter over the last several years and look forward to working with you to obtain implementing legislation.

Sincerely,

GERALD F. PISHA,
Mayor.

ADDITIONAL COSPONSORS

S. 794

At the request of Mr. LUGAR, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 912

At the request of Mr. KOHL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes.

S. 949

At the request of Mr. WARNER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1402

At the request of Mr. CRAIG, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1402, a bill to amend the Waste Isolation Pilot Plant Land Withdrawal Act, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Florida [Mr. MACK], the Senator from Tennessee [Mr. FRIST], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1641

At the request of Mr. GRAMS, the names of the Senator from Tennessee [Mr. FRIST] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1641, a bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes.

S. 1731

At the request of Mr. CRAIG, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1731, a bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1811

At the request of Mr. MACK, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1811, a bill to amend the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property" to confirm and clarify the authority and responsibility of the Secretary of the Army, acting through the Chief of Engineers, to promote and carry out shore protection projects, including beach nourishment projects, and for other purposes.

S. 1815

At the request of Mr. GRAMM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1815, a bill to provide for improved regulation of the securities markets, eliminate excess securities fees, reduce the costs of investing, and for other purposes.

SENATE RESOLUTION 238

At the request of Mr. HELMS, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of Senate Resolution 238, a resolution expressing the sense of the Senate that any budget or tax legislation should include expanded access to individual retirement accounts.

AMENDMENT NO. 4048

At the request of Mr. DORGAN the names of the Senator from California [Mrs. BOXER] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of amendment No. 4048 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

INOUYE AMENDMENT NO. 4050

Mr. INOUYE proposed an amendment to the bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities for the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

SECTION 1. CHIEF AND ASSISTANT CHIEF OF ARMY NURSE CORPS.

(a) CHIEF OF ARMY NURSE CORPS.—Subsection (b) of section 3069 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "major" and inserting in lieu thereof "lieutenant colonel";

(2) by inserting after the first sentence the following: "An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general."; and

(3) in the last sentence, by inserting "to the same position" before the period at the end.

(b) ASSISTANT CHIEF.—Subsection (c) of such section is amended by striking out "major" in the first sentence and inserting in lieu thereof "lieutenant colonel".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade

(2) The item relating to such section in the table of sections at the beginning of chapter 307 of title 10, United States Code, is amended to read as follows:

"3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade.".

SEC. 2. CHIEF AND ASSISTANT CHIEF OF AIR FORCE NURSE CORPS.

(a) POSITIONS AND APPOINTMENT.—Chapter 807 of title 10, United States Code, is amended by inserting after section 8067 the following:

"§ 3069. Air Force nurses: Chief and assistant chief; appointment; grade

"(a) POSITIONS OF CHIEF AND ASSISTANT CHIEF.—There are a Chief and assistant chief of the Air Force Nurse Corps.

"(b) CHIEF.—The Secretary of the Air Force shall appoint the Chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than three years, and may not be reappointed to the same position.

"(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after section 8067 the following:

"3069. Air Force Nurse Corps: Chief and assistant chief; appointment; grade.".

GRASSLEY AMENDMENT NO. 4051

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Insert page 108, at the end of line 5, a new Section 368:

SEC. 368. TRANSFER OF EXCESS PERSONAL PROPERTY TO SUPPORT LAW ENFORCEMENT ACTIVITIES.

(a) TRANSFER AUTHORITY.—(1) Chapter 153 of title 10, United States Code, is amended by inserting after section 2576 the following new section:

"§ 2576a. Excess personal property: sale or donation for law enforcement activities

"(a) TRANSFER AUTHORIZED.—(1) Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Defense may transfer to Federal and State agencies personal property of the Department of Defense, including small arms and ammunition, that the Secretary determines is—

"(A) suitable for use by the agencies in law enforcement activities, including counterdrug activities; and

"(B) excess to the needs of the Department of Defense.

"(2) The Secretary shall carry out this section in consultation with the Attorney General and the Director of National Drug Control Policy.

"(b) CONDITIONS FOR TRANSFER.—The Secretary may transfer personal property under this section only if—

"(1) the property is drawn from existing stocks of the Department of Defense; and

"(2) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment.

"(c) CONSIDERATION.—Personal property may be transferred under this section without cost to the recipient agency.

"(d) PREFERENCE FOR CERTAIN TRANSFERS.—In considering applications for the transfer of personal property under this section, the Secretary shall give a preference to those applications indicating that the transferred property will be used in the counterdrug activities of the recipient agency."

(2) The table of sections at the beginning of such chapters is amended by inserting after the item relating to section 2576 the following new item:

"2576a. Excess personal property: sale or donation for law enforcement activities."

(b) CONFORMING AMENDMENTS.—(1) Section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 10 U.S.C. 372 note) is repealed.

(2) Section 1005 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1630) is amended by striking out "section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 372 note) and section 372" and inserting in lieu thereof "sections 372 and 2576a".

GRAMS (AND OTHERS) AMENDMENT NO. 4052

Mr. GRAMS (for himself, Mr. ROBB, and Mr. LEAHY) proposed an amendment to the bill, S. 1745, surpa; as follows:

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

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 1791, President George Washington commissioned Pierre Charles L'Enfant to draft a blueprint for America's new capital city; they envisioned Pennsylvania Avenue as a bold, ceremonial boulevard physically linking the U.S. Capitol building and the White House, and symbolically the Legislative and Executive branches of government.

(2) An integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as "America's Main Street".

(3) 1600 Pennsylvania Avenue, the White House, has become America's most recognized address and a primary destination of visitors to the Nation's Capital; "the People's House" is host to 5,000 tourists daily, and 15,000,000 annually.

(4) As home to the President, and given its prominent location on Pennsylvania Avenue and its proximity to the People, the White House has become a powerful symbol of freedom, openness, and an individual's access to their government.

(5) On May 20, 1995, citing possible security risks from vehicles transporting terrorist bombs, President Clinton ordered the Secret Service, in conjunction with the Department of the Treasury, to close Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House.

(6) While the security of the President and visitors to the White House is of grave concern and is not to be taken lightly, the need to assure the President's safety must be balanced with the expectation of freedom inherent in a democracy; the present situation is tilted too heavily toward security at freedom's expense.

(7) By impeding access and imposing undue hardships upon tourists, residents of the District, commuters, and local business owners and their customers, the closure of Pennsylvania Avenue, undertaken without the counsel of the government of the District of Columbia, has replaced the former openness of the area surrounding the White House with barricades, additional security checkpoints, and an atmosphere of fear and distrust.

(8) In the year following the closure of Pennsylvania Avenue, the taxpayers have borne a significant burden for additional security measures along the Avenue near the White House.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should direct the Department of the Treasury and the Secret Service to work with the Government of the District of Columbia to develop a plan for the permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House in order to restore the Avenue to its original state and return it to the people.

FORD (AND BROWN) AMENDMENTS NOS. 4053-4054

(Ordered to lie on the table.)

Mr. FORD (for himself and Mr. BROWN) submitted two amendments intended to be proposed by them to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4053

At the end of subtitle B of title I, add the following:

SEC. 113. DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS.

(a) PILOT PROGRAM.—(1) The Secretary of Energy and the Secretary of Defense shall jointly conduct a pilot program to identify and demonstrate technologies for demilitarization of assembled chemical munitions that are feasible alternatives to incineration of such munitions.

(2) For the purpose of paragraph (1), the term "assembled chemical munition" means an entire chemical munition, including component parts, chemical agent, propellant, and explosive.

(b) PROGRAM REQUIREMENTS.—(1) The Secretary of Energy shall enter into a contract for carrying out the pilot program.

(2) The contract shall provide for—

(A) the United States and the contractor to share the costs of the contractor's activities under the pilot program equally when the Secretary of Energy determines that such a cost sharing arrangement is feasible; and

(B) subject to paragraph (3), the contractor to be liable for any claim under the pilot program only with respect to activities performed by or under the exclusive control of the contractor.

(3) The aggregate amount of the liability of the contractor under paragraph (2)(B) may not exceed $50,000,000. The United States shall be liable for and indemnify the contractor for any liability of the contractor under the pilot program in excess of such amount.

(4) The pilot program shall terminate not later than September 30, 1999.

(c) EVALUATION AND REPORT.—Not later than December 31, 1999, the Secretary of Energy and the Secretary of Defense shall jointly—

(1) evaluate each alternative technology identified and demonstrated feasible under the pilot program; and

(2) submit to Congress a report containing the evaluation.

(d) LIMITATIONS ON CONTRACTING FOR BASELINE INCINERATION.—(1) Notwithstanding any other provision of law, the Secretary of Defense shall not enter into any contract for the purchase of long lead materials for the construction of any incinerator in the State of Kentucky for the incineration of chemical munitions known as "baseline incineration" before—

(A) the expiration of 60 days of continuous session of Congress after the date on which the report required under subsection (c) is received by Congress; and

(B) the transfer required by subsection (e)(2) has been completed.

(2) For the purposes of paragraph (1)(A)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) FUNDING, TRANSFER, AND ADDITIONAL LIMITATION.—(1)(A) Of the amount authorized to be appropriated under section 107, $60,000,000 shall be available for the pilot program under this section.

(B) The funds made available under subparagraph (A) may not be derived from funds to be made available under the chemical demilitarization program for the alternative technologies research and development program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be transferred to the Secretary of Energy for use for the pilot program.

(3) No funds authorized to be appropriated by section 107 may be obligated until the transfer required by paragraph (2) has been made. The limitation in the preceding sentence is in addition to the limitation in subsection (d)(1)(B).

AMENDMENT NO. 4054

At the end of subtitle B of title I, add the following:

SEC. 113. DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to

incineration for the demilitarization of assembled chemical munitions.

(b) PROGRAM REQUIREMENTS.—The Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) ANNUAL REPORT.—Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) EVALUATION AND REPORT.—Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is a safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e) LIMITATION ON LONG LEAD CONTRACTING.—Notwithstanding any other provision of law, the Secretary may not enter into any contract for the purchase of long lead materials for the construction of an incinerator at any site in Kentucky or Colorado until the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky and Colorado for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(f) ASSEMBLED CHEMICAL MUNITION DEFINED.—For the purpose of this section, the term "assembled chemical munition" means an entire chemical munition, including components parts, chemical agent, propellant, and explosive.

(g) FUNDING.—(1) Of the amount authorized to be appropriated under section 107, $60,000,000 shall be available for the pilot program under this section.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

(3) No funds authorized to be appropriated by section 107 may be obligated until funds are made available to the executive agent under paragraph (2).

KERRY (AND OTHERS) AMENDMENT NO. 4055

Mr. KERRY (for himself, Mr. MCCAIN, Mr. KERREY, Mr. SMITH, Mr. PRESSLER, Mr. ROBB, Mr. DASCHLE, Mr. LEAHY, and Mr. MOYNIHAN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle E of title VI add the following:

SEC. 643. PAYMENT TO VIETNAMESE COMMANDOS CAPTURED AND INTERNED BY NORTH VIETNAM.

(a) PAYMENT AUTHORIZED.—(1) The Secretary of Defense shall make a payment to any person who demonstrates that he or she was captured and incarcerated by the Democratic Republic of Vietnam after having entered into the territory of the Democratic Republic of Vietnam pursuant to operations conduction under OPLAN 34A or its predecessor.

(2) No payment may be made under this Section to any individual who the Secretary of Defense determines, based on the available evidence, served in the Peoples Army of Vietnam or who provided active assistance to the Government of the Democratic Republic of Vietnam during the period 1958 through 1975.

(3) In the case of a decedent who would have been eligible for a payment under this section if the decedent had lived, the payment shall be made to survivors of the decedent in the order in which the survivors are listed, as follows:

(A) To the surviving spouse.

(B) If there is no surviving spouse, to the surviving children (including natural children and adopted children) of the decedent, in equal shares.

(b) AMOUNT PAYABLE.—The amount payable to or with respect to a person under the section is $40,000.

(c) TIME LIMITATIONS.—(1) In order to be eligible for payment under this section, the claimant must file his or her claim with the Secretary of Defense within 18 months of the effective date of the regulations implementing this Section.

(2) Not later than 18 months after the Secretary receives a claim for payment under this section—

(A) the claimant's eligibility for payment of the claim under subsection (a) shall be determined; and

(B) if the claimant is determined eligible, the claim shall be paid.

(d) DETERMINATION AND PAYMENT OF CLAIMS.—(1) SUBMISSION AND DETERMINATION OF CLAIMS. The Secretary of Defense shall establish by regulation procedures whereby individuals may submit claims for payment under this Section. Such regulations shall be issued within 6 months of the date of enactment of this Act.

(2) PAYMENT OF CLAIMS.—The Secretary of Defense, in consultation with the other affected agencies, may establish guidelines for determining what constitutes adequate documentation that an individual was captured and incarcerated by the Democratic Republic of Vietnam after having entered the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the total amount authorized to be appropriated under section 301, $20,000,000 is available for payment under this section. Notwithstanding Sec. 301, that amount is authorized to be appropriated so as to remain available until expended.

(f) PAYMENT IN FULL SATISFACTION OF CLAIMS AGAINST THE UNITED STATES.—The acceptance of payment by an individual under this section shall be in full satisfaction of all claims by or on behalf of that individual against the United States arising from operations under OPLAN 34A or its predecessor.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this Section, more than ten percent of a payment made under this Section on such claim.

(h) NO RIGHT TO JUDICIAL REVIEW.—All determinations by the Secretary of Defense pursuant to this Section are final and conclusive, notwithstanding any other provision of law. Claimants under this program have no right to judicial review, and such review is specifically precluded.

(I) REPORTS.—(1) No later than 24 months after the enactment of this Act, the Secretary of Defense shall submit a report to the Congress on the payment of claims pursuant to this section.

(2) No later than 42 months after the enactment of this Act, the Secretary of Defense shall submit a final report to the Congress on the payment of claims pursuant to this section.

REID AMENDMENT NO. 4056

Mr. REID proposed an amendment to amendment No. 4052 proposed by Mr. GRAMS to the bill, S. 1745, supra; as follows:

At the end of the amendment add the following: "provided that the Secretary of the Treasury and the Secret Service certify that the plan protects the security of the people who live and work in the White House."

CRAIG (AND OTHERS) AMENDMENT NO. 4057

Mr. CRAIG for himself, Mr. BINGAMAN, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. BURNS, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEVIN, Ms. SNOWE, Mr. MURKOWSKI, Mrs. BOXER, Mr. HELMS, and Mr. COHEN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

SEC. . SENSE OF SENATE REGARDING THE UNITED STATES-JAPAN SEMICONDUCTOR TRADE AGREEMENT.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and Japan share a long and important bilateral relationship which serves as an anchor of peace and stability in the Asia Pacific region, an alliance which was reaffirmed at the recent summit meeting between President Clinton and Prime Minister Hashimoto in Tokyo.

(2) The Japanese economy has experienced difficulty over the past few years, demonstrating that it is no longer possible for Japan, the world's second largest economy, to use exports as the sole-engine of economic growth, but that the Government of Japan

must promote deregulation of its domestic economy in order to increase economic growth.

(3) Deregulation of the Japanese economy requires government attention to the removal of barriers to imports of manufactured goods.

(4) The United States-Japan Semiconductor Trade Agreement has begun the process of deregulation in the semiconductor sector and is opening the Japanese market to competitive foreign products.

(5) The United States-Japan Semiconductor Trade Agreement has put in place both government-to-government and industry-to-industry mechanisms which have played a vital role in allowing cooperation to replace conflict in this important high technology sector.

(6) The mechanisms include joint calculation of foreign market share, deterrence of dumping, and promotion of industrial cooperation in the design of foreign semiconductor devices.

(7) Because of these actions under the United States-Japan Semiconductor Trade Agreement, the United States and Japan today enjoy trade in semiconductors which is mutually beneficial, harmonious, and free from the friction that once characterized the semiconductor industry.

(8) Because of structural barriers in Japan, a gap still remains between the share of the world market for semiconductor products outside Japan that the United States and other foreign semiconductor sources are able to capture through competitiveness and the share of the Japanese semiconductor market that the United States and those other courses are able to capture through competitiveness, and that gap is consistent with the full range of semiconductor products as well as a full range of end-use applications.

(9) The competitiveness and health of the United States semiconductor industry is of critical importance to the overall economic well-being and high technology defense capabilities of the United States.

(10) The economic interests of both the United States and Japan are best served by well functioning, open markets, deterrence of dumping, and continuing good cooperative relationships in all sectors, including semiconductors.

(11) A strong and healthy military and political alliance between the United States and Japan requires continuation of the industrial and economic cooperation promoted by the United States-Japan Semiconductor Trade Agreement.

(12) President Clinton has called on the Government of Japan to agree to a continuation of a United States-Japan Semiconductor Trade Agreement beyond the current agreement's expiration on July 31, 1996.

(13) The Government of Japan has opposed any continuation of a government-to-government agreement to promote cooperation in United States-Japan semiconductor trade.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is regrettable that the Government of Japan has refused to consider continuation of a government-to-government agreement to ensure that cooperation continues in the semiconductor sector beyond the expiration of the Semiconductor Trade Agreement on July 31, 1996; and

(2) the President should take all necessary and appropriate actions to ensure the continuation of a government-to-government United States-Japan Semiconductor Trade Agreement before the current agreement expires on that date.

(c) DEFINITION.—As used in this section, the term "United States-Japan Semiconductor Trade Agreement" refers to the agreement between the United States and Japan concerning trade in semiconductor products, with arrangement, done by exchange of letters at Washington on June 11, 1991.

BINGAMAN (AND BUMPERS) AMENDMENT NO. 4058

Mr. BINGAMAN (for himself and Mr. BUMPERS) proposed an amendment to the bill, S. 1745, supra; as follows:

Beginning on page 32, strike out line 22 and all that follows through page 33, line 21, and insert in lieu thereof the following:

SEC. 212. SPACE CONTROL ARCHITECTURE STUDY.

(A) REQUIRED CONSIDERATION OF KINETIC ENERGY TACTICAL ANTISATELLITE PROGRAM.—The Department of Defense Space Architect shall evaluate the potential cost and effectiveness of the inclusion of the kinetic energy tactical antisatellite program of the Department of Defense as a specific element of the space control architecture which the Space Architect is developing for the Secretary of Defense.

(b) CONGRESSIONAL NOTIFICATION OF ANY DETERMINATION OF INAPPROPRIATENESS OF PROGRAM FOR ARCHITECTURE.—(1) If at any point in the development of the space control architecture the Space Architect determines that the kinetic energy tactical antisatellite program is not appropriate for incorporation into the space control architecture under development, the Space Architect shall immediately notify the congressional defense committees of such determination.

(2) Within 60 days after submitting a notification of a determination under paragraph (1), the Space Architect shall submit to the congressional defense committees a detailed report setting forth the specific reasons for, and analytical findings supporting, the determination.

(c) REPORT ON APPROVED ARCHITECTURE.—Not later than March 31, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the space control architecture approved by the Secretary. The report shall include the following:

(1) An assessment of the potential threats posed to deployed United States military forces by the proliferation of foreign military and commercial space assets.

(2) The Secretary's recommendations for development and deployment of space control capabilities to counter such threats.

(d) FUNDING.—(1) The Secretary of Defense shall release to the kinetic energy tactical antisatellite program manager the funds appropriated in fiscal year 1996 for the kinetic energy tactical antisatellite program. The Secretary may withdraw obligated balances of such funds from the program manager only if—

(A) the Space Architect makes a determination described in subsection (b)

(B) a report submitted by the Secretary pursuant to subsection (c) includes a recommendation not to pursue such a program.

(2) Not later than April 1, 1997, the Secretary of Defense shall release to the Kinetic energy tactical antisatellite program manager any funds appropriated for fiscal year 1997 for a kinetic energy tactical antisatellite program pursuant to section 221(a) unless—

(A) the Space Architect has by such date submitted a notification pursuant to subsection (b); or

(B) a report submitted by the Secretary pursuant to subsection (c) includes a recommendation not to pursue such a program.

Beginning on page 42, strike out line 15 and all that follows through page 43 line.

MURRAY (AND OTHERS) AMENDMENT NO. 4059

Mrs. MURRAY (for herself, Ms. SNOWE, Mr. KENNEDY, Mr. ROBB, Mr. LAUTENBERG, Mr. SIMON, Mr. BINGAMAN, Mr. INOUYE, Ms. MIKULSKI, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title VII add the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out "(a) RESTRICTION ON USE OF FUNDS.—".

McCAIN (AND MR. GLENN) AMENDMENT NO. 4060

Mr. McCAIN (for himself and Mr. GLENN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title XXVII, add the following:

SEC. 2706. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS NOT REQUESTED BY THE ADMINISTRATION.

Notwithstanding any other provision of this division, the total amount authorized to be appropriated by this division is hereby decreased by $598,764,000.

SIMPSON (AND THOMAS) AMENDMENT NO. 4061

Mr. SIMPSON (for himself and Mr. THOMAS) proposed an amendment to the bill, S. 1745, supra; as follows:

In section 2601(1)(A), strike out "$79,628,000" and insert in lieu thereof "$83,728,000".

REID (AND BRYAN) AMENDMENT NO. 4062

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to the bill, S. 1745, supra; as follows:

In the table in section 2201(a), in the amount column for the item relating to Fallon Naval Air Station, Nevada, strike out "$14,800,000" and insert in lieu thereof "$20,600,000".

Strike out the amount set forth as the total amount at the end of the table in section 2201(a) and insert in lieu thereof "$512,852,000".

In section 2205(a), in the matter preceding paragraph (1), strike out "$2,040,093,000" and insert in lieu thereof "$2,045,893,000".

In section 2205(a)(1), strike out "$507,052,000" and insert in lieu therof "$512,852,000".

In the table in section 2401(a), strike out the item relating to the National Security Agency, Fort Meade, Maryland.

Strike out the amount set forth as the total amount at the end of the table in section 2401(a) and insert in lieu thereof "$502,390,000".

In section 2406(a), in the matter preceding paragraph (1), strike out "$3,421,366,000" and insert in lieu thereof "$3,396,166,000".

In section 2406(a)(1), strike out "$364,487,000" and insert in lieu thereof "$339,287,000".

In section 2601(3)(A), strike out "$208,484,000" and insert in lieu thereof "$209,884,000".

COHEN AMENDMENT NO. 4063

Mr. KEMPTHORNE (for Mr. COHEN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II add the following:

SEC. 223. ADVANCED SUBMARINE TECHNOLOGIES.

(a) AMOUNTS AUTHORIZED FROM NAVY RDT&E ACCOUNT.—Of the amount authorized to be appropriated by section 201(2)—

(1) $489,443,000 is available for the design of the submarine previously designated by the Navy as the New Attack Submarine; and

(2) $100,000,000 is available to address the inclusion on future nuclear attack submarines of core advanced technologies, category I advanced technologies, and category II advanced technologies, as such advanced technologies are identified by the Secretary of Defense in Appendix C of the report of the Secretary entitled "Report on Nuclear Attack Submarine Procurement and Submarine Technology", submitted to Congress on March 26, 1996.

(b) CERTAIN TECHNOLOGIES TO BE EMPHASIZED.—In using funds made available in accordance with subsection (a)(2), the Secretary of the Navy shall emphasize research, development, test, and evaluation of the technologies identified by the Submarine Technology Assessment Panel (in the final report of the panel to the Assistant Secretary of the Navy for Research, Development, and Acquisition, dated March 15, 1996) as having the highest priority for initial investment.

(c) SHIPYARDS INVOLVED IN TECHNOLOGY DEVELOPMENT.—To further implement the recommendations of the Submarine Technology Assessment Panel, the Secretary of the Navy shall ensure that the shipyards involved in the construction of nuclear attack submarines are also principal participants in the process of developing advanced submarine technologies and including the technologies in future submarine designs. The Secretary shall ensure that those shipyards have access for such purpose (under procedures prescribed by the Secretary) to the Navy laboratories and the Office of Naval Intelligence and (in accordance with arrangements to be made by the Secretary) to the Defense Advanced Research Projects Agency.

(d) FUNDING FOR CONTRACTS UNDER 1996 AGREEMENT AMONG THE NAVY AND SHIPYARDS.—In addition to the purposes of which the amount authorized to appropriated by section 201(2) are available under paragraphs (1) and (2) of subsection (a), the amounts available under such paragraphs are also available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the "Memorandum of Agreement Among the Department of the Navy, Electric Boat Corporation (EB), and Newport News Shipbuilding and Drydock Company (NNS) Concerning the New Attack Submarine", dated April 5, 1996, for research and development activities under that memorandum of agreement.

BYRD AMENDMENT NO. 4064

Mr. NUNN (for Mr. BYRD) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle E of title X add the following:

SEC. 1054. ANNUAL REPORT OF RESERVE FORCES POLICY BOARD.

Section 113(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraphs (1), (2), and (4) as subparagraphs (A), (B), and (C), respectively;

(3) by inserting "(1)" after "(e)";

(4) by inserting "and" at the end of subparagraph (B), as redesignated by paragraph (2); and

(5) by adding at the end the following:

"(2) At the same time that the Secretary submits the annual report under paragraph (1), the Secretary shall transmit to the President and Congress a separate report from the Reserve Forces Policy Board on the reserve programs of the Department of Defense and on any other matters that the Reserve Forces Policy Board considers appropriate to include in the report.".

GORTON (AND OTHERS) AMENDMENT NO. 4065

Mr. KEMPTHORNE (for Mr. GORTON, for himself, Mr. COHEN, and Mr. GLENN) proposed an amendment to the bill, S. 1745, supra; as follows:

After the heading for title VII insert the following:

Subtitle A—General

Strike out section 704.

Redesignate section 705 as section 704.

Redesignate section 706 as section 705.

Redesignate section 707 as section 706.

At the end of title VII add the following:

Subtitle B—Uniformed Services Treatment Facilities

SEC. 721. DEFINITIONS.

In this subtitle:

(1) The term "administering Secretaries" means the Secretary of Defense, the Secretary of Transportation, and the Secretary of Health and Human Services.

(2) The term "agreement" means the agreement required under section 722(b) between the Secretary of Defense and a designated provider.

(3) The term "capitation payment" means an actuarially sound payment for a defined set of health care services that is established on a per enrollee per month basis.

(4) The term "covered beneficiary" means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

(5) The term "designated provider" means a public or nonprofit private entity that was a transferee of a Public Health Service hospital or other station under section 987 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 603) and that, before the date of the enactment of this Act, was deemed to be a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code. The term includes any legal successor in interest of the transferee.

(6) The term "enrollee" means a covered beneficiary who enrolls with a designated provider.

(7) The term "health care services" means the health care services provided under the health plan known as the TRICARE PRIME option under the TRICARE program.

(8) The term "Secretary" means the Secretary of Defense.

(9) The term "TRICARE program" means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 722. INCLUSION OF DESIGNATED PROVIDERS IN UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

(a) INCLUSION IN SYSTEM.—The health care delivery system of the uniformed services shall include the designated providers.

(b) AGREEMENTS TO PROVIDE MANAGED HEALTH CARE SERVICES.—(1) After consultation with the other administering Secretaries, the Secretary of Defense shall negotiate and enter into an agreement with each designated provider, under which the designated provider will provide managed health care services to covered beneficiaries who enroll with the designated provider.

(2) The agreement shall be entered into on a sole source basis. The Federal Acquisition Regulation, except for those requirements regarding competition, issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall apply to the agreements as acquisitions of commercial items.

(3) The implementation of an agreement is subject to availability of funds for such purpose.

(c) EFFECTIVE DATE OF AGREEMENTS.—(1) Unless an earlier effective date is agreed upon by the Secretary and the designated provider, the agreement shall take effect upon the later of the following:

(A) The date on which a managed care support contract under the TRICARE program is implemented in the service area of the designated provider.

(B) October 1, 1997.

(2) Notwithstanding paragraph (1), the designated provider whose service area includes Seattle, Washington, shall implement its agreement as soon as the agreement permits.

(d) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—The Secretary shall extend the participation agreement of a designated provider in effect immediately before the date of the enactment of this Act under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) until the agreement required by this section takes effect under subsection (c).

(e) SERVICE AREA.—The Secretary may not reduce the size of the service area of a designated provider below the size of the service area in effect as of September 30, 1996.

(f) COMPLIANCE WITH ADMINISTRATIVE REQUIREMENTS.—(1) Unless otherwise agreed upon by the Secretary and a designated provider, the designated provider shall comply with necessary and appropriate administrative requirements established by the Secretary for other providers of health care services and requirements established by the Secretary of Health and Human Services for risk-sharing contractors under section 1876 of the Social Security Act (42 U.S.C. 1395mm). The Secretary and the designated provider shall determine and apply only such administrative requirements as are minimally necessary and appropriate. A designated provider shall not be required to

comply with a law or regulation of a State government requiring licensure as a health insurer or health maintenance organization.

(2) A designated provider may not contract out more than five percent of its primary care enrollment without the approval of the Secretary, except in the case of primary care contracts between a designated provider and a primary care contractor in force on the date of the enactment of this Act.

SEC. 723. PROVISION OF UNIFORM BENEFIT BY DESIGNATED PROVIDERS.

(a) UNIFORM BENEFIT REQUIRED.—A designated provider shall offer to enrollees the health benefit option prescribed and implemented by the Secretary under section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 1073 note), including accompanying cost-sharing requirements.

(b) TIME FOR IMPLEMENTATION OF BENEFIT.—A designated provider shall offer the health benefit option described in subsection (a) to enrollees upon the later of the following:

(1) The date on which health care services within the health care delivery system of the uniformed services are rendered through the TRICARE program in the region in which the designated provider operates.

(2) October 1, 1996.

(c) ADJUSTMENTS.—The Secretary may establish a later date under subsection (b)(2) or prescribe reduced cost-sharing requirements for enrollees.

SEC. 724. ENROLLMENT OF COVERED BENEFICIARIES.

(a) FISCAL YEAR 1997 LIMITATION.—(1) During fiscal year 1997, the number of covered beneficiaries who are enrolled in managed care plans offered by designated providers may not exceed the number of such enrollees as of October 1, 1995.

(2) The Secretary may waive the limitation under paragraph (1) if the Secretary determines that additional enrollment authority for a designated provider is required to accommodate covered beneficiaries who are dependents of members of the uniformed services entitled to health care under section 1074(a) of title 10, United States Code.

(b) PERMANENT LIMITATION.—For each fiscal year after fiscal year 1997, the number of enrollees in managed care plans offered by designated providers may not exceed 110 percent of the number of such enrollees as of the first day of the immediately preceding fiscal year. The Secretary may waive this limitation as provided in subsection (a)(2).

(c) RETENTION OF CURRENT ENROLLEES.—An enrollee in the managed care program of a designated provider as of September 30, 1997, or such earlier date as the designated provider and the Secretary may agree upon, shall continue receiving services from the designated provider pursuant to the agreement entered into under section 722 unless the enrollee disenrolls from the designated provider. Except as provided in subsection (e), the administering Secretaries may not disenroll such an enrollee unless the disenrollment is agreed to by the Secretary and the designated provider.

(d) ADDITIONAL ENROLLMENT AUTHORITY.—Other covered beneficiaries may also receive health care services from a designated provider, except that the designated provider may market such services to, and enroll, only those covered beneficiaries who—

(1) do not have other primary health insurance coverage (other than medicare coverage) covering basic primary care and inpatient and outpatient services; or

(2) are enrolled in the direct care system under the TRICARE program, regardless of whether the covered beneficiaries were users of the health care delivery system of the uniformed services in prior years.

(e) SPECIAL RULE FOR MEDICARE-ELIGIBLE BENEFICIARIES.—If a covered beneficiary who desires to enroll in the managed care program of a designated provider is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), the covered beneficiary shall elect whether to receive health care services as an enrollee or under part A of title XVIII of the Social Security Act. The Secretary may disenroll an enrollee who subsequently violates the election made under this subsection and receives benefits under part A of title XVIII of the Social Security Act.

(f) INFORMATION REGARDING ELIGIBLE COVERED BENEFICIARIES.—The Secretary shall provide, in a timely manner, a designated provider with an accurate list of covered beneficiaries within the marketing area of the designated provider to whom the designated provider may offer enrollment.

SEC. 725. APPLICATION OF CHAMPUS PAYMENT RULES.

(a) APPLICATION OF PAYMENT RULES.—Subject to subsection (b), the Secretary shall require a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services to apply the payment rules described in section 1074(c) of title 10, United States Code, in imposing charges for health care that the private facility or provider provides to enrollees of a designated provider.

(b) AUTHORIZED ADJUSTMENTS.—The payment rules imposed under subsection (a) shall be subject to such modifications as the Secretary considers appropriate. The Secretary may authorize a lower rate than the maximum rate that would otherwise apply under subsection (a) if the lower rate is agreed to by the designated provider and the private facility or health care provider.

(c) REGULATIONS.—The Secretary shall prescribe regulations to implement this section after consultation with the other administering Secretaries.

(d) CONFORMING AMENDMENT.—Section 1074 of title 10, United States Code, is amended by striking out subsection (d).

SEC. 726. PAYMENTS FOR SERVICES.

(a) FORM OF PAYMENT.—Unless otherwise agreed to by the Secretary and a designated provider, the form of payment for services provided by a designated provider shall be full risk capitation. The capitation payments shall be negotiated and agreed upon by the Secretary and the designated provider. In addition to such other factors as the parties may agree to apply, the capitation payments shall be based on the utilization experience of enrollees and competitive market rates for equivalent health care services for a comparable population to such enrollees in the area in which the designated provider is located.

(b) LIMITATION ON TOTAL PAYMENTS.—Total capitation payments to a designated provider shall not exceed an amount equal to the cost that would have been incurred by the Government if the enrollees had received their care through a military treatment facility, the TRICARE program, or the medicare program, as the case may be.

(c) ESTABLISHMENT OF PAYMENT RATES ON ANNUAL BASIS.—The Secretary and a designated provider shall establish capitation payments on an annual basis, subject to periodic review for actuarial soundness and to adjustment for any adverse or favorable selection reasonably anticipated to result from the design of the program.

(d) ALTERNATIVE BASIS FOR CALCULATING PAYMENTS.—After September 30, 1999, the Secretary and a designated provider may mutually agree upon a new basis for calculating capitation payments.

SEC. 727. REPEAL OF SUPERSEDED AUTHORITIES.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c).

(2) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d).

(3) Section 718(c) of the National Defense Authorization Act for Fiscal year 1991 (Public Law 101-510; 42 U.S.C. 248c note).

(4) Section 726 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 42 U.S.C. 248c note).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

SARBANES AMENDMENT NO. 4066

Mr. NUNN (for Mr. SARBANES) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. FOOD DONATION PILOT PROGRAM AT THE SERVICE ACADEMIES.

(a) PROGRAM AUTHORIZED.—The Secretaries of the military departments and the Secretary of Transportation may each carry out a food donation pilot program at the service academy under the jurisdiction of the Secretary.

(b) DONATIONS AND COLLECTIONS OF FOOD AND GROCERY PRODUCTS.—Under the pilot program, the Secretary concerned may donate to, and permit others to collect for, a nonprofit organization any food or grocery product that—

(1) is—

(A) an apparently wholesome food;

(B) an apparently fit grocery product; or

(C) a food or grocery product that is donated in accordance with section 402(e) of the National and Community Service Act of 1990 (42 U.S.C. 12672(e));

(2) is owned by the United States;

(3) is located at a service academy under the jurisdiction of the Secretary; and

(4) is excess to the requirements of the academy.

(c) PROGRAM COMMENCEMENT.—The Secretary concerned shall commence carrying out the pilot program, if at all, during fiscal year 1997.

(d) APPLICABILITY OF GOOD SAMARITAN FOOD DONATION ACT.—Section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) shall apply to donations and collections of food and grocery products under the pilot program without regard to section 403 of such Act (42 U.S.C. 12673).

(e) REPORTS.—(1) Each Secretary that carries out a pilot program at a service academy under this section shall submit to Congress an interim report and a final report on the pilot program.

(2) The Secretary concerned shall submit the interim report not later than one year after the date on which the Secretary commences the pilot program at a service academy.

(3) The Secretary concerned shall submit the final report not later than 90 days after the Secretary completes the pilot program at a service academy.

(4) Each report shall include the following:

(A) A description of the conduct of the pilot program.

(B) A discussion of the experience under the pilot program.

(C) An evaluation of the extent to which section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) has been effective in protecting the United States and others from liabilities associated with actions taken under the pilot program.

(D) Any recommendations for legislation to facilitate donations or collections of excess food and grocery products of the United States or others for nonprofit organizations.

(f) DEFINITIONS.—In this section:

(1) The term "service academy" means each of the following:

(A) The United States Military Academy.

(B) The United States Naval Academy.

(C) The United States Air Force Academy.

(D) The United States Coast Guard Academy.

(2) The term "Secretary concerned" means the following:

(A) The Secretary of the Army, with respect to the United States Military Academy.

(B) The Secretary of the Navy, with respect to the United States Naval Academy.

(C) The Secretary of the Air Force, with respect to the United States Air Force Academy.

(D) The Secretary of Transportation, with respect to the United States Coast Guard Academy.

(3) The terms "apparently fit grocery product", "apparently wholesome food", "donate", "food", and "grocery product" have the meanings given those terms in section 402(b) of the National and Community Service Act of 1990 (42 U.S.C. 12672(b)).

WARNER AMENDMENT NO. 4067

Mr. KEMPTHORNE (for Mr. WARNER) proposed an amendment to the bill, S. 1745, supra; as follows:

At the appropriate place in title X, insert the following:

SEC. . DESIGNATION OF MEMORIAL AS NATIONAL D-DAY MEMORIAL.

(a) DESIGNATION.—The memorial to be constructed by the National D-Day Memorial Foundation in Bedford, Virginia, is hereby designated as a national memorial to be known as the "National D-Day Memorial". The memorial shall serve to honor the members of the Armed Forces of the United States who served in the invasion of Normandy, France, in June 1944.

(b) PUBLIC PROCLAMATION.—The President is requested and urged to issue a public proclamation acknowledging the designation of the memorial to be constructed by the National D-Day Memorial Foundation in Bedford, Virginia, as the National D-Day Memorial.

(c) MAINTENANCE OF MEMORIAL.—All expenses for maintenance and care of the memorial shall be paid for with non-Federal funds, including funds provided by the National D-Day Memorial Foundation. The United States shall not be liable for any expense incurred for the maintenance and care of the memorial.

BYRD (AND OTHERS) AMENDMENT NO. 4068

Mr. NUNN (for Mr. BYRD, for himself, Mr. FORD, and Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1745, supra; as follows:

In section 301(11), strike out "$2,692,473,000" and insert in lieu thereof "$2,699,173,000".

In section 411(a)(5), strike out "108,594" and insert in lieu thereof "108,904".

In section 412(5), strike out "10,378" and insert in lieu thereof "10,403".

In section 421, strike out "$69,878,430,000" in the first sentence and insert in lieu thereof "$69,880,430,000".

In section 201(3), strike out "$14,788,356,000" and insert in lieu thereof "$14,783,356,000".

In section 301(4), strike out "$17,953,039,000" and insert in lieu thereof "$17,949,339,000".

At the end of subtitle B of title V add the following:

SEC. 518. MODIFIED END STRENGTH AUTHORIZATION FOR MILITARY TECHNICIANS FOR THE AIR NATIONAL GUARD FOR FISCAL YEAR 1997.

Section 513(b)(3) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 305; 10 U.S.C. 115 note) is amended to read as follows:

"(3) Air National Guard:

"(A) For fiscal year 1996, 22,906.

"(B) For fiscal year 1997, 22,956.".

COHEN AMENDMENT NO. 4069

Mr. KEMPTHORNE (for Mr. COHEN) proposed an amendment to the bill, S. 1745, supra; as follows:

In section 123(a), strike out paragraph (2), and insert in lieu thereof the following:

(2) In addition to the purposes for which the amount authorized to be appropriated by section 102(a)(3) is available under subparagraphs (B) and (C) of paragraph (1), the amounts available under such subparagraphs are also available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the "Memorandum of Agreement Among the Department of the Navy, Electric Boat Corporation (EB) and Newport News Shipbuilding and Drydock Company (NNS) Concerning the New Attack Submarine", dated April 5, 1996, relating to design data transfer, design improvements, integrated process teams, and updated design base.

SIMON AMENDMENT NO. 4070

Mr. NUNN (for Mr. SIMON) proposed an amendment to the bill, S. 1745, supra; as follows:

On page 311, between lines 9 and 10, insert the following:

SEC. 1072. IMPROVEMENTS TO NATIONAL SECURITY EDUCATION PROGRAM.

(a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 650), is amended under the heading "NATIONAL SECURITY EDUCATION TRUST FUND" by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) awarding scholarships to undergraduate students who—

"(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

"(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;"; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting "relating to the national security interests of the United States" after "international fields"; and

(B) in clause (ii)—

(i) by striking out "subsection (b)(2)" and inserting in lieu thereof "subsection (b)(2)(B)"; and

(ii) by striking out "work for an agency or office of the Federal Government or in" and inserting in lieu thereof "work for, and make their language skills available to, an agency or office of the Federal Government or work in".

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out ", or of scholarships" and all that follows through "12 months or more," and inserting in lieu thereof "or any scholarship".

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

"(2) will—

"(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

"(B) upon completion of such recipient's education under the program, and in accordance with such regulations—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national

security responsibilities is available upon the completion upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and".

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(1) by inserting after subsection (b) the following new subsection (c):

"(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.".

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting ", including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in an agency or office of the Federal Government having national security responsibilities" before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out "Make recommendations" and inserting in lieu thereof "After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations";

(B) in subparagraph (A), by inserting "and countries which are of importance to the national security interests of the United States" after "are studying"; and

(C) in subparagraph (B), by inserting "relating to the national security interests of the United States" after "of this title';

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

"(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.".

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

COHEN AMENDMENT NO. 4071

Mr. KEMPTHORNE (for Mr. COHEN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of section 123 add the following:

(e) NEXT ATTACK SUBMARINE AFTER NEW ATTACK SUBMARINE.—The Secretary of Defense shall modify the plan (relating to development of a program leading to production of a more capable and less expensive submarine than the New Attack Submarine) that was submitted to Congress pursuant to section 131(c) of Public Law 104–106 (110 Stat. 208) in order to provide in such plan for selection of a design for a next submarine for serial production not earlier than fiscal year 2000 (rather than fiscal year 2003, as provided in paragraph (3)(B) of such section 131(c)).

McCAIN AMENDMENT NO. 4072

Mr. McCAIN proposed an amendment to amendment No. 4061 proposed by Mr. SIMPSON to the bill, S. 1745, supra; as follows:

At the end of the amendment, add the following:

Notwithstanding any other provision of this Act, none of the funds authorized for construction, Phase I, of a combined support maintenance shop at Camp Guernsey, Wyoming, may be obligated until the Secretary of Defense certifies to Congress that the project is in the future years Defense plan.

SMITH (AND OTHERS) AMENDMENT NO. 4073

Mr. KEMPTHORNE (for Mr. SMITH for himself, Mr. SANTORUM, and Mr. GRAHAM) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title I add the following:

SEC. 125. MARITIME PREPOSITIONING SHIP PROGRAM ENHANCEMENT.

Section 2218(f) of title 10, United States Code, shall not apply in the case of the purchase of three ships for the purpose of enhancing Marine Corps prepositioning ship squadrons.

BINGAMAN (AND SMITH) AMENDMENT NO. 4074

Mr. NUNN (for Mr. BINGAMAN, for himself and Mr. SMITH) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title VIII add the following:

SEC. 810. RESEARCH UNDER TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.

(a) CONDITIONS FOR USE OF AUTHORITY.—Subsection (e) of section 2371 of title 10, United States Code is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "and" after the semicolon at the end of subparagraph (A), as so redesignated;

(3) by striking out "; and" at the end of subparagraph (B), as so redesignated, and inserting in lieu thereof a period;

(4) by inserting "(1)" after "(e) CONDITIONS.—"; and

(5) by striking out paragraph (3) and inserting in lieu thereof the following:

"(2) A cooperative agreement containing a clause under subsection (d) or a transaction authorized under subsection (a) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.".

(b) REVISED REQUIREMENT FOR ANNUAL REPORT.—Section 2371 of such title is amended by striking out subsection (h) and inserting in lieu thereof the following:

"(h) ANNUAL REPORT.—(1) Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on Department of Defense use during such fiscal year of—

"(A) cooperative agreements authorized under section 2358 of this title that contain a clause under subsection (d); and

"(B) transactions authorized under subsection (a).

"(2) The report shall include, with respect to the cooperative agreements and other transactions covered by the report, the following:

"(A) The technology areas in which research projects were conducted under such agreements or other transactions.

"(B) The extent of the cost-sharing among Federal Government and non-Federal sources.

"(C) The extent to which the use of the cooperative agreements and other transactions—

"(i) has contributed to a broadening of the technology and industrial base available for meeting Department of Defense needs; and

"(ii) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

"(D) The total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report pursuant to a clause described in subsection (d) that was included in the cooperative agreements and transactions, and the amount of such payments, if any, that were credited to each account established under subsection (f).".

(c) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—Such section, as amended by subsection (b), is further amended by inserting after subsection (h) the following:

"(i) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense.

"(2) Paragraph (1) applies to the following information in the records of the Department of Defense if the information was submitted to the department in a competitive or noncompetitive process having the potential for resulting in an award, to the submitters, of a cooperative agreement that includes a clause described in subsection (d) or other transaction authorized under subsection (a):

"(A) Proposals, proposal abstracts, and supporting documents.

"(B) Business plans submitted on a confidential basis.

"(C) Technical information submitted on a confidential basis.".

"(d) DIVISION OF SECTION INTO DISTINCT PROVISIONS BY SUBJECT MATTER.—(1) Chapter 139 of title 10, United States Code, is amended—

"(A) by inserting before the last subsection of section 2371 (relating to cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980) the following:

"§ 2371a. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980";

"(B) by striking out "(i) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS UNDER STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—; and

"(C) in the table of sections at the beginning of such chapter, by inserting after the item relating to section 2371 the following:

"§ 2371a. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980.".

"(2) Section 2358(d) of such title is amended by striking out "section 2371" and inserting in lieu thereof "sections 2371 and 2371a".

GRASSLEY (AND OTHERS) AMENDMENT NO. 4075

Mr. KEMPTHORNE (for Mr. GRASSLEY, for himself, Mrs. BOXER, and Mr. HARKIN) proposed an amendment to the bill, S. 1745, supra; as follows:

On page . between lines and , insert the following:

SEC. . REIMBURSEMENT FOR EXCESSIVE COMPENSATION OF CONTRACTOR PERSONNEL PROHIBITED.

(a) ARMED SERVICES PROCUREMENTS.—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following:

"(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $200,000.".

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 306(e)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(e)(1)) is amended by adding at the end the following:

"(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $200,000.".

BOXER AMENDMENT NO. 4076

Mr. NUNN (for Mrs. BOXER) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title VIII, insert the following new section:

SEC. . REPORTING REQUIREMENT UNDER DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2820) is amended by striking out "1996" and inserting in lieu thereof "1998".

MCCAIN AMENDMENT NO. 4077

Mr. KEMPTHORNE (for Mr. MCCAIN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title III, add the following:

SEC. . AUTHORITY FOR AGREEMENTS WITH INDIAN TRIBES FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

Section 2701(d) of title 10, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out ", or with any State or local government agency," and inserting in lieu thereof ", with any State or local government agency, or with any Indian tribe,"; and

(2) by adding at the end the following:

"(3) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given such term in section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).".

NUNN AMENDMENT NO. 4078

Mr. NUNN proposed an amendment to the bill, S. 1745, supra; as follows:

In section 1006, strike out the last three lines and insert in lieu thereof the following:

"(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting activities described in such subsection (e)(5), including any nonlethal, individual or small-team landmine cleaning equipment or supplies that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.".

(C) The cost of any equipment, services or supplies provided pursuant to (B) may not exceed $5 million each year.

KEMPTHORNE AMENDMENT NO. 4079

Mr. KEMPTHORNE proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title II add the following:

SEC. 243. AMENDMENT TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1701; 10 U.S.C. 2358 note) is amended by striking out "fiscal years before the fiscal year in which the institution submits a proposal" and inserting in lieu thereof "most recent fiscal years for which complete statistics are available when proposals are requested".

LOTT AMENDMENT NO. 4080

Mr. KEMPTHORNE (for Mr. LOTT) proposed an amendment to the bill, S. 1745, supra; as follows:

Strike out section 1008, relating to the prohibition on the use of funds for Office of Naval Intelligence representation or related activities.

INHOFE (AND NICKLES) AMENDMENT NO. 4081

Mr. KEMPTHORNE (for Mr. INHOFE, for himself and Mr. NICKLES) proposed an amendment to the bill, S. 1745, supra; as follows:

Insert the following in the appropriate place:

SEC. . TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT SILL, OKLAHOMA.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—

(1) TRANSFER AUTHORIZED.—the Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 400 acres and comprising a portion of Fort Sill, Oklahoma.

(2) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under paragraph (1) as a national cemetery under chapter 24 of title 38, United States Code.

(3) RETURN OF UNUSED LAND.—If the Secretary of Veterans Affairs determines that any portion of the real property transferred under paragraph (1) is not needed for use as a national cemetery, the Secretary of Veterans Affairs shall return such portion to the administrative jurisdiction of the Secretary of the Army.

(b) LEGAL DESCRIPTION.—the exact acreage and legal description of the real property to be transferred or conveyed under this section shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the recipient of the real property.

MCCAIN AMENDMENT NO. 4082

Mr. KEMPTHORNE (for Mr. MCCAIN) proposed an amendment to the bill, S. 1745, supra; as follows:

On page 81, strike out line 18 and all that follows through page 86, line 2, and insert in lieu thereof the following:

SEC. 341. ESTABLISHMENT OF SEPARATE ENVIRONMENTAL RESTORATION ACCOUNTS FOR EACH MILITARY DEPARTMENT.

(a) ESTABLISHMENT.—(1) Section 2703 of title 10, United States Code, is amended to read as follows:

"§ 2703. Environmental restoration accounts

"(a) ESTABLISHMENT OF ACCOUNTS.—There are hereby established in the Department of Defense the following accounts:

"(1) An account to be known as the 'Defense Environmental Restoration Account'.

"(2) An account to be known as the 'Army Environmental Restoration Account'.

"(3) An account to be known as the 'Navy Environmental Restoration Account'.

"(4) An account to be known as the 'Air Force Environmental Restoration Account'.

"(b) OBLIGATION OF AUTHORIZED AMOUNTS.—Funds authorized for deposit in an account under subsection (a) may be obligated or expended from the account only in order to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law. Funds so authorized shall remain available until expended.

"(c) BUDGET REPORTS.—In proposing the budget for any fiscal year pursuant to section 1105 of title 31, the President shall set forth separately the amounts requested for environmental restoration programs of the Department of Defense and of each of the military departments under this chapter and under any other Act.

"(d) AMOUNTS RECOVERED.—The following amounts shall be credited to the appropriate environmental restoration account:

"(1) Amounts recovered under CERCLA for response actions.

"(2) Any other amounts recovered from a contractor, insurer, surety, or other person to reimburse the Department of Defense or a military department for any expenditure for environmental response activities.

"(e) PAYMENTS OF FINES AND PENALTIES.—None of the funds appropriated to the Defense Environmental Restoration Account for fiscal years 1995 through 1999, or to any environmental restoration account of a military department for fiscal years 1997 through

1999, may be used for the payment of a fine or penalty (including any supplemental environmental project carried out as part of such penalty) imposed against the Department of Defense or a military department unless the act or omission for which the fine or penalty is imposed arises out of an activity funded by the environmental restoration account concerned and the payment of the fine or penalty has been specifically authorized by law.".

(2) The table of sections at the beginning of chapter 160 of title 10, United States Code, is amended by striking out the item relating to section 2703 and inserting in lieu thereof the following new item:

"2703. Environmental restoration accounts.".

(b) REFERENCES.—Any reference to the Defense Environmental Restoration Account in any Federal law, Executive Order, regulation, delegation of authority, or document of or pertaining to the Department of Defense shall be deemed to refer to the appropriate environmental restoration account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(c) CONFORMING AMENDMENT.—Section 2705(g)(1) of title 10, United State Code, is amended by striking out "the Defense Environmental Restoration Account" and inserting in lieu thereof "the environmental restoration account concerned".

(d) TREATMENT OF UNOBLIGATED BALANCES.—Any unobligated balances that remain in the Defense Environmental Restoration Account under section 2703(a) of title 10, United States Code, as of the effective date specified in subsection (e) shall be transferred on such date to the Defense Environmental Restoration Account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that the hearing scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources on Thursday, June 20, 1996 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC, to review S. 1424, a bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to establish the Gunnison Gorge National Recreation Area, to establish the Curecanti National Recreation Area, to establish the Black Canyon of the Gunnison National Park Complex, has been canceled until further notice.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 18, 1996 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 988, a bill to direct the Secretary of the Interior to transfer administrative jurisdiction over certain land to the Secretary of the Army to facilitate construction of a jetty and sand transfer system and S. 1805, a bill to provide for the management of Voyageurs National Park.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 25, 1996, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 1699, a bill to establish the National Cave and Karst Research Institute in the State of New Mexico; S. 1737, a bill to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth National Wilderness Area; and S. 1809, the "Aleutian World War II National Historic Sites Act of 1996".

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public an addition to the agenda of the Full Committee hearing previously scheduled for Wednesday, June 26 at 9:30 a.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

In addition to receiving testimony on matters regarding the U.S. Territories, the Committee will also receive testimony on S. 1889, a bill to authorize the exchange of certain lands conveyed to the Kenai Native Association pursuant to the Alaska Native Claims Settlement Act, to make adjustments to the National Wilderness System, and for other purposes.

Those wishing to testify or who wish to submit written statements with regard to S. 1889, should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by Committee invitation. For further information, please contact Jo Meuse or Brian Malnak.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, June 19, 1996, to consider the committee's budget reconciliation instructions.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 19, 1996, to conduct a markup of S. 1815, the "Securities Investment Promotion Act of 1995".

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, June 19, 1996 session of the Senate for the purpose of conducting a hearing on Salmon Recovery Research.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 19, 1996, for purposes of conducting a Full Committee business meeting which is scheduled to begin at

9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. COATS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, June 19, 1996, beginning at 10:00 a.m. in room SD–215.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 19, 1996 at 9:30 a.m. to conduct a mark-up on Title III of H.R. 3286, the Adoption Promotion and Stability Act of 1996. The mark-up will be held in Room 485 of the Russell Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 19, 1996, to hold an executive business meeting.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 18, 1996 beginning at 9:00 a.m., and Wednesday, June 19, 1996, beginning at 9:30 a.m. until business is completed, to hold a hearing on Public Access to Government Information in the 21st Century, with a focus on the GPO Depository Library Program/Title 44.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COATS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 19, 1996 at 9:00 a.m. to hold an open hearing on Intelligence Matters and at 2:00 p.m. to hold a closed business meeting.

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

ADDITIONAL STATEMENTS

PROPOSED MERGER BETWEEN THE UNION PACIFIC AND SOUTHERN PACIFIC RAILROADS

• Mr. BOND. Mr. President, when Congress passed legislation last year transferring the authority to review proposed rail mergers from the former Interstate Commerce Commission to the Surface Transportation Board, a major issue of concern in the Senate was whether or not the Board should retain exclusive jurisdiction over ensuring that healthy competition is protected before any proposed merger is approved. That congressionally imposed responsibility is indeed important and its first major test will be seen soon when the Board issues its decision on the proposed merger of the Union Pacific and Southern Pacific Railroads.

Never before has such a large consolidation of control over rail traffic been proposed and never before have so many expressed such strong reservations about the dangers to competition posed by such a merger.

The Board must discharge its responsibility to protect competition and in this case to do so, it must condition approval of the proposed merger with mandatory divestiture of the parallel lines created as a result of the merger to an independent rail competitor.

This condition is essential to approve the proposed merger. Granting trackage rights alone is not sufficient to protect competition. In reviewing this question, the Board should consider the following:

First, the proposed merger would leave two railroads in the West, the combined UP-SP and the BN-Santa Fe, with control of 90 percent of the rail traffic in the West, resulting in reduced competition, higher shipping rates, and reduced service.

Second, the proposed merger will cause many shippers to go from three carriers to two, and many more from two carriers to only one. The Department of Justice's review estimates over $6 billion in shipping traffic would be affected by this reduced competition.

Third, oddly enough, the competitive harm in this proposed merger is two times the competitive harm of the proposed Santa Fe-Southern Pacific merger proposed and rejected in the mid-1980's.

It is not surprising that numerous shipping groups have publicly opposed the merger in its present form and favor divestiture to solve the competitive problems. These groups include the Society of Plastics, the NIT League, and the Gulf States of Texas and Louisiana. The American Farm Bureau, National Grange, and National Farm Bureau are among the many agriculture groups opposed to the merger and requesting conditions other than the BNSF-CMA agreement. Divestiture of parallel tracks and facilities will result in preservation of competitive options for all shippers who would otherwise see reduction in competition from two carriers to one, and for a significant number who would go from three to two.

Mr. President, last fall I joined with the chairman of the House Small Business Committee, Congresswoman JAN MEYERS, in convening a joint session of our Small Business Committees, to hear from small shippers who have been affected by mega-mergers like this in the past and who know what the consequences of this proposed merger, if approved in its current form, will be for them in the future. They were unanimous. They know that only actual, real competition protects them from the serious consequences of being captive to a single shipper. They have come out in droves to voice their fears in their public filing to the Board. Their interests collectively must be protected.

Because of the intense interest in these parallel lines by competing carriers, divestiture would not force the applicants to sell any of these lines for less then their market value. Divestiture allows the merger to go forward and gives the UP and SP the benefits of end-to-end efficiency and the administrative-corporate consolidation that they want while protecting competition for shippers.

Unfortunately, the trackage rights solution to these serious threats to competition will not resolve the problems. Even with added access, competitors operating over lines controlled by an aggressively competitive owner are inferior to the owner of the line who uses control of access to place the competitor at a serious disadvantage. Trackage rights alone do not constitute available competition, only access to actual moving traffic does. That can be achieved only by mandatory divestiture of parallel lines.

The Departments of Justice, Transportation, and Agriculture oppose the current proposed merger due to these competitive problems. Numerous shippers groups and many of the affected States have voiced concerns as well. Mr. President, I believe Congress wants the Board to discharge its duty to protect competition. We will see this decision as the crucial test whether it will or will not.

Congress explicitly recognized divestiture as a viable condition available to the Board when it passed the ICC Termination Act creating the Surface Transportation Board. Congress specifically wrote divestiture into the new law with this need in mind. Divestiture to the highest bidder certainly promotes free-market competition. The Board clearly has this authority and should use it to protect competition.•

FINAL REPORT BY THE SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER

• Mrs. MURRAY. Mr. President, yesterday, after 13 months, 51 hearings, 159 witnesses, thousands of pages of documents, and nearly 2 million taxpayer dollars, the Special Committee To Investigate Whitewater concluded its work.

Our committee found no instance in which the President or the First Lady

have acted unethically, illegally or abused their power.

Mr. President, the special committee released two varying reports yesterday: A Republican majority report and a Democratic minority report. Our committee started its work in true bipartisan fashion. Unfortunately, as the investigation repeatedly failed to produce any substantive or legitimate wrongdoing by the President, the majority veered the committee down a path of partisan politics and speculation. As a result, our bipartisan teamwork broke down. It disintegrated to a point that two separate reports are needed in order to report our findings as clearly as possible.

The biggest failing of this committee, however, was our failure to keep faith with the American people. For months, I reminded our committee of the importance of being credible and of the need to maintain the confidence of the American people. Constituents in my home State often expressed their displeasure with our committee's partisan politics. And they told me they no longer trusted our committee to find the truth in a fair and impartial manner.

Mr. President, we were charged with the mission of finding all of the facts relating to the President's relationship with Whitewater and related matters. That's what the American people wanted us to do. That is what they expected us to do. Unfortunately, the majority decided to make allegations first, and find the facts second. If the facts failed to support the allegations, the majority simply discarded the facts.

I believe, and most of my colleagues will agree, that there were few instances where the White House could have produced documents faster or answered questions more quickly. In its attempt to be careful and cautious, the White House ultimately ran into perception problems. The White House looked as if it was covering up the truth. Once all the information was gathered, we learned the White House had not acted improperly—rather in many cases it was as open and forthcoming as possible. In no way did the White House act to obstruct justice or attempt to impede this committee's investigation.

The majority granted the special committee $400,000 to extend our hearings well beyond our original February deadline. Nearly 4 months later, our committee conducted only 10 more hearings. This track record makes it very clear to me that we could have concluded our work by the original deadline, and that the majority simply intended to continue these hearings further into the Presidential election season.

Now, after finding no wrongdoing by the President in relation to the subject at hand—Whitewater and Madison Guaranty—the Majority has leaked reports that it intends to pursue perjury charges on three of the President's aides and advisers. This is a clear attempt to move attention away from the fruitless investigation by creating a new allegation. Like many of the smoking guns that amounted to no more than squirt guns, it again appears to be another effort to make news where there is no news, and to make political noise in an election year.

Our committee spent nearly $2 million to examine the facts. The Resolution Trust Corporation [RTC] spent nearly $4 million conducting an independent investigation clearing the Clintons of any wrongdoing. And the independent counsel has spent more than $26 million on its ongoing investigation. Including the House committee hearings, nearly $40 million of public money has been spent to bring all relevant information into the open. The final reports put to rest the suicide of Vince Foster, concluded the Clinton White House did not interfere with RTC and Department of Justice investigations, and discovered then-Governor Clinton did not misuse his power to influence State regulators.

It is time for us to move beyond this political issue. It is time for Congress to address the issues that really concern the American people. When I go home people ask me what Congress has done to preserve their quality of life, what Congress has done to improve our education system, and what Congress has done to improve our health care delivery system. I can count on one hand the number of times somebody asked me about Whitewater over the past 2 years.

As a member of the Special Whitewater Committee, I took my job seriously. I understood the importance of our committee, and I stand by the minority report. Our report studies the facts very carefully, and after compiling all of the facts we made our conclusions accordingly. I urge all interested parties to read this report, and I am hopeful it completes the mission we were instructed to pursue.●

TRIBUTE TO JIM SMITH

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to a Kentucky businessman whose success allowed him to give something back to Kentucky. Jim Smith, who passed away May 31, was one of western Kentucky's most successful self-made businessmen.

Mr. Smith, the youngest of eight children, dropped out of school in the 10th grade. After being involved in several construction company partnerships, he struck out on his own and turned one bulldozer into a multi-million dollar construction business. Jim Smith Construction Co. built most of the major highways in western Kentucky. He also expanded into other areas, including coal, transportation, a hotel, and a restaurant.

A close friend and business partner, David Reed, was quoted in the Paducah Sun as saying, "Those of us who know Jim well realize immediately the void his passing will mean, not only to us personally but to all of western Kentucky." Former Kentucky Gov. Julian Carroll said of Mr. Smith, "I've known him as a friend, a businessman, a citizen of the community, a Christian * * * but of all the roles that Jim filled in his life, the one that he relished the most, and agonized over the most, was being the father of four sons." Even though he was wealthy, Mr. Smith required his sons to work and earn their living.

Mr. Smith is survived by his wife, Sandy; four sons, Mike, Rex, Chris, and Steve; two stepchildren, Joelle Smith and Joel Weaver; three brothers, Hiram, Hugh, and Bill Smith; and three sisters, Geneva Youngblood, Imogene Riggs, and Lucille Wade. I would ask that my colleagues join me in honoring this extraordinary Kentuckian.●

HIDDEN HUMAN TOLL OF GAMBLING

● Mr. SIMON. Mr. President, in all the discussion about the problems of gambling in the United States, most of us in those discussions use statistics.

What we frequently fail to understand are the human beings involved in the addiction.

Ken Adelman, the former head of The Arms Control and Disarmament Agency and now a columnist who is nationally syndicated, recently had a column in the Washington Times that told about a cousin of his.

It tells in simple, graphic terms why we need a commission to look at this problem.

I don't know how many personal cases I have heard of since introducing the bill on the commission, but it is enough to encourage me to fight for its creation, and I hope my colleagues will have the good sense to pass the measure and create the commission.

I ask that the Washington Times column be printed in the RECORD.

The column follows:

[From the Washington Times, June 13, 1996]

HIDDEN HUMAN TOLL OF GAMBLING

(By Ken Adelman)

Stopping for a fund-raiser in Las Vegas last weekend, Bill Clinton solicited big gambling bucks, as has Bob Dole. Lost in the policy debate over state-sponsored gambling—via lotteries, casinos, horse races, whatever—is the personal dimension.

This hasn't been lost on our family, which has endured pain from my first cousin, Alby, becoming a compulsive gambler. At 15 years old, I should have sensed Alby's problem when our grandfather, Papa, took us on a trip abroad. The whole way Alby wanted to bet on whose room would have a higher number (Papa's or ours), whether our seats would be on the right or left side of the airplane, on anything really. He was—and presumably is,

though I haven't seen him in years—an engaging and brilliant fellow. We never suspected the years of jail and a failed life gambling would bring.

Between prison sentences, beginning at age 16 or so, Alby would hit the track, poker tables, and sports events. No state lotteries had yet been established, so we can't blame them for our family woes. How much state-sponsored gambling, now dubbed "gaming," multiplies the number of Albys in America should be a key focus of the national commission on gambling, which Congress is now debating.

"The main ambitions I ever had were fantasies," Alby told me in 1975, when I spent six months researching his life. He poured his mathematical genius, personality and wit into gambling. Alby won big at times—$10,000 in one day and $7,700 in one race. But those triumphs were fleeting as all winnings went back into the game. The amounts were staggering, at least to me. Alby burned through more than $1 million before turning 30. He squandered it all, as well as two marriages and a host of natural abilities.

Alby became attracted and then addicted to horse-racing while still in high school. "When you're at the track or when you're gambling, you're in a different world," he mused. "There's nothing else that matters until you walk into reality again. It's a dream world." Gambling became his trademark.

"When I won, I would have a lot of money in my pocket and flash it around. It was an ego trip for me." And a macho thing, since compulsive gambling is mostly a man's disease. Unlike alcoholism or drug addiction, only 10 percent of compulsive gamblers are women.

But women become victims. One elderly landlady in New Mexico housed Alby and a buddy when they were 16. After they skipped out without paying rent, she wrote Alby's parents, "They were both good, likable kids." She missed them after Alby "left town like something from a cannon. He said he needed to return home on account of a death of a sister." No sister had died. Such began a life of lies.

Though having now spent more than half his life behind bars, Alby never considered himself a criminal. He trashed common convicts, especially armed robbers: "They're stupidest people in the world. They go to jail for 10 years for a hundred bucks when I can get $50,000 with a pen in hand rather than a gun."

Like most compulsive gamblers, Alby abhors violence. None of his crimes involved guns, knives or physical assaults. They involved passing bad checks and schemes of every sort. Though non-violent, they still hurt others, especially family members. Alby's father bailed him out of jail and dangerous situations for several years before giving up. His grandfather lasted longer, but after Alby stole his prized stamp collection and World War I medals, he too gave up.

The burden falls too on friends and neighbors. Rummaging through family correspondence, I came across scores of sad stories. One came from the mother of a high school buddy who "loaned" Alby his coin collection but never got it back."My son is a stranger to you but he is my only child and the most important person in the world to me," she wrote Alby's folks. "The coins he's been saving since he was little were his only concrete asset. They are now gone.

Though sharing an addiction, compulsive gamblers differ from drug and alcohol abusers. The gambling life is one of involvement and stimuli. Drug and alcohol addicts lead a life of withdrawal and passivity.

While gambling is as old as humanity itself—archaeologists have found a 4,000-year-old lamb bone used as dice—compulsive gambling is a relatively new affliction. Upward of 10 million compulsive gamblers in America—perhaps 10 times the number of drug addicts—may be increasing in numbers now. For state and local lotteries not only furnish the opportunity, but encourage "striking it rich" without any effort.

Alby's tragedy may become epidemic since legalized gambling has increased 2,800 percent over the past two decades. To grasp this danger, imagine the furor if state and local governments not only legalized drug sale and use but themselves sold and advertised drugs to the general public.

As Congress debates establishing a national commission on the effects of gambling, everyone has focused on the commission's subpoena powers. More critical would be a focus on the human toll gambling takes, on tales of wasted lives, like Alby's.•

INS EMPLOYMENT VERIFICATION PILOT PROJECT

• Mr. KERREY. Mr. President, at the end of May, the Immigration and Naturalization Service and a consortium of meatpacking companies announced an innovative pilot project in which the companies will voluntarily verify the employment eligibility of noncitizens who seek employment.

I commend the meatpacking industry, specifically IBP and BeefAmerica in Nebraska, as well as companies elsewhere in recognizing that the jobs they offer are a major draw for immigrants, some of whom are not in the country legally, and for taking the initiative to help root out those who are not eligible to work. The meatpacking industry wants to hire legal workers; this industry is also well aware of how difficult a task that can be given the availability of forged documents. The Employment Verification Pilot will test, across an entire industry, a hiring system that has already demonstrated success in smaller pilot projects.

In a relatively short period of time we should expect that the word will spread: Nebraska and other States with good job opportunities will keep the welcome mat out for those authorized to work, but will shut the door to those who are not. The participating companies together employ about 56,000 workers at 48 sites in 10 States. Participation by these employers ensures that about 80 percent of the meatpacking industry will be covered.

I also commend the INS for their response to an issue of utmost importance to the country—protecting American jobs and continuing efforts to reduce the primary incentive for illegal immigration—the job magnet. I also want to laud the INS for recognizing the usefulness of a voluntary system. By participating with employers in fashioning the program, the INS has forged a partnership that will lead to success.

The process is simple. Employers who volunteer to participate can quickly verify with INS, through a computer, whether their newly hired, noncitizen employees are authorized to work. In most cases, verification will be received in minutes. Through quick verification, this project cracks down on illegal employment while protecting the rights of legal immigrant workers.

I believe this pilot project has the potential to restore American's faith in the legal immigration system and I look forward to the evaluation of the program after it has gotten off the ground. I also look forward to continue working with INS and employers to ensure that Americans jobs are protected and available for those who are in the United States legally.•

HONORING THE 150TH ANNIVERSARY OF BASEBALL

• Mr. LAUTENBERG. Mr. President, on a warm spring afternoon, on June 19, 1846, the seeds of modern baseball were planted in the fertile soil of New Jersey. On that day, one of baseball's first teams, the Knickerbockers, invited a group known as the New York City Club to join them for a game of ball. They met on the Elysian Fields of Hoboken, NJ, and played under a unique set of rules, which the Knickerbockers had recently devised. With the first pitch, the modern game of baseball was born. The new pastime quickly captured the young Nation's interest and fired its imagination. Clubs were soon modeling themselves upon the Knickerbockers, and Hoboken's Elysian Fields became one of the first great centers of baseball activity in the United States.

Over the last 150 years, the seed first planted in New Jersey became firmly rooted in the American landscape and then spread around the globe.

But although baseball is enjoyed throughout the world, it is a uniquely American game. It both mirrors and molds our national character.

It has been said that "Whoever wants to know the hearts and minds of America had better learn baseball." This is undeniably true, because baseball is one of the world's most democratic games. Each team has equal opportunity to win, since no timeclock decides when the game is done. Only hard work and teamwork determine a winner. What could better reflect our national philosophy?

But baseball not only mirrors our character, it also molds it. For generations of immigrant children, their first American experience often came on the baseball diamond. During World War II, when our male baseball players joined the war effort, all-female teams were formed. Displaying exceptional talent and tenacity, these ballplayers vividly demonstrated that a woman could fill a man's shoes. In 1947, baseball set a

powerful example for the Nation; when Jackie Robinson joined the Brooklyn Dodgers, professional baseball became one of the standard bearers of the desegregation movement.

For all that baseball has done, perhaps its greatest contribution is simply the bond that it forms between one generation of Americans and the next. It is a bond forged between children and parents who have spent long days together at the ballpark or on the ballfield.

As Americans, we come from diverse cultures, often with very different customs and beliefs. It is only our common experiences that bind us together as a nation. Whether playing it or watching it, baseball has been one of the few shared experiences enjoyed by all of us, a common thread which has helped stitch together the tapestry of America. So, it is no exaggeration to say that baseball is, and will always be, a part of our national identity, our national heritage, and our national greatness.

I am pleased to recognize the important role which New Jersey played in baseball's history. Too few people realize that baseball's first match game was played in Hoboken. Hopefully, the events taking place today in Hoboken, to celebrate that first game, will help spread the word. Congratulations Hoboken, and happy 150th anniversary to America's national pastime, the sport of baseball.

Mr. President, I ask that a letter from President Clinton be printed in the RECORD.

The letter follows:

THE WHITE HOUSE,
Washington, June 19, 1996.

Warm greetings to everyone gathered in Hoboken, New Jersey, to commemorate the 150th anniversary of the celebrated baseball game on Elysian Fields between the Knickerbockers and the New York Club.

Throughout its long and storied history, baseball has stirred the hearts and captured the imagination of the American people. From hot summer days on the sandlot to cool autumn nights at the World Series, baseball has passed from generation to generation as new stars rise to replace the legends of the past and new fans learn to root for the home team.

Through wars and depression, good times and bad, we have been beguiled by the sights and sounds of this graceful and timeless game. The crack of the bat on a hard-hit ball; the slap of a fastball into a catcher's mitt; the smooth precision of a well-turned double play; the thrill of a stolen base; the sight of a home run as it clears the center field fence—these are the things that have imprinted baseball in the soul of America.

I join you in celebrating this cherished national pastime and the players, managers, coaches, and fans who have made it a permanent part of American culture. Best wishes for a memorable day.

BILL CLINTON.•

TRIBUTE TO LUCILLE MAURER, FORMER STATE TREASURER OF MARYLAND

• Ms. MIKULSKI. Mr. President, the State of Maryland mourns today.

We have lost a tremendous public servant and role model in Lucille Maurer, who died Monday at the age of 73, after a long struggle with a brain tumor.

Lucy Maurer was a long time Montgomery County legislator who went on to serve as Maryland's first female treasurer. She served as treasurer for over 9 years, ending this past January. As treasurer, she was widely recognized for her effectiveness, her professionalism, her intelligence, and her commitment. Lucy also served in the House of Delegates and on several school boards.

But her public service was not limited to fiscal affairs; Lucy Maurer also committed her considerable talents and energies to those who needed them most—Maryland's children. Whether the issue was education, nutrition, or safety, Lucy wanted the promise of a better future to become a reality for every child.

Lucy was an outstanding example of all that is good about democratic politics. She was also a great friend and an inspiration to so many women—and men—who hold public office. We looked to emulate the strength, fiscal and political savvy, confidence, and can-do spirit that was so much a part of her.

She was an inspiration to the many unheralded women across Maryland who work everyday to improve their communities and make a real difference. I hope Lucy's community involvement—with groups like the PTA and the League of Women Voters—will encourage even more women to become active in community and political affairs. I can think of no legacy more important that Lucy Maurer could leave for the Maryland she loved so much.

I would like to extend my condolences to Lucy's husband, Ely Maurer, to the rest of the Maurer family, and to the colleagues and friends in Maryland and across the country who are mourning Lucy's passing. I share, and the U.S. Senate shares, your tremendous loss.•

CUBAN POLICY

• Mr. SIMON. Mr. President, one of the most shortsighted policies we have anywhere is our policy toward Cuba.

The reality is, we are letting a small group dictate American policy because of domestic political interests.

There is not a single nation in the world that doesn't believe our policy toward Cuba is counterproductive.

Our aim should be to get the Government of Cuba to ameliorate their hard stands on human rights issues, and it has had the opposite effect.

Certainly, if we had followed a different course, it is hard to believe the situation could be any worse than it is right now.

Recently, the New York Times had an article by Larry Rohter titled, "Latin American Nations Rebuke U.S. for the Embargo on Cuba."

They are right in their criticism.

I ask that the New York Times article be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the New York Times, June 6, 1996]

LATIN AMERICAN NATIONS REBUKE U.S. FOR THE EMBARGO ON CUBA

(By Larry Rohter)

PANAMA, June 5.—In a display of near unanimity, the countries of the Organization of American States, gathered here for their annual meeting, singled out the United States, criticizing the recent extension of the economic embargo against Cuba as a probable violation of international law.

The criticism came in the form of a resolution aimed at the Helms-Burton Law, which President Clinton signed into law in March.

A vote on Tuesday on the measure, which had 32 co-sponsors, ended with the United States, traditionally the organization's dominant force, as the sole dissenter.

Dismayed by the strong language of the resolution, the United States fired back with a harsh assessment of the behavior of some of its closest allies, including many members of the organization who have supported American intervention in the past in places such as Haiti and the Dominican Republic.

In a stinging speech at the gathering, which ends on Friday, the United States delegate, Harriet C. Babbitt, condemned the resolution as an act of "diplomatic cowardice."

"What is the message that will emerge from this assembly?" she asked her fellow delegates. "That the hemisphere will flex its muscles to defend and justify illegal expropriations, but remain silent while our brothers and sisters in a neighboring state remain subject to the caprices of a brutal dictator? Where is our sense of perspective?"

Cuba was "excluded" from the organization in 1962 as part of an American diplomatic effort to isolate Fidel Castro and the Communist Government he continues to lead.

Since then, Cuban officials and the state-controlled press have regularly ridiculed the organization as a claque of subservient puppets manipulated by the United States.

In Havana, a spokesman for the Cuban Foreign Ministry said the resolution "was really a surprise," and thanked organization members for their support.

The Helms-Burton legislation tightens the 35-year-old economic embargo against Cuba by allowing American citizens to sue foreign companies that "traffic" in property seized from Americans and denies executives of those companies the right to enter the United States.

Congress overwhelmingly approved the bill after Cuban Air Force pilots shot down two small civilian aircraft owned by Cuban exile groups in February, killing four people.

The resolution is directed against all laws that "obstruct international trade and investment" or "the free movement of persons."

In addition, the Inter-American Juridical Committee, an independent body that advises the organization on legal matters, was asked to "examine the validity under international law" of Helms-Burton and to prepare a "judgment" as soon as possible.

Coming from a forum that has always done its best to avoid controversy, the vote could only be interpreted as a stunning defeat for the United States and a rejection of the Clinton Administration's get-tough policy toward Cuba.

But at a news conference after the rebuke, Ms. Babbitt tried to put the best face on the vote and to mend some fences. "We have in effect agreed to disagree on this issue," she said. "We share the same goal, but we disagree on the methods of attaining that goal."

Privately, members of the American delegation said they were distressed not only with the language of the resolution but also by the manner in which it was pushed through. They also complained of being given insufficient time to consult with Washington.•

OPERATION SMILE WINS CONRAD N. HILTON HUMANITARIAN PRIZE

• Mr. WARNER. Mr. President, there are kind hearts in the world.

The Conrad N. Hilton Foundation—for the first time—is awarding a $1 million prize to a humanitarian organization committed to alleviating human suffering.

Mr. President, I rise today to congratulate Operation Smile, a Virginia-based organization dedicated to bringing smiles to the world's children. Operation Smile, an international, volunteer, medical-services organization, provides reconstructive surgery to indigent children suffering from facial and functional deformities.

I am delighted that Operation Smile was chosen by the Conrad N. Hilton Foundation.

Both Operation Smile and the Hilton Foundation fuel the spirit of volunteerism. Operation Smile, embracing the mission of all humanitarians, touches the face of humanity, literally, figuratively, and spiritually. For centuries, throughout much of the world—even in our great Nation—children born with facial deformities were sentenced to a life of private pain and public humiliation. Operation Smile was founded in 1982 by the husband-and-wife team of Dr. William P. Magee, a plastic surgeon, and Kathleen Magee, a nurse and social worker. I particularly want to commend the founders of Operation Smile, their vision and hard work have made the dreams of many youngsters come true.

The generous award by the Conrad N. Hilton Foundation will help keep this hope alive. By establishing this prize, the foundation, according to the executive director of the Hilton Prize, seeks to recognize and support all persons working hard, and often under difficult conditions, to alleviate human suffering.

Today, selfless volunteers with Operation Smile provide reconstructive surgery and related health care to children around the world. Thanks to the unwavering dedication of Operation Smile volunteers, over 18,000 children have witnessed a personal miracle and embarked on a new life.

Internationally, Operation Smile educates and trains local medical professions and creates an infrastructures for volunteer and financial support—all of which contributes to a local network of self-sufficiency.

From the State of Virginia, as well as the other 28 chapters around the country, Operation Smile reaches into schools and communities, identifying children in need of reconstructive surgery. With the unwavering support of volunteer surgeons and hospitals, Operation Smile insures that no child will suffer through a childhood made traumatic by facial disfigurement.

Mr. President, the Conrad N. Hilton Foundation could not have chosen a more worthy organization. Operation Smile deserves a standing ovation. In fact, I applaud both Operation Smile and the Conrad N. Hilton Foundation for showing the world the promise of hope and the power of smiles.•

CAPT. DONALD A. HEMPSON, JR.

• Mr. LEVIN. Mr. President, I rise to honor and congratulate Capt. Donald A. Hempson, Jr. on 27 years of dedicated service in the U.S. Navy. Today, June 19, 1996, Captain Hempson will retire from the Navy as commander of Defense Reutilization and Marketing Service [DRMS] located in Battle Creek, MI. During Captain Hempson's 3-year command, DRMS made great strides in its mandate of reutilization, transfer, and donation of excess government property. Captain Hempson successfully commanded the service under many changes brought about by "Reinventing Government" initiatives. His vision and drive were key to the success of DRMS during this transitional period.

DRMS reuse, transfer, and donation of government property reached an all-time high of $3.5 billion in 1995, a 21-percent growth since 1993. The DRMS Sales Program saved American taxpayers over $302 million last year, an increase of 134 percent since 1993. These money saving programs have enjoyed great success during the past 3 years, and much of it is due to Captain Hempson's leadership.

Captain Hempson has had a long and far reaching naval career. He is qualified in nuclear submarines and has served several sea assignments as a Supply Officer. His shore assignments have included logistics, acquisition, and financial management in many different offices and commands. Captain Hempson has also been designated a Surface Warfare Supply Corps officer. His decorations include the Legion of Merit, the Meritorious Service Medal and the Navy Commendation Medal, each with one Gold Star in lieu of second award.

Captain Hempson is an immensely qualified individual who has graduated from Georgia Institute of Technology, the Wharton School of the University of Pennsylvania, Northwestern University's Kellogg Graduate School of Management, and the Brookings Institution. His extensive training has served the Defense Department well. Captain Hempson is married to Sandra R. Zayatz Hempson, and they have two children, Donald and Kelly.

I know my Senate colleagues join me in thanking Capt. Donald Hempson for his 27 years of dedicated service to our country.•

SALINE CELTIC FESTIVAL

• Mr. LEVIN. Mr. President, I rise to honor the Saline Celtic Festival which will take place on the banks of the Saline River on July 6, 1996, in Saline, MI. This festival celebrates Irish, Scottish, and Welsh cultures and will feature traditional Celtic food, music, and dance. This year's Celtic festival is especially significant because it marks the 30th anniversary of the Saline, MI—Brecon, Wales Sister City program.

On April 18, 1966, Mayor George Johnson invited the City of Brecon, Wales to become a Sister City in the People-to-People program established by President Eisenhower in 1956. The program's goal was to promote strong ties among different cultures. The Saline-Brecon union was the first to involve United States and Welsh citizens under the program.

Over the years, the relationship between the two cities has often involved the exchange of music. In 1967, Musical Youth International, during its tour of Europe, was the first official group from Saline to visit Brecon. In 1984, the mayor of Brecon asked the city of Saline to become involved in a 3-day Dixieland Jazz Festival it was planning. Saline quickly accepted the invitation and sent the Saline Big Band to Brecon, Wales. An original "Hymn for Brecon", written by Dil Murrell, was performed for their gracious hosts. The trip was a memorable experience for the group of 35 that traveled to Wales. They were treated with great hospitality and made many new friends at the festival. During the following years, Saline sent its high school choir and marching band—and in 1988, the Saline Big Band made a return visit to Brecon.

The residents of Brecon have also reached out to the City of Saline. The first guests from Brecon were Mayor and Mrs. Tony Elston in 1973. In 1986, while celebrating the 20th anniversary of the twinning of the cities, nearly 60 citizen ambassadors traveled from Brecon to Saline. This year will also see a large group from Brecon celebrating the Celtic Festival in Saline.

Thirty years have fostered a solid friendship between Saline and Brecon, they've learned about each other, and

as Mayor Little has so aptly put it, they have become "one community separated by a large body of water." I know my Senate colleagues join me in Saluting the Saline Celtic Festival and the 30th anniversary of the Saline-Brecon Sister City program.●

MEASURE PLACED ON THE CALENDAR—S. 1890

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that S. 1890, introduced earlier today by Senator FAIRCLOTH, be placed on the calendar.

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

MEASURE PLACED ON THE CALENDAR—H.R. 3562

Mr. KEMPTHORNE. Mr. President I ask unanimous consent that H.R. 3562, received from the House, be placed on the calendar.

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

MEASURE PLACED ON THE CALENDAR—H.R. 3060

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that H.R. 3060, relating to Antarctic protection, just received from the House, be placed on the calendar.

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

ORDERS FOR THURSDAY, JUNE 20, 1996

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, June 20; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then, under a previous order, resume executive session to consider the nomination of Alan Greenspan to be Chairman of the Federal Reserve Board.

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

PROGRAM

Mr. KEMPTHORNE. Mr. President, for the information of all Senators, at 9:30 a.m., Thursday, there will be 3 hours of debate time remaining on the Greenspan nomination. Under the previous order, a vote will occur on the Greenspan nomination at 2 p.m., to be followed by any votes required on the remaining nominees to the Federal Reserve System.

The Senate will also resume the DOD authorization bill during tomorrow's session. Senators can therefore expect rollcall votes throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KEMPTHORNE. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:29 p.m., adjourned until Thursday, June 20, 1996, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, June 19, 1996*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. COLLINS of Georgia].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 19, 1996.

I hereby designate the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

When we see violence in any form, O God, we cringe and are appalled. And when we see violence against our places of worship, we can despair and lose hope for there is madness about. Yet, O loving and gracious God, You would have all people of good will persevere in peace and be open to the healing and reconciliation that builds community and respect. May Your Spirit, O God, that can accomplish what we cannot, be with those who hurt and may each person speak and work and give in ways that promote justice and peace. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. BROWN] come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of Ohio led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 3029. An act to designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse."

The message also announced that pursuant to Public Law 85–874, as amended, the Chair, on behalf of the President of the Senate, appoints the Senator from Wyoming [Mr. SIMPSON] to the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive fifteen 1-minutes on each side.

REPUBLICAN HEALTH CARE REFORM BLOCKED IN THE SENATE BECAUSE IT DOES NOT RELY ON GOVERNMENT MANDATES

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

Mr. ARMEY. Mr. Speaker, in 1992 the House Republicans, working with President Bush, put together an excellent health care bill designed to address the questions of portability and affordability for the American people. That bill was not allowed on the floor in 1992 by the then majority Democrat leadership.

As Members know, we have struggled with this question of health care for some time. We have passed through the House a bill that ensures affordability, ensures portability, and offers to 40 million Americans the health care savings account. The people who would take advantage of these are the self-employed and employees of small business, people who would have an opportunity to buy the most rational insurance possible for themselves by their own choosing, get a tax credit for putting money in a savings account with which to deal with the deductible and incidental medical expenses, and an ability to do something for themselves on their own health care.

That bill is under consideration in the other body and is stopped by one Senator and one Senator alone, from Massachusetts, who apparently does not like freedom and would only have the Americans do what they please if it is mandated.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members they should not refer to Members of the other body by name or in an identifiable way.

CONSUMERS UNION WEIGHS IN AGAINST MEDICAL SAVINGS ACCOUNTS

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

Ms. DELAURO. Mr. Speaker, in fact, we do want to have portable and secure health insurance for people, and we want to have insurance companies prohibited from not insuring folks for their preexisting conditions. But let me tell the Members, under the banner of reform, what the congressional majority has done to the health care bill.

Do not take my word for it, take the word of Consumers Union. Consumers Union produces the Consumer Reports that advise us on buying an automobile, an appliance, and not to buy a lemon. Let me tell the Members what they say about medical savings accounts, which is holding up the health care reform bill:

The inclusion of the Republican MSA proposal in the Kassebaum-Kennedy bill makes the legislation worse than a wash for consumers. It takes us backward in our efforts to make health insurance accessible and affordable.

MSA's are a time bomb. They turn the very principle of insurance on its head. Instead of pooling resources, they help healthy people accumulate wealth.

I ask Members to be on their guard and oppose the MSA's.

HEALTH CARE REFORM: COMMONSENSE ANSWERS FOR AMERICA'S HEALTH CARE NEEDS

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

Mrs. KELLY. Mr. Speaker, I rise today to encourage our colleagues to join me in calling on the Senate to pass our commonsense health care reforms now. These are reasonable changes like portability, affordability, and most of all, accessibility.

Portability is within this Congress' grasp. And here our reforms can end job lock, giving tens of thousands of Americans the opportunity to maintain their health care coverage, without sacrificing their careers.

Second, by allowing individuals tax-free medical savings accounts, expanding the health insurance deduction for the self-employed and introducing tax incentives to promote long-term care coverage, we are helping people help themselves.

But finally, Mr. Speaker, this Congress has the opportunity to end the preexisting conditions exclusion, which keeps more than 20 million Americans from the coverage they need.

One of these is, in fact, one of my own family. They have a full time job and pay their taxes. Yet, because of a condition that they developed, they cannot secure the health care coverage that they need and want.

I can assure you, Mr. Speaker, that when we cast our final votes on this package, it will be these three commonsense reforms, portability, affordability, and accessibility, that will be foremost in the minds of all Americans.

GRANTING MFN TO CHINA NOT FAIR TO AMERICAN WORKERS

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

Mr. BROWN of Ohio. Mr. Speaker, I had planned to hold up a toy assault weapon when I spoke today on the House floor. House rules suggest I not do so.

This toy gun was made in China. It is only a toy. But the 2,000 assault weapons that the U.S. attorney in San Francisco found last month were not toys. They were the real thing, smuggled in by the Chinese Government or a company controlled by the Chinese Government. It is sometimes hard to tell the difference when you are dealing with a Communist country that uses slave labor.

The assault weapons in California kill people. Those toys made by the Chinese in Chinese slave labor camps kill jobs, American jobs. The trade deficit with China is $34 billion a year and growing. Before long it will be greater than the deficit we have with Japan. MFN, most-favored-nation status, is not fair to American workers. Kill MFN.

THE NEA MUST GO

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

Mr. FUNDERBURK. Mr. Speaker, here we go again. The NEA insists on offending American families. Freshman Republicans tried to eliminate taxpayer funding for the National Endowment for the Arts, in part because taxpayers should not have to subsidize art which blatantly offends the religious beliefs and family values of most Americans. As Bob Dole puts it, most people know the difference between Mapplethorpe and Michelangelo.

Now the NEA has crossed the lines again with a debut this Sunday of the "Watermelon Woman" film at the New York Lesbian and Gay Video and Film Festival. The film is described in the Washington Times as "black lesbian quirky, steamy, and taxpayer funded." The Times goes on to quote Edmond Peterson, chairman of Project 21, an organization of conservative blacks, saying: "This is a classic example of the Clinton administration being in bed with the gay-lesbian movement and funding a project through tax dollars that cannot get funded any other way."

Mr. Speaker, it is a free country and people can make any kind of trash they want, but taxpayers should not have to pay for it. It is time we cut off funding for the NEA.

A MODERN-DAY HELEN OF TROY

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

Mrs. SCHROEDER. Mr. Speaker, Helen of Troy supposedly launched many ships with just her face. Today I picked up the Hill and read that the Speaker of the House is giving me credit for launching the Republican budget with my face. I want to thank him, but I cannot take credit.

Everybody wondered how the Republicans got the last four votes on this Republican budget that they launched, because this Republican budget increases the deficit from this year, next year, and the next year. It is a disaster. It's a ship that should be sunk, not launched.

Mr. Speaker, when the Republicans counted the votes, they did not have them, so they had to keep the voting machine open for a very long time while they pressured their Members to change. The Speaker said he did not have to work at all, that their four changers very willingly came down here and changed when they saw my face. That is fairly incredible, because I was not here. I was one of the first to vote, went home, and was watching the vote on C-SPAN, so I have something over Helen of Troy. If the Speaker is right, they can beam my face right back in here from C-SPAN even if I'm absent.

MEDICAL SAVINGS ACCOUNTS ARE NEW APPROACH WITH PROVEN TRACK RECORD

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

Mr. BALLENGER. Mr. Speaker, medical savings accounts have become a focal point for this whole debate over the health care reform. MSA's are a new approach, but they do have a proven track record.

A recent study by researchers at Cleveland State University prove the effectiveness of MSA's. They studied 27 Ohio firms of less than 200 employees. The average employee had lower out-of-pocket costs—as much as $1,355 per family. The firms themselves saved an average of 12 percent a year without passing on the savings to their employees.

Mr. Speaker, as of last year, 17 States have passed MSA laws, another 11 are considering them, and another 11 have called on Congress to enact MSA's. Even the United Mine Workers offers MSA's to its members. Let us join the trend toward serious, workable health care reform; let us follow the lead of the States and enact the kind of reforms that have a proven track record.

CALL GHOSTBUSTERS FOR AIRLINE SAFETY

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

Mr. TRAFICANT. Mr. Speaker, before the ValuJet crash, an FAA inspector said that ValuJet is an accident waiting to happen. It is so bad, she said, that neither she nor her family would ever fly on ValuJet. But after the crash, a DOT spokesman said ValuJet is completely safe. It is perfectly OK.

Yesterday, after a Three-Stooges-type soap opera, the Government, who has been speaking out of both sides of their mouth on the ValuJet incident, did the following thing. They grounded ValuJet as unsafe, and they threw the top safety man, Tony Broderick, to the wolves.

Beam me up, Mr. Speaker. It is evident after this soap opera that the only call the flying public can make is to Ghostbusters, because the FAA is out to lunch with a bunch and the DOT has gone for soup with the group. Think about it.

WHEN ARE WE GOING TO HEAR THE TRUTH ABOUT THE FBI FILEGATE SCANDAL?

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

Mr. HEFLEY. Mr. Speaker, in order to help me and the American people decipher the police state tactics of the FBI files scandal, I tried to figure out what an innocent bureaucratic mistake was. I thought it might help to look up the word "innocent" in the dictionary. Webster's New Collegiate Dictionary states that the word "innocent" has

the following definition: free from guilt through lack of knowledge.

Mr. Speaker, this really did not help, because how could anyone realistically have a lack of knowledge that all of the names in the files in question were Republican White House personnel? Certainly the White House should know our former Secretary of State James Baker, who was on the list, is not really a security risk.

Mr. Speaker, my colleagues and I ask just one thing of the Clinton White House with regard to the new FBI Filegate scandal. It is the same question we have asked with so many of the scandals down at this White House: When are we going to hear the truth?

ANOTHER REPUBLICAN DISMANTLING OF MEDICARE

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

Mr. OLVER. Mr. Speaker, as Yogi Berra once said, it is deja vu all over again: another Republican dismantling of Medicare; a little smaller than before, but just as unnecessary, and still a bad policy. Doctors can charge thousands of dollars in bills that Medicare will not cover; hospitals are cutting even more than before, and these cuts, along with the Republicans' Medicaid cuts, will close many rural hospitals in districts all over this country. Seniors are still herded into managed care plans where they cannot choose their own doctor. That means less choice and continually rising premiums.

Once again, Republicans demand that seniors pay more and more and get less and less. Once again, seniors will pay for the tax cuts for the well off. This plan was never intended to improve Medicare. As Speaker GINGRICH has already said, this plan is intended to see Medicare wither on the vine. It is still a bad deal for America's seniors.

□ 1015

PRIVACY RIGHTS AND FILEGATE

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

Mr. CHABOT. Mr. Speaker, when the privacy rights of American citizens are in jeopardy, partisan politics has no place.

That is why I stood up to Members of my own party in fighting against giving the FBI more leeway to conduct warrantless wiretaps. I have opposed the so-called digital telephony scheme which would have expanded the FBI's power to eavesdrop on American homes. And I have taken on Members of my own party when I fought against the odious 1-800-BIG-BROTHER employee computer registry plan.

Thus, I am absolutely astounded by some of the political professionals in this town who have rushed blindly to defend the White House on this FBI file scandal. There is no excuse for White House operatives to rummage through the private FBI background files of political opponents. None. People who sacrifice all dignity in order to help the White House Stonewall and on filegate lose any right to call themselves civil libertarians. It is disgraceful and they should be ashamed.

DOLE'S ANTI-ENVIRONMENT RECORD

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

Mr. MILLER of California. Mr. Speaker, Bob Dole's first campaign swing through California had a chilling message for every voter who cares about the environment.

Bob Dole endorsed Governor Wilson's Ward Valley nuclear dump, although the bankrupt developer has yet to build a radioactive waste facility without serious safety problems.

Bob Dole endorsed the $2 billion Auburn Dam for Sacramento Valley developers, situated smack on top of an earthquake fault, ignoring a cheaper and more environmentally safe flood control alternative.

Bob Dole endorsed logging of a giant ancient, redwood forest in violation of the Endangered Species Act to benefit a giant timber corporation.

And Bob Dole embraced subsidized agribusinesses who refuse to share water with California cities, fisheries, wetlands, and refuges. No surprise, because Bob Dole's campaign manager is a lawyer representing the biggest subsidized growers and polluters in our State.

This is Bob Dole's scorched Earth campaign for California's environment, designed by lawyers, lobbyists, and special interests. It will be rejected by California voters because Bob Dole is no friend of our environment.

WHAT IS THREATENING ABOUT MEDICAL SAVINGS ACCOUNTS?

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

Mr. BARTLETT of Maryland. Mr. Speaker, taking power and influence out of the hands of bureaucrats in Washington and returning it to the America people is something the American people want and that the Congress is trying to provide.

Medical savings accounts, MSA's, are one way to return power and influence over health insurance to individuals.

With an MSA, you do not need anyone's permission to spend money on health care. It is your money to spend or save as you see fit.

With an MSA, you do not have to worry about losing your health care insurance if you switch jobs or lose your job—your MSA is yours and it goes with you. That is true portability.

With an MSA, you do not have to worry about the potential for ruinous out-of-pocket costs. Out-of-pocket costs are limited to the amount of the deductible; and catastrophic insurance kicks in with full coverage after that.

With an MSA, the power and influence over health care spending is in the hands of the individual Americans who choose to have an MSA to pay for their health care.

Why is this power and influence for individuals so threatening?

One person should not deny millions of Americans reform, including MSA's, that will make health insurance more portable and affordable.

TRIBUTE TO 1996 TOSHIBA/NSTA EXPLORAVISION AWARDS PROGRAM

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

Mr. BROWN of California. Mr. Speaker, this Friday, more than 40 students will come to our Nation's Capital to receive top honors in the 1996 ExploraVision Awards Program, sponsored by Toshiba and administered by the National Science Teachers Association [NSTA].

The ExploraVision Awards Program is the largest K-12 student science competition in the world. The competition asks students to work in teams to use their imaginations to envision what technology will be like 20 years from now.

As a longstanding member of the House Science Committee, I have worked hard to improve science education in this country.

The competition is just one great example of a successful business-education partnership that encourages students to pursue careers in science. I have been supporting this outstanding program since its launch in 1992.

The ExploraVision Awards give students the opportunity to identify future technological needs and develop the kind of technological thinking our society needs in order to meet the challenges of the future.

I am proud to recognize the achievements of this year's winners and proud to be the honorary cochairperson of the 1996 ExploraVision Awards weekend.

CLINTONOMICS

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

Mr. KINGSTON. Mr. Speaker, today I submit the latest "Say what, Mr. President?" and the credit goes to Clinton appointee Richard Rominger who

last night proclaimed to the Georgia Farm Bureau that, and I quote, "During this administration, the national debt has fallen $15,000 per family of four."

"How so?" asks our numbers-crunching colleague, MAC COLLINS, because the national debt has risen steadily during this administration.

"Well," answered a shameless Rominger, "the annual deficit had been rising and since it is not rising as much, the $15,000 represents the additional amount saved had it kept rising."

Let me put that in English. I weigh 170 pounds. I have never weighed 190 pounds. But according to Clintonomics, I lost 20 pounds if I add up all the sundaes and desserts that I have said "no" to.

Ladies and gentlemen, that is Clintonomics. It is like an Oliver Stone movie—it is exciting, it is entertaining, but it is not based on reality.

HIGH-TECHNOLOGY JOBS BEING TRANSFERRED TO CHINA

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, soon we will be voting on the President's special request for a waiver for most-favored-nation status for China. I am here today to talk about one of the myths that has been circulated, and that is that most of the jobs that we are losing to China are low-technology jobs. Indeed, one of the greatest assaults on the American worker is being made right now with the transfer of technology to China. For example, Boeing used to make all of its tail sections for the 737 in Wichita, KS. Now, in the last couple of years, they have transferred the production of half of those tail sections to Xi'an, China, where workers make $50 a month on these high-technology jobs, thereby taking jobs from the American worker that are high-technology.

In addition to that, if you wish to sell into the Chinese market, you must build a factory there and then turn over your technology plans to some institute there which then passes it around among the Chinese where you have now created your competitors.

This is a very important issue, Mr. Speaker. If intellectual property is a $2 to $3 billion loss, this is over a $100 billion loss. It does harm to the American worker and steals America's economic future.

ROBBING OUR UNION EMPLOYEES

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

Mr. KNOLLENBERG. Mr. Speaker, employees have a right to know why their hard-earned money is being taken out of their pockets and being used by union leaders. They also deserve the right to stop it if they choose.

Why would anyone oppose legislation which gives workers the right to know where their money is going? Because it is a cash cow.

AFL-CIO President John Sweeney publicly vowed his union's intention to spend $35 million to fund campaign and political activities—$35 million right out of the pockets of rank and file union members.

More than 62 percent of these hard-working men and women said in a poll that they do not approve. They do not want their dues going to campaign and political purposes.

And most did not even know about President Sweeney's political attack with their hard-earned money.

We need to stop this ripoff and give our hard-working families a break. There is a way. Support the Worker Right-To-Know Act.

MEDICARE OVERBILLING

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

Mr. GENE GREEN of Texas. Mr. Speaker, the House Republican plan on Medicare calls for $168 billion in cuts in the growth, as they say. They say they need to cut this much in order to save Medicare, but the President's budget saves Medicare for $44 billion less in the cuts in growth.

Perhaps this is the Republican majority way of paying for financially irresponsible tax cuts. These are the same tax cuts that increase the deficit for the next 2 years. We will not hear that from that microphone over there.

But there is more. In the Speaker Gingrich House Republican Medicare plan there is a provision that would allow health care providers to bill seniors more now than they are for current services paid for by Medicare. So, in other words, not only are we going to cut Medicare but seniors are going to have to pay more for services that have been provided by Medicare. The Gingrich plan would weaken the provision, thereby opening the door for higher out-of-pocket expenses for our seniors.

The Republican majority's first priority is tax cuts, even though they increase the deficit. Then they want to cut Medicare, education, and all the rest in order to pay for it. These are not the priorities of the American people.

THE RIGHT CHOICE TO SAVE MEDICARE

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

Mr. HAYWORTH. Mr. Speaker, hearing my dear friend from Texas reminds me of that great country and western song entitled "That's my story and I'm sticking to it." The same tired old bromides based on fear and not on facts still exist within the liberal minority.

I daresay what we fail to hear from that microphone is the stunning reality that the bipartisan trustees of the Medicare trust fund told us not 2 weeks ago that if we fail to act, Medicare, as we know it, goes broke in 5 years, quite possibly in 4.

The key difference is this, Mr. Speaker: When we get past the name calling and the playground taunts, those of us in the new majority are willing to work to govern, to save, preserve, protect, and improve a program for the next generation, while our dear liberal friends are so willing to abandon reality they are thinking only of the next election. The American people will make the right choice.

HEALTH CARE REFORM

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

Mr. WYNN. Mr. Speaker, this morning I would like to talk about health care, because Americans want health care and they want health care reform.

Interestingly enough, there is bipartisan support for health care reform, reforms which would provide portability, which is the right of a person to transfer their health insurance when they change jobs, and also a provision that would ban prohibitions against preexisting conditions, so if their child has asthma, they can still get health care. There is bipartisan support in both houses.

We ought to pass it because the American people want it. But why do we not pass it? Because the Republican majority wants to overreach again. They want medical savings accounts.

Mr. Speaker, the American people are not asking for medical savings accounts. Medical savings accounts sound good, but actually they only work for the wealthy and the healthy. Those people who are poor, those people who are middle class, those people who are sick will face rising premiums as the healthy and the wealthy get out of the health insurance pool.

That is why medical savings accounts are not a good idea. Let us put that idea on hold. Let us pass what the American people want, which is health care reform. That is why Republicans are bad managers, because they cannot see the forest for the trees.

THE 100TH BIRTHDAY OF LAWRENCE WESTERMAN

(Mr. FLANAGAN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. FLANAGAN. Mr. Speaker, I rise today in recognition of the 100th birthday of Mr. Lawrence Westerman, a former resident of Chicago. It is appropriate that we celebrate Mr. Westerman's 100 years of life and recognize his years of service to our great Nation as we prepare to celebrate Independence Day.

Mr. Westerman was born on January 14, 1896, in Chicago, IL, of German immigrant parents. A World War I veteran who enlisted in the Illinois National Guard on June 16, 1916, Mr. Westerman was commissioned as a second lieutenant and, 2 years later, was promoted to first lieutenant and sent to France to serve in the 33d Division. In August of 1918, Mr. Westerman was severely wounded while defending our Nation and, accordingly, was awarded the Purple Heart. Interestingly, Mr. Speaker, Mr. Westerman may be the oldest recipient of this heroic award.

We should take this time to personally wish Mr. Westerman a belated happy birthday and also to thank him for his superior dedication and unwavering commitment to our great country. Mr. Westerman, thank you and we wish you all the best.

□ 1030

MEDICARE VERSUS PERSONNEL FILES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is the month of June, but I do not know, some of us may be thinking it is Halloween. The reason is because it seems that the Republicans want to play around with the ghost of the personnel files in the White House. Already the White House has indicated that there was no wrong intended. They have got a new director. The special prosecutor Kenneth Starr says there is nothing to investigate or prosecute. But all we can hear is about the ghost of the personnel files. The reason is because they do not want to talk to us about the Medicare cuts. There is a $1,000 increase with the Republican plan on seniors by the year 2002.

Listen, America, forcing hospitals to close, already hospitals have closed in neighborhoods in New York and they are closing in rural communities across the Nation because of the cuts in Medicare. What Americans need most is good health care. For our seniors in particular, we need hospitals open and with lower cost. Yes; rather than trying to fix the Medicare trust fund with reasonable responses and cuts in abuse and fraud, the Republicans want to get a large cut so that they can give tax cuts to the wealthy.

Stop with the ghost of Halloween and let us put a good Medicare plan on the table and provide health care for seniors and Americans across the Nation.

MEDICAL SAVINGS ACCOUNTS

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

Mr. CHRYSLER. Mr. Speaker, last week, the Marketing Research Institute released a poll of 1,000 workers across the Nation on their opinions on health care issues.

This poll found that 87 percent of the respondents wanted Congress to enact medical savings accounts.

But now, all of a sudden, MSA's have become a partisan issue with liberal Democrats. They have effectively shut down health care reform over this and other issues where there is widespread bipartisan support.

At the State level, MSA's have been passed by legislatures and signed by Governors of both parties. In every State where MSA's have been passed, they passed with overwhelming bipartisan majorities. In five States, MSA's were passed by both Chambers unanimously. We have pilot programs.

Mr. Speaker, it is a shame the liberal Democrats here in Washington have resorted to obstructionism. They have no new ideas, they have no positive agenda, and all they can do is stand in the way and throw up road blocks to serious health care reforms that are popular with the American people.

DOING BETTER ON HEALTH CARE

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

Mrs. CLAYTON. Mr. Speaker, we should indeed ask ourselves what are the implications of this Medicare discussion. Are they the realities my colleagues on the other side say? Well, the realities of cutting $168 million from rural America in the State I come from will mean that many of my senior citizens will have to pay more for their premium. The reality will mean that they will be forced into health care plans where they have no option.

The reality will mean in many instances the hospitals that depend heavily on Medicare and Medicaid may have to close. So the reality of cutting so severely does not protect for the future. It denies opportunity. Also, what should be the expectation for us as we look for Medicare and the security in the future? It means we need to come together as bipartisan and to understand there are ways to protect but not necessarily cut and be extreme.

Mr. Speaker, there are ways in which we can help the citizens who need help now and to protect in the future. It requires us not to be extreme. It requires us to think about the poor as we think about the rich. Mr. Speaker, we can do better than this.

THE ENERGY STANDARD

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

Mr. GILLMOR. Mr. Speaker, today the House will debate the interior appropriations bill. While I support many of the provisions of this bill, I do have serious concerns in at least one area. Nearly 20 years ago, Congress asked the Energy Department to set energy efficiency standards for home appliances. This was an effort to stem the unnecessarily rapid rate of energy consumption in this country. By establishing national standards for everyone to use, a valuable measuring stick was created to permit manufacturers to commit time, investment and engineering resources. However, this was all placed on hold in our spending bill in 1996 which put a moratorium on rulemaking.

While I have never been one to support increased regulation, this issue should have been handled better. Congress ought not be in the business of artificially manipulating a steady market once it is established. Yet this is exactly what the appropriations bill report language purports to do.

Second, the issue of energy standard should be dealt with through the Committee on Commerce, the committee of jurisdiction. What the committee is attempting to do is to interfere in the economic marketplace.

THE INTERIOR APPROPRIATIONS BILL

Mr. DICKS. Mr. Speaker, I rise today in strong opposition to the so-called Riggs amendment. In the full committee, on the Appropriations Committee, we took up the Interior appropriations bill. After last year, I think all of us learned that we should be very careful about extraneous riders to that bill. But the gentleman from California [Mr. RIGGS] decided to offer an amendment that would knock out a crucial, critical habitat designation under the Endangered Species Act for some important marbled murrelet habitat in northern California.

I urge the House today to support my amendment, which will be offered as an amendment to strike this provision, section 116, when the bill is considered later today. There is a way to deal with this problem for the company in California that I know Congressman RIGGS is concerned about, and that is to get that company to do a multispecies habitat conservation plan under the Endangered Species Act. That is the proper way to proceed, not with this rider.

JUNETEENTH DAY

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

Mr. SOUDER. Mr. Speaker, I rise to commend those in my district who today are celebrating Juneteenth Day, marking the freedom of the last known slaves on June 19, 1865, almost 2½ years after President Lincoln signed the Emancipation Proclamation and 65 days after Lincoln had been assassinated. Gen. Gordon Granger entered Galveston, TX, with 1,800 troops, proclaimed Texas under U.S. Federal authority and declared the 250,000 slaves in Texas free.

His remarks to the slaves and slave owners concluded with his reading of the Emancipation Proclamation. Upon hearing the final line of General Granger's reading, the slaves in Galveston immediately began the first Juneteenth celebration in response to their freedom.

A story that has been passed down through the generations says that President Lincoln sent a messenger on a slow-stepping mule from Washington with the news which did not reach these States, deep southern States, until 2½ years later. This shows that some things never change. Historians have attributed the delay to the slow-moving Washington bureaucracy.

Today this holiday is celebrated throughout America, not just in the South. I know that in my district, in addition to celebrations like picnics, parades, and pageants, very much like those going throughout the country, there are 150 community leaders meeting and how their groups work to better people's lives. I rise to congratulate them. We all must work together.

THE BUDGET

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, proudly beating their chests in 1994, the Republicans signed a contract with America which promised to balance the budget. Last week, however, almost every Republican voted for a budget resolution that would increase the deficit by $40 billion over the next 2 years.

It was only after 3 years of hard work by President Clinton and the Democrats that we succeeded in reducing the Reagan and Bush deficits from $290 billion a year to $130 billion. And now, Mr. Speaker, Republican leaders want to take us back to the borrow-and-spend policies which put us in this deficit hole in the first place.

By now it should be crystal clear that the only things the Republican Party cares about are giving tax breaks to the wealthy and more money to the Pentagon.

Mr. Speaker, let's face it. The Contract on America was nothing more than the vehicle by which the Republican Party delivered Government handouts to defense contractors and junk bond dealers, period.

REPUBLICAN HEALTH CARE REFORM BILL

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

Mr. PALLONE. Mr. Speaker, both Democrats and Republicans support a health care reform bill that would essentially make it easier for people to get health insurance if they lose their jobs or change jobs, or also if they have a preexisting medical condition. The problem, though, is that the Republican leadership continues its effort to add on what I call the poison pill to this health care reform bill, and that is the medical savings accounts. Essentially what they want to do is encourage healthy and wealthier people to opt out of the traditional insurance pool that we have for most health insurance and leave in the insurance pool the people who are sicker, who have less money and, therefore, drive up insurance costs, premium costs.

Last night I heard some of my colleagues on the Republican side talk about how they wanted an MSA demonstration project, but that it is not enough to just have it for employers of 15 employees or less, they want it for 100 employees or less.

Mr. Speaker, the bottom line is, if you include these MSA's in this health insurance reform, you will destroy health insurance reform. The President will not sign it. The Democrats will not support it. The end result is to increase premiums for the average American.

REAL HEALTH CARE REFORM

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

Mr. WELLER. Mr. Speaker, it is interesting that we on the Republican side are committed to making health care more affordable. There is 40 million Americans in this country without health care insurance today. Why? If you listen to them and ask them why, they tell you it is because they cannot afford it.

Now, those on the other side said, well, let us have the Government take over and run our health care system. Let the bureaucrats do it, they can do a better job. Well, the people spoke loud and clear 2 years ago and said they do not want the Government running health care. They want more choice, more freedom, more affordable health care.

Well, we have an agreement between the House and Senate to make health care more affordable, making it easier for small businesses to ban together, pool their employees, get better, more affordable rates. Medical savings accounts provide choice, allowing consumers to be rewarded for making better choices, being able to work with their own physician and save money, which is the bottom line.

Mr. Speaker, we want to bring about real health care reform. We need bipartisan support. We need those who want government-run health care to just say okay, let us let a proposal to make health care reform affordable pass.

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

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule: Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on National Security; Committee on Resources; Committee on Science; Committee on Transportation and Infrastructure; Committee on Veterans' Affairs; and Permanent Select Committee on Intelligence.

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

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3662, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 455

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or clause 7 of rule XXI are waived. General debate shall be

confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill (other than section 117 and the first two provisos under the heading "Strategic Petroleum Reserve") for failure to comply with clause 2 or 6 of rule XXI are waived. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. An amendment striking the last proviso under the heading "Strategic Petroleum Reserve" shall be considered as adopted in the House and in the Committee of the Whole. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or his designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from California [Mr. BEILENSON]. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 455, and that I be permitted to submit extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 455 is an open rule providing for the consideration of H.R. 3662, the Interior and Related Agencies appropriations bill for fiscal year 1997.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, after which time the bill will be open to amendment under 5-minute rule.

Under this open rule, any Member can be heard on any germane amendment to the bill at the appropriate time, as long as it is consistent with the normal rules of the House. It is important to note that of the four previous appropriations bills that have been reported to the House this year, all have been considered under an open amendment process.

As we have done in the past, the rule empowers the Chairman of the Committee of the Whole to give priority in recognition of Members who have preprinted their amendments in the RECORD prior to their consideration.

The Committee on Rules continues to believe that the option of making amendments available for our colleagues to read in advance of floor action is a very useful tool for improving the quality of debate in the House.

Mr. Speaker, the rule also provides a limit but necessary number of waivers to facilitate the orderly consideration of the bill. For example, the rule waives clause 2(l)(6) of rule XI, regarding the 3-day availability of the committee report, and clause 7 of rule XXI, regarding the 3-day availability of printed hearings and reports on general appropriations bills.

Since authorizing legislation for several programs within the scope of the bill has not yet been approved by the House, the rule provides the necessary waiver of clause 2 of rule XXI, which prohibits unauthorized and legislative provisions in appropriations bills. However, Members should be aware that the waiver of unauthorized provisions does not extend to that section of the bill regarding the collection of States sales taxes on tribal businesses, or to the first two provisos under the heading of "Strategic Petroleum Reserve."

In addition, at the recommendation of the Budget Committee, the rule provides for the automatic adoption of an amendment striking the final proviso under the heading of "Strategic Petroleum Reserve" from the bill. It is the Rules Committee's understanding that the provision, if it were not removed from the bill, would constitute a significant violation of the Budget Act.

Furthermore, the rule allows the Chairman of the Committee of the Whole to postpone and shorten votes during further consideration of the bill. After the reading of the final lines of the bill, a motion to rise, if offered by the majority leader or his designee, will have precedence over a motion to amend. Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, the focus of this year's Interior appropriations bill has been to make good government choices, and I congratulate my colleague from Ohio, the distinguished chairman of the subcommittee, for his leadership in balancing the need for meaningful deficit reduction with the need to enhance and protect our Nation's natural and cultural resources.

Although the bill appropriates $500 million less than last year's enacted level, the committee has provided reasonable increases for the national parks, wildlife refuges, and forests. Special increases are provided for Everglades restoration, the earthquake program, and for two new initiatives—the new Southern California Natural Communities Conservation Planning Program and the Appalachian Clean Stream Program. Funds have also been added to address important Indian health and education needs.

As I am sure my colleagues know, summer is the time when many of our constituents travel to the Nation's Capital to visit the city's treasured landmarks, and I am pleased to note that in the bill priority was given to funding increases in both operations and relieving critical maintenance backlogs for some of our Nation's major cultural institutions. These include such popular sites as the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the National Holocaust Memorial Museum.

While the committee was able to provide modest funding increases for these programs, I should also point out that the bill responds to the American people's call for smaller, less costly, and more effective government. In order to fund these and other priorities, the committee has taken responsible steps to eliminate duplication and layers of management, and to do away with functions that the committee believes are not inherent Federal responsibility.

By continuing to reduce unnecessary spending and focusing reasonable funding increases on the core programs contained in the bill, Chairman REGULA and members of the Appropriations Committee have been able to save the American taxpayers $500 million, and at the same time fulfill the commitment to preserve and enhance our national treasures.

Mr. Speaker, in closing I would emphasize again that the rule before us is both fair and open. Any remaining areas of concern or disagreement can be addressed through the normal amendment process. House Resolution 455 was reported unanimously by the

Rules Committee yesterday and it will allow our Members to participate most fully in the deliberative process. I urge my colleagues to vote "yes" on the rule and "yes" on the underlying legislation.

Mr. Speaker, I include the following information for the RECORD.

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

[As of June 18, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open[2]	46	44	74	59
Structured/Modified Closed[3]	49	47	33	27
Closed[4]	9	9	17	14
Total	104	124	124	100

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

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

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

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

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of June 18, 1996]

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

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

[As of June 18, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177. (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	

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

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

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume, and I thank the distinguished gentlewoman from Ohio, my good friend, Ms. PRYCE, for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, this rule permits Members to offer any amendment which is in order under the standing rules of the House, and we are pleased that the majority has provided again such a rule for the Interior appropriations bill. We are also pleased that the rule continues a practice established several years ago when Democrats controlled the House, of respecting the prerogatives of authorizing committees by not protecting against points of order legislative language in an appropriations bill that the authorizing committee with jurisdiction over the matter objects to.

In that regard, the rule allows two controversial legislative riders in the bill to be struck by raising a point of order. One is a provision mandating the sale of over $200 million worth of oil from the strategic petroleum reserve. The other is a provision concerning the collection of State and local taxes by native American retail establishments located on native American lands.

However, there is one aspect of this rule, Mr. Speaker, that we object to, and that is the absence of a rule XXI waiver, a waiver against legislating on an appropriations bill for an amendment that the gentlewoman from Oregon [Ms. FURSE] and the gentleman from Illinois [Mr. PORTER] hoped to offer to repeal the salvage timber program enacted by the Congress last year.

The enactment of that program, which is causing serious environmental damage in the Pacific Northwest, was possible only because the Committee on Rules last year waived rule XXI to permit the salvage timber program to be added as a legislative rider to an appropriations bill. Because the destructiveness of this program has become a growing concern to an increasing number of Members, it seems only fair and reasonable to allow the House to consider terminating the program through the same means by which it was originally enacted. We feel that we should have had that opportunity.

Beyond the rule itself, many of us have serious concerns about the bill that the rule makes in order. While the bill does not contain the many antienvironmental riders that last year's Interior bill contained, it is not entirely devoid of controversy stemming from legislative provisions that do not belong on an appropriations bill.

One rider that this year's bill contains would prohibit the enforcement of the critical habitat designation for the marbled murrelet on private lands in California. Over 37,000 acres of critical habitat is affected, most of which is in the Headwaters Forest area, the last unprotected ancient redwood wilderness in the world. Fortunately, we anticipate an amendment striking this provision will be offered. We urge Members to support that amendment.

But even without containing a large number of antienvironmental legislative riders, this bill would cause great harm to our Nation's valuable natural and cultural resources by falling far short of providing the funds needed to protect those resources. The bill would reduce funding by half a billion dollars, as the gentlewoman from Ohio [Ms. PRYCE] stated, below last year's level. When combined with the deep cuts in the Interior bill enacted for fiscal year 1996, this bill would provide about 12 percent less for Interior programs than we were spending in fiscal year 1995.

Under this bill, funding for the National Park Service would be 18 percent below the President's request. That shortfall will prevent the Park Service from meeting the growing demand at

our great national parks for visitor services, maintenance and resource protection.

The bill also contains large reductions from the President's request in other programs critical to effective resources management, including a 20-percent cut in endangered species programs and a 24-percent cut in funds requested for the Pacific Northwest forest plan, designed to protect our Nation's remaining old growth forests.

Funding for land acquisition, which is critical to protecting threatened areas in and around our national parks, national forests, and wildlife refuges, would be reduced to just $100 million, which is less than one-third the amount we spent for that purpose in 1992 when Mr. Bush was President and only one-ninth of the amount of money we are collecting in the land and water conservation fund for the purpose specifically of purchasing critical lands.

This bill also imposes a deep cut in energy conservation programs. It is 33 percent below the President's request in that area. These programs not only increase our Nation's energy efficiency, they also prevent pollution and save businesses and individuals large sums of money in energy costs. A particularly shortsighted provision is the 50-percent cut in the President's request for the Federal Energy Management Program, which saves taxpayers money by reducing the Federal Government's energy costs.

Furthermore, the bill's low level of funding for fire suppression, $83 million below the President's request, is inadequate to meet the rising costs of the Forest Service's efforts to fight and prevent wildfires.

In addition, this bill would severely impair programs serving native Americans by cutting funding for them by 14 percent below the President's request. Particularly hard hit would be the critically important health and educational services we currently provide for native Americans.

Finally, Mr. Speaker, the bill would reduce funding for the arts and humanities by 40 percent from the levels provided in fiscal year 1995. In doing so, it would severely jeopardize important cultural, educational and artistic programs in hundreds upon hundreds of communities throughout the United States.

I do not fault the chairman of the Committee on Resources, the gentleman from Ohio [Mr. REGULA], for these shortfalls in funding. He is an eminently fair and thoughtful gentleman, who has done a very good job with this bill in light of the very limited spending allocation his subcommittee was granted.

The fault lies, if I may say so, Mr. Speaker, with the Republican leadership's spending priorities, which, simply stated, are wrong. It makes no sense to shortchange the many relatively modest programs contained in this bill, programs that protect our Nation's resources for our children and our grandchildren in order, for example, to help pay for a defense spending bill that provides $11 billion in excess of what the Pentagon itself requested.

Mr. Speaker, the bill this rule makes in order does not serve our Nation's best interests. It denies future generations the legacy we believe we would all like to leave behind: abundant natural resources, a clean and well-protected environment, and a cultural richness that all Americans can enjoy. When the House considers the bill itself, we urge Members to oppose it.

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

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, my friend from the great Empire State.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman from Columbus, OH, a member of the Committee on Rules that does such a great job, for yielding me time. She is going to do a great job on this one here today, too.

Mr. Speaker, this is a rule that is open, it is fair, it allows cutting amendments, it allows offsetting amendments, it allows limitation amendments, and there is no time limit on the bill itself.

I have to forewarn the Members that after today there will be 29 legislative days left. That means that we have approximately 13 appropriation bills and their conference reports to deal with. We have three reconciliation bills that must be dealt with. We have the Safe Drinking Water Act. We have welfare reform. We have all of these issues that have to come to the floor. Each one of them, there are about 85 of them, are going to take the best part of a day. When you consider there are 29 days left and we have 85 major issues to deal with, a lot is going to get left by the boards, because it is imperative we get out of here by October 4 and go back home and be where we should be, with our constituents.

So, having said that, let me just say that I hope that the Members, if they are going to offer amendments, will work together. We do not want to have duplicative amendments. If some of us are interested in cutting this particular program or adding to that program, we ought to work together so that we do not have 40 or 50 or 60 amendments. Let us keep it to as few as we can and still accomplish what we want to do.

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Having said that, let me just say to the gentleman from Ohio, Congressman RALPH REGULA, and the gentleman from Illinois, SID YATES, what a great job they have done. It is absolutely imperative that this Congress stay on the glidepath to a balanced budget. This is the second consecutive year that we are doing that, and we have 5 more years to go. Every year gets more difficult because the cuts come even deeper, but we must absolutely stay on that glidepath to a balanced budget.

That is why today I am supporting this bill, because it is a part of that glidepath, it is $500 million less than last year, and the projection for next year is going to be even deeper cuts in this bill and all of the other appropriation bills that are coming down the line. So, I want to really commend RALPH REGULA and SID YATES, because their job was very, very difficult.

We have very important issues in this Interior bill. They deal with our national parks, which are so important to the past and the future of this country, and to be able to develop this bill while still cutting the overall budget, I think is a great accomplishment. I want to commend them for it and hope that this rule and this bill is going to pass today so that we can get on and get to welfare reform and immigration reform and all of these other important bills that we have to deal with in the next 29 days.

So, I thank the gentlewoman for yielding me the time, and good luck.

Mr. BEILENSON. Mr. Speaker, I yield 8 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I appreciate my friend from California yielding time to me. I want to talk today about a rather complicated issue, and I am pleased that the rule allows us to consider this amendment.

This is an issue that involves the continued existence of California's marbled murrelet. The marbled murrelet is a rare sea bird that nests in forests along the Pacific coast. It is a small bird that spends much of its time at sea feeding on fish. However, during certain crucial months each year it nests in California's coniferous forests.

The marbled murrelet is listed as endangered under the California Endangered Species Act and threatened under the Federal Endangered Species Act. My colleague and member of the Committee on Appropriations, the gentleman from California [Mr. RIGGS], has a rider on the Interior bill attached in committee last week which could lead to the extinction, unfortunately, of the California marbled murrelet.

The Riggs amendment prohibits implementation of critical habitat designation under the Federal Endangered Species Act for the marbled murrelet. The rider would apply to most of the private lands in the northern coastal area of California that has been identified as critical habitat for the marbled murrelet.

If critical habitat in this California area does not continue to be designated, there is strong likelihood of the marbled murrelet extinction in

northern California, which will most likely affect the bird throughout its Pacific Northwest range.

The Riggs amendment excludes from its coverage 3,000 acres commonly called the "Headquarters Grove," but this exception does not include headwaters areas that are crucial for survival of the bird in California. For example, the exception does not include the Owl Creek Forest, a 440-acre stand of old growth coastal coniferous forest that contains a key 137-acre marbled murrelet nesting area.

The Riggs amendment does not provide needed protection for private property because critical habitat designation does not stop private activities. Critical habitat designation on private land does not stop activities, but it results in more careful consideration before Federal agencies carry out, approve, or fund activities.

Critical habitat designation impacts only Federal, not private, actions. For private land, critical habitat will come into consideration when the landowner seeks some Federal permit or approval, such as an incidental take permit. Moreover, while critical habitat designation may change the Fish and Wildlife Service's calculus in granting a take permit, it does not trigger the incidental take process. If marbled murrelets will not be injured or killed by logging or designating habitat, the logging can proceed without a permit.

The marbled murrelet is dependent on little areas that remain. In California, over the past 150 years, we have taken and harvested much of the marbled murrelet's nesting habitat. The number of birds in California has dropped from an estimated historic population of 60,000 to only about 6,000. Because of the marbled murrelet's precarious situation, further destruction of its significant habitat makes extinction of the northern California population probable.

The marbled murrelet has special nesting requirements. Every year the species loses a majority of its chicks to predation; therefore, it can nest successfully only where foliage is thick enough for the chicks to hide from predators. In addition, marbled murrelets do not build typical nests; instead, they lay eggs in natural depressions on tree limbs, so they require large limb structures.

Critical habitat designation has focused on Federal land. In May 1996 critical habitat was designated for the marbled murrelet along the Pacific coast. Slightly over 1 percent of the designation occurred on private land, because the Fish and Wildlife Service worked to designate non-Federal lands as critical habitat only "where Federal lands are limited or nonexistent and where non-Federal lands are essential for maintaining marbled murrelet populations and nesting habitats." A total of about 48,000 private acres were designated as critical habitat for the bird.

The Riggs amendment applies to almost all this area, most of which is owned by the Pacific Lumber Co.

The marbled murrelet draft recovery plan emphasizes the importance of these acres for marbled murrelet recovery. Suitable nesting habitat on Pacific Lumber Co. lands in Humboldt County, CA, is the only, and I underline that word, only, available nesting habitat for the southern portion of zone 4. This area is situated in a key area close to the coast with no Federal lands in the immediate area that are able to provide similar recovery distributions.

That is why I am offering my amendment today, to strike this provision. I wanted to emphasize to my colleagues that there are remedies here. If we want to get around the designation of critical habitat, I should not say get around, but if we want to deal with it, what we should do is what I have asked the companies in my State and in the Northwest and in Washington State to do, and that is to enter into a multispecies habitat conservation plan with the Fish and Wildlife Service.

Through doing a multispecies habitat conservation plan, a person can achieve 100 years of certainty on his lands. Now, yes, there is a negotiation and certain areas have to be protected on these private lands, but that is the way to proceed.

If one gets a multispecies habitat conservation plan, then they are entitled to an incidental take permit, so that if there is a take on private lands there will be no Federal sanction.

The companies in the State of Washington are entering into these agreements. Now, if my friend from California can walk in here into the Congress and overturn a Federal court decision which directed that critical habitat be designated and get relief for his individual company, then how am I to ask all of my companies to do the right thing, and that is to negotiate a multispecies HCP with the Federal Government? So if we do this, the administration has stated in their letter to all of us up here on this bill that they will veto the bill.

Last year we got ourselves into trouble by giving in to these substantive riders on this bill. So I urge my colleagues to support my amendment today to strike this out. It is the right thing to do for the ESA. It is the right thing, I think, to do for the private companies because then it will force Pacific Lumber Co., which has not negotiated in good faith with the Fish and Wildlife Service, to establish a habitat conservation plan; that they cannot come here and get around this provision.

My judgment is that they should go back, sit down with the Fish and Wildlife Service, and do what Murray Pacific, Weyerhaeuser, Plum Creek, and the major companies in my part of the world are doing, and that is negotiating a multispecies habitat conservation plan. So let us defeat the Riggs amendment and stand behind the Endangered Species Act.

I might say to my colleagues on the other side of the aisle, Mr. Speaker, that this will be one of the most important environmental votes of this Congress.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the great State of Florida, [Mr. GOSS], from the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my friend from Columbus, OH, the distinguished Judge PRYCE, for yielding me this time, and, Mr. Speaker, I rise in strong support of this open rule, yet another open rule from the Committee on Rules.

Members will recall that last year a simple open rule proved to be not enough for the Interior bill, so I am especially pleased that we seem to have achieved broad bipartisan agreement on how we will consider this legislation before us today.

There were some tough choices this year, including how to treat the legislative language in the bill dealing with issues like the strategic petroleum reserve and the sale of commercial goods on Indian reservation lands. I think we made the right choices upstairs in deferring to the authorizing committees on this issue, and I hope that those panels will, and I encourage those panels to, look into these issues in the very near future because there is a lot of Member interest in them.

Mr. Speaker, the Interior appropriations bill is an important bill for the country and it is particularly important for the State of Florida, which I am privileged to represent part of. It is the vehicle for crucial Everglades restoration funds to meet the Federal commitment in our ongoing effort to restore and preserve for future generations the unique "River of Grass," as we call the Everglades. It is a national treasure. It is a global treasure.

Although we will have some discussion later in this debate about the need to boost and guarantee that commitment in this bill, I wish to commend the gentleman from Ohio, Chairman REGULA, and the ranking member, the gentleman from Illinois, Mr. YATES, for their attention to this unique national treasure and for their commitment to helping us have the Federal Government meet its commitment to the State of Florida; and the polluters, who have agreed to help pay and clean up the Everglades; and the taxpayers of Florida who are involved, and there are a great number of them.

It is an important Federal commitment and there is no reason at this point to relinquish it because the job is not done yet.

Also vital to Florida's economy and our national commitment to wise stewardship of the natural resources is the

annual outer continental shelf oil and gas exploration moratorium, which protects our fragile coastline in Florida from oil slicks and pollution. We are grateful for the attention we have received.

Of course, this year's Interior bill is not without some controversy. Several programs have been scaled back to achieve budget targets so we stay on our glidepath. The Land and Water Conservation Fund, for instance, which is used to fund land acquisition in our national parks, wildlife refuges, and elsewhere, has been reduced again this year. I personally believe that is a false saving, but while I may not agree entirely with all the choices made in the bill, I certainly applaud Chairman REGULA and the members of the Committee on Appropriations for their hard work in getting to this point.

I ask my colleagues to support this rule and support the bill when it comes to the floor. I believe we have some amendments that will make it even better than it is now.

Mr. BEILENSION. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from California [Mr. BROWN].

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I thank the distinguished gentleman from California for yielding me this time.

Mr. Speaker, I certainly want to rise in support of this rule. I think it is a very reasonable rule and will allow the House to work its will on the bill. I want to take advantage of this opportunity to make a few brief statements about the bill itself, which I think would be appropriate to make at this time, and I am going to confine myself to those parts of the bill which would fall within the authorizing jurisdiction of the Committee on Science.

I want to applaud the gentleman from Ohio [Mr. REGULA] for his tireless and farsighted support of the fossil energy R&D programs, and I enthusiastically commend him for his recognition of the importance of academic research in the earthquake hazards program at the U.S. Geological Survey, with which I have had a long-time association.

I understand how difficult it was to fund these programs at the desired levels, and I praise the work that he has done on these provisions in the bill.

Although I understand that it was also difficult to fund energy conservation R&D at even 10 percent below last year, I cannot support the drastic cuts made in this overall program. The gentleman from Ohio last year, in connection with the fiscal year 1996 appropriations bill, made a commitment to spread reductions in energy conservation over 5 years and to cut only 10 percent per year, and obviously, it has been difficult to do that this year.

I want to say that energy conservation R&D efforts have produced a host of success stories in the past. For example, R&D has developed a new window coating that now captures 36 percent of the $4 billion per year new window market and has saved taxpayers nearly $2 billion in energy savings. Further advances in the laboratory have produced windows that lose less heat than the wall within which they are embedded.

Other energy conservation R&D successes include the energy-saving compressors that most Americans have in their home refrigerators and better and more powerful fluorescent lights.

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These examples show that R&D provides incredible returns to the taxpayers in the form of lower energy bills. I might say that this is applied R&D, which some Members have criticized as being corporate subsidies. It has also produced returns in increased energy security, high-technology jobs, environmental protection. The Clinton budget recognizes the value of energy research and development for the future prosperity of the American economy and seeks to increase these efforts by 30 percent within a balanced budget.

I might say that this is possible within a balanced budget, and the so-called blue dog budget provides for this kind of an increase within a balanced budget.

I know that the gentleman from Ohio [Mr. REGULA], is well acquainted with the accomplishments of these programs and would not cut them if the budget constraints put upon him by the budget resolution were not so dire. I also believe that in the coming months, if funds become available, he will seek higher levels of funding. I commend him for this attitude. I will also fight for these programs and support any effort to enhance research and development in the energy efficiency area.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. WELLER], a valued new Member of this Congress.

Mr. WELLER. Mr. Speaker, I want to thank the gentlewoman from Ohio for the opportunity to speak on this rule. I rise in support of the rule and I also rise in support of this interior appropriations bill.

This legislation provides a real opportunity to invest in the children and also the future of my home State of Illinois.

I want to point out the extraordinary efforts of my good friend, the gentleman from Illinois, SID YATES, the ranking member, and also the leadership of the chairman of this subcommittee, that this appropriations legislation invests in an important conservation program important to the State of Illinois and, in fact, provides $3.35 million to the U.S. Forest Service for continued development and operations of the Midewin National Tallgrass Prairie Park, what has already been nicknamed the Yellowstone of the Midwest by many conservationist groups. This appropriation legislation also continues an investment which the subcommittee and this House last year made of a $400,000 appropriation.

The point is that establishment of the Midewin National Tallgrass Prairie is a key part of our efforts, a bipartisan effort in the State of Illinois, to redevelop the Joliet Arsenal, the largest single of piece of property in northern Illinois. In fact, this effort is considered a national model for redevelopment of former surplus military facilities and something anyone who has a base closing in their district should look at. The President signed into law legislation to redevelop the Joliet Arsenal in February of this year. It was a bipartisan bill, a bipartisan effort.

This legislation took the almost 24,000 acres of the Joliet Arsenal, set aside 19,000 acres for establishment and development of the Midewin National Tallgrass Prairie, almost 1,000 acres, what will be the second largest national veterans cemetery in the country, and 3,000 acres for job creation.

Clearly, this is an important project. In fact, the people of Illinois consider development of the Midewin National Tallgrass Prairie and its funding and continued operation the No. 1 environmental and conservation priority for the State of Illinois.

Mr. Speaker, I want to thank Mr. YATES and thank Mr. REGULA for their leadership. It is a win, win, win and deserves bipartisan support.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I rise as one who was born in Portland, OR, loves the forests of the Northwest and am very saddened by the fact that we are not going to be able to do anything to reverse the clear-cutting provisions, that are taking them down so much faster than they grew up.

There are many other problems with this bill that saddens me. We gut the National Park Service, 18 percent below the President's budget. We gut Fish and Wildlife, 20 percent below the administration's request. We reduce forest plan funding for $19 million less than the President's request. And we do not fund the Everglades as the administration had requested.

I find these all national treasures, national treasures that we cannot restore again. Once these are gone, they are gone. I now live in Colorado, where we think of ourselves as the lungs of the Nation, and we treasure our national parks. So, there is going to be some voting today that is going to be very, very key. I hope Members vote on the issue.

I was saddened today to read in the paper that the Speaker was saying that he could get Members on that side of the aisle to vote any way he wanted just by showing my face. Apparently they have my face on a stick over there. I just wanted to show Members that, if they see this, please vote the environmental vote. Let us not use this kind of thing to stampede Members.

The Speaker was bragging that he was able to get four Members on that side of the aisle to change their vote on the budget to lift the deficit from this year to next year just by showing my face. It must have been because I was not here.

So, I want to make sure, if that trick is used on these votes, my colleagues have now seen the trick. My colleagues better have a better excuse for voting against these really wonderful treasures that we should be holding in stewardship and trusteeship for our children and for the future.

Let us listen and let us think and remember, those who voted to increase the President's defense budget by $13 billion more than he asked for, how can we possibly take away these national treasures that our forefathers and foremothers had the vision to put away? If we do not fund them and if we do not maintain them, we are going to lose them.

Just remember, many in this body voted to increase the defense funding, and they have now got to gash and cut away at the environmental funding. They have even raised the deficit from this year to next year. Please do not do it with my face. Please do it on the merits.

I cannot really believe that the Speaker meant folks on that side were that afraid of me. I am being made the big, bad wolf, I guess. Well, do not be afraid of me. I am a 55-year-old woman. This face is not going to kill you. Do not run from this face and do not run from the vote. I want no more excuses.

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

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise on this rule, and I think it is a good rule and am going to support it, but to point out that the rule also allows for this bill to be amended. I want to offer an amendment, an amendment that is consistent with the purpose for which this fund was created, the land and water conservation fund.

The Congress back in the 1960's enacted this bill and said that we are going to allow for offshore oil drilling of Federal lands and the revenues from those Federal lands, from public lands will be put into a fund and then that fund will be used to help all the States, not just those coastal States that have offshore oil drilling but all the States for all the people of the United States. My amendment shows that we have not been doing that. In essence we have taken, that account now has about $900 million a year income, and reappropriated about $400 million out of that.

Of that $400 million, $300 million goes back to the oil companies to essentially do research for multinational corporations to do research. The problem I have with that is, oil is also being drilled on State lands. It is being drilled on private lands, and there is no requirement that in those types of drilling operations that money goes back for that purpose.

Then we have shortchanged the money that goes back to the Department of the Interior and to our States and from our States to our counties and to our cities. I am concerned that this fund, which Congress set up originally for that purpose, is not being used for that purpose anymore. It is being used to do a lot of other things. So in my amendment I shift that balance. Instead of two-thirds for the people of America, I suggest that we reverse that and make the funding priorities just the opposite: one-third for the oil companies and two-thirds for all the citizens of the United States of present and future generations and visitors who are lawfully present within the boundaries of the United States so that they can enjoy the quality and quantity of outdoor recreational resources as may be available and are necessary and desirable for individual active participation in such recreation to strengthen the health and vitality of the citizens of the United States.

I am reading exactly from the bill, from the law that Congress in the 1960's adopted. So, Mr. Speaker, the distinguished chairman of the Committee on Appropriations, I think, has done a very good job under hard work, but I thank on this one my colleague has missed the mark. My colleague has essentially not put the priorities where the public wants the priorities to be. There is not a city, there is not a county, there is not a State that is not in need of more resources to buy from willing sellers, to invest in management opportunities. So for every Member of Congress, my amendment has something in it for them. I would urge that, when that amendment comes up under the rule that we are debating and will be adopting, we all vote for that amendment.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA], my friend and chairman of the subcommittee.

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Let me just say that I hope all the Members will carefully review this bill. I think we have done a good job. We have been very bipartisan in terms of projects. There have been on both sides of the aisle projects that have been funded. The bill recognizes the fact that we have a limited amount of money, we have tried to manage our resources carefully.

This bill is a billion and a half dollars less than in 1995. That is a billion and a half that our children and grandchildren will not have to pay in terms of national debt and in terms of interest on that debt. But in the process, I think we have taken care of the important things, and we will discuss that more in the general debate.

I certainly would again urge all of the Members to look carefully at the details of the bill. I think working with the gentleman from Illinois [Mr. YATES], my colleague on the subcommittee, that we have tried to bring to the floor today a responsible bill given the constraints that were put upon us by reducing the spending by the reduced allocation. We have tried to address the important things.

Last year I talked about must-do's, need-to-do's and nice-to-do's. The must-do's we have done; added $55 million for the parks, for example. Need-to-do's, we have tried to take care of problem areas. We have done things like finish construction that was underway, put a lot of money in for repairs and maintenance. That is very important, and those are need-to-do's. On the nice-to-do's, we have to scale back considerably, but it is important.

We also recognize the fact that the taxpayers foot the bill for all of this, and so I think on balance we have done a responsible job. I would urge my colleagues to vote for the rule. It is an open rule. Members will have an opportunity to offer amendments as they see fit.

Given those circumstances, I would not see any reason not to support the rule. I urge all Members to do so.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this rule as well as the fiscal year 1997 appropriation bill itself and the Interior Department and related agencies. While it is not the perfect Interior appropriation bill, I do commend the gentleman from Ohio [Mr. REGULA] for the manner and the actions that he took within the context of the spending allocations with which he has dealt.

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I believe that he did a decent job of providing for those programs which are the most important. We are, after all, in an era of having to make decisions in order to prioritize our scarce resource dollars.

So while it is true that this bill is about $400 million less than current

year funding, it should be noted that part of this reduction can be contributed to the fact that several programs have been terminated and no longer require funding. This is an important fact to bear in mind.

Further, while cuts are being proposed for energy conservation and research programs, those reductions are allowing more funds to be plowed into operating our National Park System wildlife refuges, endangered species and other resource management agency programs. In my view these are some of the most important aspects of the Interior appropriation bill.

But most importantly I am supporting this bill because it does not reduce funding for the Office of Surface Mining, and it contains the moratorium on the processing and issuance of hard rock mining patents, an issue this House has expressed itself on unanimously on a number of occasions. The OSM in both its regulatory functions and through the abandoned mine reclamation program well serves the citizens of our Nation's coalfields.

So I commend the gentleman from Ohio [Mr. REGULA], express my gratitude to him for resisting the agenda being advanced by certain quarters to gut the Surface Mining Control and Reclamation Act of 1977 through backdoor approaches such through OSM's budget. The agency took a severe hit in the current year appropriation. It is operating with about 25 percent less Federal inspectors, and it is coping and under the leadership of Director Bob Uram. It is doing a job.

So I commend the fact this bill is largely free of controversial anti-environment, anti-public interest riders which plagued our consideration for so many appropriation bills last year.

Amendments might be offered today, Mr. Speaker. Many of my colleagues on this side of the aisle will vote for them. Fine. I may vote for them as well. But when all is said and done, let us vote for this Interior appropriation bill and vote for the rule.

Ms. PRYCE. Mr. Speaker, I will reserve the balance of my time until my friend, the gentleman from California [Mr. BEILENSON] concludes.

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

Mr. Speaker, at the beginning of this Congress the Republican majority claimed that the House was going to consider bills under an open process.

I would like to point out that 62 percent of the legislation this session has been considered under a restrictive process.

At this point I insert the following extraneous material in the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 63	Open	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive	N/A.
S. 2	Senate Compliance	N/A	Closed	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive	N/A.
H.R. 1530	National Defense Authorization Act; FY 1996	H. Res. 164	Restrictive	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive	2R/2D.
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive	1D.
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive	1D.
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive	N/A.
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive	1D.
H. Con. Res. 109				
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive	N/A.
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive	5R.
H.R. 2539	ICC Termination	H. Res. 259	Open	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed	2R.
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed	1D; 2R.
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed	N/A.
H.J. Res. 134	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed	N/A.
H. Con. Res. 131				
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; Rule tabled	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed	N/A.
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed	N/A.
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive	N/A.
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive	1D
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open	N/A.
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open	N/A.
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open	N/A.
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed	N/A.
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open	N/A.
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open	N/A.
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open	N/A.
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open	N/A.
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open	N/A.
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open	N/A.
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive	1D; 1R.
H.R. 3230	Defense Authorization Bill FY 1997	H. Res. 430	Restrictive	41 amends; 20D; 17R; 4 bipartisan
H.R. 3415	Repeal of the 4.3-Cent Increase in Transporation Fuel Taxes	H. Res. 436	Closed	N/A.
H.R. 3259	Intelligence Authorization Act for FY 1997	H. Res. 437	Restrictive	N/A.
H.R. 3144	The Defend America Act	H. Res. 438	Restrictive	1D.
H.R. 3448/H.R. 1227	The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996.	H. Res. 440	Restrictive	2R.
H.R. 3517	Military Construction Appropriations FY 1997	H. Res. 442	Open	N/A.
H.R. 3540	Foreign Operations Appropriations FY 1997	H. Res. 445	Open	N/A.
H.R. 3562	The Wisconsin Works Waiver Approval Act	H. Res. 446	Restrictive	N/A.
H.R. 2754	Shipbuilding Trade Agreement Act	H. Res. 448	Restrictive	1R.
H.R. 3603	Agriculture Appropriations FY 1997	H. Res. 451	Open	N/A.
H.R. 3610	Defense Appropriations FY 1997	H. Res. 453	Open	N/A.
H.R. 3662	Interior Appropriations FY 1997	H. Res. 455	Open	N/A.

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 53% restrictive; 47% open. ***All legislation 2d Session, 62% restrictive; 38% open. ****All legislation 104th Congress, 56% restrictive; 44% open. *****NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ******PQ Indicates that previous question was ordered on the resolution. *******Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

LEGISLATION IN THE 104TH CONGRESS, 2D SESSION

To date 14 out of 35 of the bills considered under rules in the 2d session of the 104th Congress have been considered under an irregular procedure which circumvents the standard committee procedure. They have been brought to the floor without any committee reporting them. They are as follows:

H.R. 1643, to authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.

H.J. Res. 134, making continuing appropriations for fiscal year 1996.

H.R. 1358, conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.

H.R. 2924, the Social Security Guarantee Act.

H.R. 3021, to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

H.R. 3019, a further downpayment toward a balanced budget.

H.R. 2703, the Effective Death Penalty and Public Safety Act of 1996.

H.J. Res. 165, making further continuing appropriations for fiscal year 1996.

H.R. 125, the Crime Enforcement and Second Amendment Restoration Act of 1996.

H.R. 3136, the Contract With America Advancement Act of 1996.

H.J. Res. 159, tax limitation constitutional amendment.

H.R. 1675, National Wildlife Refuge Improvement Act of 1995.

H.J. Res. 175, making further continuing appropriations for fiscal year 1996.

H.R. 3562 the Wisconsin Works Waiver Approval Act.

Mr. BEILENSON. Mr. Speaker, I ask our colleagues to join the gentlewoman from Ohio [Ms. PRYCE] and I in voting for this open, fair rule.

Ms. PRYCE. Mr. Speaker, I yield myself the balance of the time remaining on this side, and I thank the gentleman from California [Mr. BEILENSON] for his remarks.

Mr. Speaker, we have heard a lot of criticism here this morning about the funding levels contained in this bill. Let me say that I, for one, recognize that Chairman REGULA and the members of the committee have made difficult choices in crafting this year's bill. It is never easy to reverse years of spiraling increases and bloating bureaucracies.

The chairman's system of prioritizing the must-do's, the need-to-do's, and the nice-to-do's, reflects the kind of fiscal restraint and responsibility that we need in order to keep us on the glidepath to a balanced Federal budget.

The 1997 Interior appropriations bill is all making good Government choices and responsible spending decisions. It saves the American taxpayers $500 million from last year's level, and roughly $1.5 billion from the 1995 level, while focusing resources on programs that are important to the American people—the national parks, forests, wildlife refuges, and the Nation's great cultural landmarks.

Under the terms of this fair and open rule, the House will have an opportunity to give full consideration to the environmental, cultural, and Native American programs contained in this year's bill. I urge my colleagues to give this rule their full support.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, June 18, 1996, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3005, by the yeas and nays, and H.R. 3107 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

SECURITIES AMENDMENTS OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3005, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the bill, H.R. 3005, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 8, answered "present" 1, not voting 18, as follows:

[Roll No. 249]

YEAS—407

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton

Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—8

Chenoweth
Crapo
DeFazio
Montgomery
Parker
Sanders
Taylor (MS)
Vucanovich

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—18

Boehlert
Collins (MI)
Emerson
Ford
Frank (MA)
Franks (CT)
Gallegly
Kaptur
Lincoln
McDade
Peterson (FL)
Ramstad
Schumer
Scott
Tauzin
Volkmer
Waters
Wilson

□ 1154

Mr. COBURN changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Speaker, I was unable to vote on the final passage of H.R. 3005, Securities Amendments of 1996, when the yeas and nays were ordered on June 19, 1996. Had I been present, I would have voted "yea" on the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

IRAN AND LIBYA SANCTIONS ACT OF 1996

The SPEAKER Pro Tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3107, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 3107, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 250]

YEAS—415

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Boehlert
Bonior
Collins (MI)
Emerson
Ford
Frank (MA)
Franks (CT)
Gallegly
Kaptur
Lincoln
Martini
McDade
Meek
Peterson (FL)
Ramstad
Schumer
Serrano
Tauzin
Wilson

□ 1204

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MEEK of Florida. Mr. Speaker, I missed rollcall vote No. 250. If I were here, I would have voted "yes."

PERSONAL EXPLANATION

Mr. MARTINI. Mr. Speaker, on June 19, 1996, I was unavoidably detained and

missed rollcall vote No. 250. Had I been present, I would have voted "yes" on the bill.

ANNOUNCING BIRTH OF TWIN SONS TO HON. BLANCHE LAMBERT LINCOLN

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

Mr. THORNTON. Mr. Speaker, it gives me great privilege to announce that for the first time in the history of the U.S. House of Representatives, a Member has given birth this morning to twin sons.

Born to our colleague BLANCHE LAMBERT LINCOLN this morning was their oldest son, Meyers Reese, weighing in at 5 pounds, 1 ounce, followed 1 hour and 10 minutes later by his brother Stephen Bennett who weighed in at 6 pounds, 5 ounces. Mother and twins are doing well.

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

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

Mr. REGULA. Mr. Speaker, just so that we keep the facts straight and keep this bipartisan, I want to point out to my colleagues that one of our Ohio members, Mr. GILLMOR, is the proud father of twin boys, so we have a good balance here, and about an equal number of votes on both sides.

Mr. THORNTON. I thank the gentleman for his comments. I will say that it was somewhat easier for Congressman GILLMOR. We celebrate with BLANCHE and her husband, Dr. Steve Lincoln, the arrival of their sons, but I continue in my claim that this is the first time a Member has given birth to twins.

Mr. REGULA. I understand. If the gentleman will yield, we have not lost a father yet.

Mr. THORNTON. I thank the gentleman for his comments.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). We appreciate the information shared with Members of the House and we congratulate both families.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1462

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1462.

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

There was no objection.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3662, and that I may be permitted to include tables, charts, and other material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 455 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3662.

□ 1209

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes, with Mr. BURTON of Indiana in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES] will each control 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

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

Let me say at the outset, Mr. Chairman, that the gentleman from Illinois and myself have worked closely on this bill along with the other members of our subcommittee. I think we bring to the Members today a very responsible bill given the fiscal constraints.

I would point out the chart that is in the well demonstrates that we appropriate a total of about $12 billion and save the taxpayers, save future generations $500 million plus the interest that they would have to pay on that money. But at the same time we take care of the things that are vitally important and that people care about in this country, our public lands, in many instances, the parks, the forests, the fish and wildlife facilities, the grazing lands managed by the BLM. They are the jewels of this Nation and I think we have a great responsibility to manage these facilities and this resource well so that we can leave it as a legacy to future generations.

I would like to start by giving some little known facts about this bill. Let me start with the Forest Service. The National Forest System covers 8 percent of all the land in America. Of all the land, 8 percent is in national forests. The national forests produce 55 percent of the water for 16 western States. I think that is a significant fact. Fifty-five percent of the water that they use for irrigation, for municipal water supplies, for the many, many purposes, for industrial uses, 55 percent of that in the 16 western States comes from our public lands. Three hundred million recreational visitors to the Forest Service lands every year, 300 million Americans enjoyed these lands. Half of the Nation's ski lift capacity is on forest land. For those that like to ski undoubtedly if you have gone out in the western States, you have been on public lands. Half of the Nation's big game and cold water fish habitat is on the national forest lands.

With respect to timber harvest, I might say there has been a lot of concern about the fact that we have been excessively harvesting timber, recognizing the importance of it for multiple use, recognizing the importance of timber lands in providing water supply, that we might be doing too much. But let me point out that we are on a downward glide path. We harvested 11 billion board feet, in 1990. It this bill today it provides for 4.3 billion board feet, almost one-third of what we were allowing in 1990. I think it is a recognition that the national forests have far greater value in terms of multiple use and in terms of our watershed than perhaps just for timber harvest.

Little known facts is the Department of Energy. Fossil energy research focuses on cleaning up the environment and reducing energy consumption. We hear a lot about clean air and clean water and how important these are to our Nation and to the people in our society. Well, the fossil energy program is directed right at that need and the importance of cleaning up the environment. Low emission boilers will reduce sulfur dioxide and nitrogen oxide emissions by 80 percent once we develop the technology. I mention these things because during the course of handling this bill, there will be an amendment to reduce—maybe several—to reduce our fossil energy commitment in terms of research, but keep in mind, any vote to cut fossil research, and we have already reduced it considerably, a vote to do that is a vote against the environment, it is a vote against reducing energy consumption.

Advanced turbine systems will dramatically reduce emissions and reduce energy consumption while supporting 100,000 high-paying U.S. jobs and the export of 3 billion dollars' worth of technology. We hear a lot about the balance of payments. Again, a vote to reduce the fossil budget and I think the gentleman from California [Mr. BROWN] addressed it well during the rule debate, is a vote against increasing exports, it is a vote against U.S. jobs, against cleaning up our environment.

I would point out also in the Office of Surface Mining in the bill, we fund $4 million for a new Appalachian clean

streams. Again, an effort to clean up the water to preserve this resource for the future.

Public lands, Interior and the Forest Service, are about one-third of the Nation's land mass. We manage it for clean waters and for open space and we try to preserve as much as possible the pristine values of our wilderness lands, the vast wetland and forests that naturally cleanse the water and the air and replenish the aquifers.

□ 1215

But at the same time, Mr. Chairman, as evident by the charts up here, we are also recognizing that part of our legacy to future generations should not only be clean air, clean water, a land mass that can be enjoyed in terms of parks and forests and fish and wildlife facilities and the BLM lands, but at the same time, we are reducing the amount of expenditures.

It points out in the chart that we are recommending $12 billion. While expending $12 billion, we are reducing spending by $500 million under 1996 and $1.5 billion under 1995. At the same time, we will increase national park operations by $55 million; national wildlife refuge operations by $18 million; native American programs by $52 million; forest health by $72 million; and Smithsonian and other cultural institutions by $16 million.

While doing that, we cut $114 million from energy programs. We cut $25 million from Washington and regional bureaucracy. We are getting people out of Washington and into the field, and we are also moving the expenditure of administrative-type funds out to the field where the problems need to be solved.

As can be noted from the chart, the $114 million cut in energy programs has already been taken. So let me again caution all of the Members, evaluate the amendments that will be proposed that would do harm to our energy programs. They are vitally important for the future of this Nation, both in terms of clean water, in terms of clean air, and in terms of reducing our dependency on other nations outside the United States for energy.

I think if Members look at the numbers, they will realize that probably in terms of petroleum, we are importing over one-half of our usage and we need to become more energy independent. We have tried to maintain the programs that are vitally important to the Nation's future.

I would mention the same thing in terms of being responsible to the native American programs. We have treaty obligations. We have rights that were generated in the historical development of Indian programs, so we have had to increase those by $52 million over 1996. We put the money in these areas: $10 million for tribal priority allocations, $10 million for Indian school operations, $20 million for new hospital staffing, and $12 million for health care professionals.

I would mention these things, Mr. Chairman, because under our treaty obligations, we have a responsibility for health, for education, and for the tribal priority needs. We have tried to address these in our bill.

In terms of forest health, and I reemphasize a point I made earlier, and that is that in the western States, 55 percent of their water comes from forest lands. A healthy forest is important to their future in terms of having clean water, in terms of having adequate water supplies. To recognize those forest health problems, we have increased by $72 million the overall program, $16.5 in forest health management, $40 million in wildfire preparation and prescribed burns, and $10.5 million for thinning and vegetation improvement. We have had $4 million for road maintenance and reconstruction and $1 million for Forest Service research. We recognize, as in the case with energy, that knowledge is very important, that knowledge in managing forests or parks or any of the public lands becomes an important element.

We have maintained the United States Geologic Survey at last year's level because that is the science arm of the Department of the Interior. In terms of the Everglades, we added $13 million for scientific research because we recognize that we are going to embark on a major program to undo some of the great mistakes of the past; but to do that in a responsible way, we need to have good science. Therefore we, as a starter in restoring the Everglades, put a large increase in the funding for the Everglades research and science that will go with that.

I think when we look at the total bill, it is a responsible, commonsense approach to challenges. We all treasure the public lands and what it means to the quality of life in this country, and we have tried to recognize that. We have avoided programs, starting new programs that have high downstream costs, because both sides of the aisle, starting with the President, are committed to getting the budget deficit under control; and to do that, we have to avoid programs, we have to avoid acquiring facilities that have big costs downstream because we need to continue this effort to manage the programs as well as possible.

So, Mr. Chairman, I certainly say to all of my colleagues, I hope that they will give this bill their consideration. I hope they will take time to understand what we have tried to do here. It is a nonpartisan bill. When it came to doing projects, we have an even balance between Members on each side of the aisle. In the subcommittee, we had very little partisanship. We worked as a team to try to use the resources that were allocated to us to do the best possible job of managing this marvelous resource called forests and parks, and so on, in the way that is constructive for the American people and that we can be proud of as far as a legacy to future generations. I urge all the Members to give us the support that we need and deserve on this bill.

Mr. Chairman, I include for the RECORD the table detailing the various accounts in the bill.

The information referred to is as follows:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	567,453,000	575,892,000	566,514,000	-939,000	-9,378,000
Wildland fire management	235,924,000	247,924,000	247,924,000	+12,000,000	
Central hazmat account	10,000,000	20,500,000	12,000,000	+2,000,000	-8,500,000
Construction and access	3,115,000	3,103,000	3,103,000	-12,000	
Emergency appropriations (P.L. 104-134)	5,000,000			-5,000,000	
Payments in lieu of taxes	113,500,000	101,500,000	113,500,000		+12,000,000
Land acquisition	12,800,000	12,800,000	10,000,000	-2,800,000	-2,800,000
Oregon and California grant lands	97,452,000	108,379,000	98,365,000	+913,000	-10,014,000
Emergency appropriations (P.L. 104-134)	35,000,000			-35,000,000	
Range improvements (indefinite)	9,113,000	9,113,000	9,113,000		
Service charges, deposits, and forfeitures (indefinite)	8,993,000	8,993,000	8,993,000		
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000		
Total, Bureau of Land Management	1,105,955,000	1,095,809,000	1,077,117,000	-28,838,000	-18,692,000
United States Fish and Wildlife Service					
Resource management	501,010,000	540,372,000	520,519,000	+19,509,000	-19,853,000
Emergency appropriations (P.L. 104-134)	1,600,000			-1,600,000	
Construction	37,655,000	37,587,000	38,298,000	+643,000	+711,000
Emergency appropriations (P.L. 104-134)	37,300,000			-37,300,000	
Natural resource damage assessment and restoration fund	4,000,000	4,000,000	4,000,000		
Land acquisition	36,900,000	36,900,000	30,000,000	-6,900,000	-6,900,000
Cooperative endangered species conservation fund	8,085,000	16,085,000	13,085,000	+5,000,000	-3,000,000
National wildlife refuge fund	10,779,000	10,779,000	10,779,000		
Rewards and operations	600,000	600,000	1,000,000	+400,000	+400,000
North American wetlands conservation fund	6,750,000	11,750,000	7,750,000	+1,000,000	-4,000,000
Lahontan Valley and Pyramid Lake fish and wildlife fund	152,000			-152,000	
Rhinoceros and tiger conservation fund	200,000	200,000	400,000	+200,000	+200,000
Wildlife conservation and appreciation fund	800,000	800,000	800,000		
Total, United States Fish and Wildlife Service	645,831,000	659,073,000	626,631,000	-19,200,000	-32,442,000
National Park Service					
Operation of the national park system	1,082,481,000	1,173,304,000	1,135,139,000	+52,658,000	-38,165,000
National recreation and preservation	37,649,000	40,218,000	36,476,000	-1,173,000	-3,742,000
Historic preservation fund	36,212,000	38,290,000	36,212,000		-2,078,000
Construction	143,225,000	143,225,000	119,745,000	-23,480,000	-23,480,000
C&O Canal (P.L. 104-99)	2,000,000			-2,000,000	
Emergency appropriations (P.L. 104-134)	47,000,000			-47,000,000	
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000		
Land acquisition and state assistance	49,100,000	36,300,000	30,000,000	-19,100,000	-6,300,000
Everglades restoration fund		100,000,000			-100,000,000
Fixed asset acquisitions (sec. 621)		111,000,000			-111,000,000
Total, National Park Service (net)	1,367,667,000	1,612,337,000	1,327,572,000	-40,095,000	-284,765,000
United States Geological Survey					
Surveys, investigations, and research	730,163,000	746,380,000	730,163,000		-16,217,000
Emergency appropriations (P.L. 104-134)	2,000,000			-2,000,000	
Minerals Management Service					
Royalty and offshore minerals management	182,555,000	182,994,000	186,555,000	+4,000,000	+3,561,000
Oil spill research	6,440,000	6,440,000	6,440,000		
Total, Minerals Management Service	188,995,000	189,434,000	192,995,000	+4,000,000	+3,561,000
Bureau of Mines					
Mines and minerals	64,000,000			-64,000,000	
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	95,470,000	94,272,000	94,272,000	-1,198,000	
Receipts from performance bond forfeitures (indefinite)	500,000	500,000	500,000		
Subtotal	95,970,000	94,772,000	94,772,000	-1,198,000	
Abandoned mine reclamation fund (definite, trust fund)	173,887,000	179,385,000	175,887,000	+2,000,000	-3,498,000
Total, Office of Surface Mining Reclamation and Enforcement	269,857,000	274,157,000	270,659,000	+802,000	-3,498,000
Bureau of Indian Affairs					
Operation of Indian programs	1,384,434,000	1,579,423,000	1,381,623,000	-2,811,000	-197,800,000
Emergency appropriations (P.L. 104-134)	500,000			-500,000	
Construction	100,833,000	122,824,000	85,831,000	-15,002,000	-36,993,000
Emergency appropriations (P.L. 104-134)	16,500,000			-16,500,000	

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Indian land and water claim settlements and miscellaneous payments to Indians	80,645,000	69,241,000	65,241,000	-15,404,000	-4,000,000
Technical assistance of Indian enterprises	500,000			-500,000	
Indian guaranteed loan program account	5,000,000	5,002,000	5,000,000		-2,000
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(-1,299,000)	
Total, Bureau of Indian Affairs	1,588,412,000	1,776,490,000	1,537,695,000	-50,717,000	-238,795,000
Departmental Offices					
Insular Affairs	47,506,000	47,506,000	47,506,000		
Northern Mariana Islands Covenant	27,720,000	27,720,000	27,720,000		
Compact of Free Association	14,900,000	13,500,000	13,500,000	-1,400,000	
Emergency appropriations (P.L. 104-134)	13,000,000			-13,000,000	
Subtotal	103,126,000	88,726,000	88,726,000	-14,400,000	
Departmental management	56,912,000	59,196,000	53,691,000	-3,221,000	-5,505,000
Office of the Solicitor	34,427,000	35,208,000	35,208,000	+781,000	
Office of Inspector General	23,939,000	24,439,000	24,439,000	+500,000	
Construction Management	500,000			-500,000	
Office of Special Trustee for American Indians	16,338,000	36,338,000	19,126,000	+2,788,000	-17,212,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000		
Total, Departmental Offices	236,242,000	244,907,000	222,190,000	-14,052,000	-22,717,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	6,199,122,000	6,598,587,000	5,985,022,000	-214,100,000	-613,565,000
Appropriations	(6,071,222,000)	(6,628,587,000)	(6,015,022,000)	(-56,200,000)	(-613,565,000)
Emergency appropriations	(157,900,000)			(-157,900,000)	
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)		
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(-1,299,000)	
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	178,000,000	179,786,000	179,000,000	+1,000,000	-786,000
State and private forestry	136,884,000	164,000,000	148,884,000	+12,000,000	-15,116,000
National forest system	1,257,057,000	1,291,553,000	1,259,057,000	+2,000,000	-32,496,000
Emergency appropriations (P.L. 104-134)	26,600,000			-26,600,000	
Wildland fire management	385,485,000	385,485,000	411,485,000	+26,000,000	+26,000,000
Emergency contingent appropriations		109,531,000			-109,531,000
Reconstruction and construction	163,600,000	169,662,000	164,100,000	+500,000	-5,562,000
Emergency appropriations (P.L. 104-134)	60,800,000			-60,800,000	
Timber receipts transfer to general fund (indefinite)	(-44,548,000)			(+44,548,000)	
Timber purchaser credits	(50,000,000)	(50,000,000)		(-50,000,000)	(-50,000,000)
Land acquisition	39,400,000	41,200,000	30,000,000	-9,400,000	-11,200,000
Acquisition of lands for national forests, special acts	1,069,000	1,069,000	1,069,000		
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000		
Range betterment fund (indefinite)	3,976,000	3,995,000	3,995,000	+19,000	
Gifts, donations and bequests for forest and rangeland research	92,000	92,000	92,000		
Southeast Alaska economic disaster fund	110,000,000			-110,000,000	
Total, Forest Service	2,363,173,000	2,346,583,000	2,197,892,000	-165,281,000	-148,691,000
DEPARTMENT OF ENERGY					
Clean coal technology:					
Rescission		-325,000,000			+325,000,000
Deferral		-312,879,000			+312,879,000
Subtotal		-637,879,000			+637,879,000
Fossil energy research and development	417,018,000	348,508,000	358,754,000	-58,264,000	+10,246,000
Alternative fuels production (indefinite)	-2,400,000	-4,000,000	-4,000,000	-1,600,000	
Naval petroleum and oil shale reserves	148,786,000	149,500,000	143,786,000	-5,000,000	-5,714,000
Energy conservation	553,189,000	735,363,000	499,680,000	-53,509,000	-235,683,000
Biomass Energy Development (transfer)	-16,000,000			+16,000,000	
Economic regulation	6,297,000	2,725,000	2,725,000	-3,572,000	
Strategic Petroleum Reserve		221,300,000			-221,300,000
(By transfer)	(187,000,000)		(220,000,000)	(+33,000,000)	(+220,000,000)
Energy Information Administration	72,266,000	66,120,000	66,120,000	-6,146,000	
Total, Department of Energy:					
New budget (obligational) authority (net)	1,179,156,000	881,637,000	1,067,065,000	-112,091,000	+185,428,000
Appropriations	(1,179,156,000)	(1,519,516,000)	(1,067,065,000)	(-112,091,000)	(-452,451,000)
Rescission		(-325,000,000)			(+325,000,000)
Deferral		(-312,879,000)			(+312,879,000)
(By transfer)	(187,000,000)		(220,000,000)	(+33,000,000)	(+220,000,000)

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	1,747,842,000	1,898,941,000	1,779,561,000	+31,719,000	-119,380,000
Indian health facilities	238,958,000	275,251,000	227,701,000	-11,257,000	-47,550,000
Total, Indian Health Service	1,986,800,000	2,174,192,000	2,007,262,000	+20,462,000	-166,930,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	52,500,000	81,500,000	52,500,000		-29,000,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	20,345,000	25,000,000	20,345,000		-4,655,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	5,500,000	5,500,000	5,500,000		
Smithsonian Institution					
Salaries and expenses	311,188,000	328,716,000	317,188,000	+6,000,000	-11,528,000
Construction and improvements, National Zoological Park	3,250,000	4,000,000	3,250,000		-750,000
Repair and restoration of buildings	33,954,000	38,000,000	39,954,000	+6,000,000	+1,954,000
Construction	27,700,000	13,000,000	7,000,000	-20,700,000	-6,000,000
Total, Smithsonian Institution	376,092,000	383,716,000	367,392,000	-8,700,000	-16,324,000
National Gallery of Art					
Salaries and expenses	51,844,000	53,899,000	53,899,000	+2,055,000	
Repair, restoration and renovation of buildings	6,442,000	5,942,000	5,942,000	-500,000	
Total, National Gallery of Art	58,286,000	59,841,000	59,841,000	+1,555,000	
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	10,323,000	10,875,000	10,875,000	+552,000	
Construction	8,983,000	9,000,000	9,000,000	+17,000	
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,875,000	19,875,000	+569,000	
Woodrow Wilson International Center for Scholars					
Salaries and expenses	5,840,000	5,840,000	5,840,000		
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	82,259,000	115,000,000	82,734,000	+475,000	-32,266,000
Matching grants	17,235,000	21,000,000	16,760,000	-475,000	-4,240,000
Total, National Endowment for the Arts	99,494,000	136,000,000	99,494,000		-36,506,000
National Endowment for the Humanities					
Grants and administration	94,000,000	118,250,000	92,994,000	-1,006,000	-25,256,000
Matching grants	16,000,000	17,750,000	11,500,000	-4,500,000	-6,250,000
Total, National Endowment for the Humanities	110,000,000	136,000,000	104,494,000	-5,506,000	-31,506,000
Institute of Museum Services					
Grants and administration	21,000,000	23,000,000	21,000,000		-2,000,000
Total, National Foundation on the Arts and the Humanities	230,494,000	295,000,000	224,988,000	-5,506,000	-70,012,000
Commission of Fine Arts					
Salaries and expenses	834,000	867,000	867,000	+33,000	
National Capital Arts and Cultural Affairs					
Grants	6,000,000	6,733,000	6,000,000		-733,000
Advisory Council on Historic Preservation					
Salaries and expenses	2,500,000	2,500,000	2,500,000		
National Capital Planning Commission					
Salaries and expenses	5,090,000	5,885,000	5,390,000	+300,000	-495,000
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses	147,000	125,000	125,000	-22,000	
United States Holocaust Memorial Council					
Holocaust Memorial Council	28,707,000	31,262,000	29,707,000	+1,000,000	-1,555,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Total, title II, related agencies:					
New budget (obligational) authority (net)	6,340,770,000	6,326,056,000	6,073,089,000	-267,681,000	-252,967,000
Appropriations	(6,253,370,000)	(6,963,935,000)	(6,073,089,000)	(-180,281,000)	(-890,846,000)
Emergency appropriations	(87,400,000)			(-87,400,000)	
Rescission		(-325,000,000)			(+325,000,000)
Deferral		(-312,879,000)			(+312,879,000)
(Timber receipts transfer to general fund, indefinite)	(-44,548,000)			(+44,548,000)	
(Timber purchaser credits)	(50,000,000)	(50,000,000)		(-50,000,000)	(-50,000,000)
(By transfer)	(187,000,000)		(220,000,000)	(+33,000,000)	(+220,000,000)
Grand total:					
New budget (obligational) authority (net)	12,539,892,000	12,924,643,000	12,058,111,000	-481,781,000	-866,532,000
Appropriations	(12,324,592,000)	(13,592,522,000)	(12,088,111,000)	(-236,481,000)	(-1,504,411,000)
Emergency appropriations	(245,300,000)			(-245,300,000)	
Rescissions	(-30,000,000)	(-355,000,000)	(-30,000,000)		(+325,000,000)
Deferral		(-312,879,000)			(+312,879,000)
(Timber receipts transfer to general fund, indefinite)	(-44,548,000)			(+44,548,000)	
(Timber purchaser credits)	(50,000,000)	(50,000,000)		(-50,000,000)	(-50,000,000)
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(-1,299,000)	
(By transfer)	(187,000,000)		(220,000,000)	(+33,000,000)	(+220,000,000)
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	1,105,955,000	1,095,809,000	1,077,117,000	-28,838,000	-18,692,000
United States Fish and Wildlife Service	645,831,000	659,073,000	626,631,000	-19,200,000	-32,442,000
National Park Service	1,367,667,000	1,612,337,000	1,327,572,000	-40,095,000	-284,765,000
United States Geological Survey	732,163,000	746,380,000	730,163,000	-2,000,000	-16,217,000
Minerals Management Service	188,995,000	189,434,000	192,995,000	+4,000,000	+3,561,000
Bureau of Mines	64,000,000			-64,000,000	
Office of Surface Mining Reclamation and Enforcement	269,857,000	274,157,000	270,659,000	+802,000	-3,498,000
Bureau of Indian Affairs	1,588,412,000	1,776,490,000	1,537,695,000	-50,717,000	-238,795,000
Departmental Offices	236,242,000	244,907,000	222,190,000	-14,052,000	-22,717,000
Total, Title I - Department of the Interior	6,199,122,000	6,598,587,000	5,985,022,000	-214,100,000	-613,565,000
TITLE II - RELATED AGENCIES					
Forest Service	2,363,173,000	2,346,583,000	2,197,892,000	-165,281,000	-148,691,000
Department of Energy	1,179,156,000	881,637,000	1,067,065,000	-112,091,000	+185,428,000
Indian Health Service	1,986,800,000	2,174,192,000	2,007,262,000	+20,462,000	-166,930,000
Indian Education	52,500,000	81,500,000	52,500,000		-29,000,000
Office of Navajo and Hopi Indian Relocation	20,345,000	25,000,000	20,345,000		-4,655,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,500,000	5,500,000	5,500,000		
Smithsonian Institution	376,092,000	383,716,000	367,392,000	-8,700,000	-16,324,000
National Gallery of Art	58,286,000	59,841,000	59,841,000	+1,555,000	
John F. Kennedy Center for the Performing Arts	19,306,000	19,875,000	19,875,000	+569,000	
Woodrow Wilson International Center for Scholars	5,840,000	5,840,000	5,840,000		
National Endowment for the Arts	99,494,000	136,000,000	99,494,000		-36,506,000
National Endowment for the Humanities	110,000,000	136,000,000	104,494,000	-5,506,000	-31,506,000
Institute of Museum Services	21,000,000	23,000,000	21,000,000		-2,000,000
Commission of Fine Arts	834,000	867,000	867,000	+33,000	
National Capital Arts and Cultural Affairs	6,000,000	6,733,000	6,000,000		-733,000
Advisory Council on Historic Preservation	2,500,000	2,500,000	2,500,000		
National Capital Planning Commission	5,090,000	5,885,000	5,390,000	+300,000	-495,000
Franklin Delano Roosevelt Memorial Commission	147,000	125,000	125,000	-22,000	
Holocaust Memorial Council	28,707,000	31,262,000	29,707,000	+1,000,000	-1,555,000
Total, Title II - Related Agencies	6,340,770,000	6,326,056,000	6,073,089,000	-267,681,000	-252,967,000
Grand total	12,539,892,000	12,924,643,000	12,058,111,000	-481,781,000	-866,532,000

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

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

Mr. Chairman, I honor my good friend, the gentleman from Ohio, RALPH REGULA, for this hard work and his very great diligence in formulating this bill.

It could have been a much better bill, if we only had the money that is required to do the job properly. To properly care for the vast natural resources of the United States and the magnificent museums and galleries which are funded in this bill, money is needed, and that money has not been allocated to us in the 602(b) allocation. For some reason, Interior continues to be the stepchild of the 602(b) bosses.

This bill has been saddled with many burdens. We have been forced to take a cut of $482 million in our 602(b) allocation, which comes on top of the $1.1 billion reduction this bill enjoyed in the previous fiscal year. To add insult to injury, this malnourished bill had two legislative riders foisted on it in the full Committee on Appropriations. One deals with native American taxation, the other deals with the endangered marbled murrelet.

Mr. Chairman, the first rider added by the gentleman from Oklahoma [Mr. ISTOOK], will effectively cripple the ability of many native American tribes to operate successful retail establishments, like gas stations or convenience stores, on their property by forcing native American tribes, who are sovereign under the decisions of the Supreme Court and under treaties established with the United States to charge State sales taxes at their establishment.

The second troubling rider was added by the gentleman from California [Mr. RIGGS], and deals with protection of the endangered marbled murrelet. The Riggs amendment was precipitated by a court ruling that ordered the Fish and Wildlife Service to designate areas in California, Oregon, and Washington as critical habitat for the elusive seabird.

What the Riggs provision seeks to do is to prevent the Fish and Wildlife Service from enforcing this designation on private lands in California. Not only does this ill-conceived provision set a dangerous precedent for suspending the Endangered Species Act, but it could very well lead to the extinction of the marbled murrelet in the Headwaters forest.

Mr. Chairman, even our full committee chairman, the gentleman from Louisiana [Mr. LIVINGSTON], recognizes that these riders could sink the Interior bill. That is why he voted against both of them in committee.

Our good friend, the gentleman from New York, [Mr. BOEHLERT] has also been quoted as saying these riders present real problems for floor consideration. Inclusion of these riders is especially ironic in light of an article that ran in the Washington Post on Monday with the headline, "GOP Buffs environmental Image". If the Republican Party seeks to improve its environmental image, then they can join us in striking the marbled murrelet rider.

Mr. Chairman, the legislative riders are not the only problem with this bill, and while the gentleman from Ohio [Mr. REGULA] did his best to minimize the pain of our reduced allocation, there are major problems with the funding of this bill, critical problems which I cite.

For example, funding for the National Park Service has been cut by $40,095,000. Funding for the Fish and Wildlife Service is down by $19,200,000. Funding for vital agency support from Interior Departmental management has been punitively cut by $3,221,000. Funding for the Forest Service has been reduced by $56,281,000. Funding for energy efficiency programs are cut by $37,519,000. Funding for low-income weatherization is cut out by another $11,764,000. Funding for Indian health service facilities has been reduced by $11,257,000. Funding for the Smithsonian Institution has been decreased by $8,700,000. Funding for the National Endowment for the Humanities has been cut by $5,506,000.

At the same time that important programs are being cut, other nonessential accounts have been increased, including an increase in corporate welfare for the timber industry in the form of an additional $14 million over the fiscal year 1996 amount for timber roads and timber sale management and $12 million over the administration request for the PILT program.

Finally, I want to express my support for the funding contained in this bill for the National Endowment for the Arts and the Humanities. The issue of funding the endowments has long been very controversial in this bill. The funding that is in this bill is the result of the agreement that was reached last year by the members of the Republican Party to continue the NEA for 2 years and the NEH for 3 years. Given these austere budgets, representing a cut of nearly 40 percent for each agency from fiscal year 1995, I hope my colleagues will oppose any amendment to cut or eliminate additional funding for the endowments.

Mr. Chairman, in closing, I want to commend my chairman, my good friend, the gentleman from Ohio, RALPH REGULA, for his hard work, for his friendship, for his warm association and for his cooperation.

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

Mr. REGULA. Mr. Chairman, just a footnote. I concede that we have reduced some of these programs, but it was land acquisition, construction of things that have downstream costs, and the only way we can save money is to cut spending.

Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE], a very able member of our subcommittee.

Mr. KOLBE. Mr. Chairman, I want to voice my support for the Interior appropriations bill which is before us today and add my thanks to both the chairman and the ranking minority member and their staffs for the work that they have done on this.

Mr. Chairman, you are going to hear a lot of concerns expressed here today, some in support of this, some in adamant opposition to the bill. But, before we take too seriously some of the expressions of discontent, we should all be aware of the budget parameters under which our subcommittee was operating.

□ 1230

Our initial 602(b) allocation was $1.1 billion below fiscal year 1996 funding levels. That is $1.1 billion below. Fortunately, when the House approved the budget resolution, we found there was an additional $3.9 billion of discretionary funding which the Committee on Appropriations was able to reallocate among the subcommittees. Despite this infusion of money, the Interior Subcommittee's fiscal year 1997 budget is still $482 million less than last year. Is this fair and equitable? Perhaps it is not for those concerned about these particular programs. But what is important is not what we do not have. What is significant is what we have done with the money that we do have available to us.

This Interior appropriations bill reflects increases for our national parks, for the Everglades restoration, for forest health, specifically fire management and research, for USGS earthquake research and cooperative water research, and we have $4 million for a clean streams initiative. We have also increased or at least maintained fiscal year 1996 funding levels for native American programs, like the vital and multipurpose tribal priority allocations account, for Indian education, Indian health, and increased the funding levels of major cultural institutions, like the Smithsonian, the Holocaust Museum, the Kennedy Center, and the National Gallery of Art.

We have attempted to ensure that sufficient funds are available to fulfill our responsibilities as stewards of the Nation's natural treasures. Did some agencies incur reductions or even terminations of programs? Absolutely. But this is necessary as a subcommittee, as a body for us to do this, to keep our commitment to the American people that we would exercise fiscal responsibility, that we would balance the Federal budget in 7 years. And, all told, we have saved nearly $500 million in doing that.

Let us not fool each other about what is going to happen. There are going to be a lot of amendments to increase funding levels for programs and agencies. Members will speak with great conviction about the merits of these programs, and in many cases they will be right about whether the program is good or not.

But, what I have said before needs to be said again. The appropriations process is not about numbers. It is not about whether we spend $12.1 billion, as this bill recommends, or $13.1 billion. It is not even about whether we cut a particular program, whether we increase a program, or whether we terminate a program. This and the other appropriations bills that are working their way through the legislative process is an opportunity for Congress and our political parties to make a philosophical statement about the direction we believe this country should be going. It is an opportunity to say something about where we think our future is. It is an opportunity for each party in Congress to set forth its vision, its hopes and dreams for our future and our children's future. This bill does that. I urge support for this legislation.

Mr. Chairman, I want to voice my strong support for the Interior appropriations bill before us. I know that you have heard many of my colleagues express their support for or adamant opposition to this bill. But before the opposition continues their litany of discontent, I'd like to make you aware of the budgetary parameters under which the subcommittee was operating.

Our initial 602(b) allocation was $1.1 billion below fiscal year 1996 funding levels. That's $1.1 billion. Fortunately, when the House approved the budget resolution there was an additional $3.9 billion in discretionary funding which the Appropriations Committee was able to reallocate among the subcommittees. Despite this infusion of money, the Interior Subcommittee's fiscal year 1997 budget authority is still $482 million less than last year. Is this fair and equitable? Probably not. But what's important is not what we don't have. What is significant is what we did with the money we were provided.

The fiscal year 1997 Interior appropriations bill reflects increases for our national parks, for Everglades restoration, for forest health—specifically, fire management and research, for USGS earthquake research and cooperative water research, and we provide $4 million for a clean streams initiative. We have also increased or maintained fiscal year 1996 funding levels for native American programs like the vital and multipurpose tribal priority allocations account, Indian education, Indian health, and increased the funding levels of major cultural institutions like the Smithsonian, the Holocaust Museum, the Kennedy Center, and the National Gallery of Art. We have attempted to ensure that sufficient funds are available to fulfill our responsibilities as stewards of this Nation's natural treasures. Did some agencies incur funding reductions or program terminations? Absolutely. But this was necessary for us to keep our commitment to the American people that we would exercise fiscal responsibility and balance the Federal budget in 7 years. All told, this bill saves the American taxpayers almost $500 million.

Let's not fool each other about what is going to happen. Several amendments will be offered to increase the funding levels for various programs and agencies. Members will speak with great conviction about the merits of these programs, and in many instances they'll be right. But I've said it before, and it needs to be said again. The appropriations process is not about numbers. It's not about whether we spend $12.1 billion—as this bill recommends—or $13.1 billion. It's not even about whether we cut a program, whether we increase a program, or whether we eliminate a program.

This bill and the other appropriations bills working their way through the legislative process is an opportunity for Congress, and our political parties, to make a philosophical statement about the direction we believe this country should be going. It is an opportunity for us to say something about where we think our future is. It's an opportunity for each party in Congress to set forth its vision for America; its hopes, its dreams for our future, and for our children's future.

Mr. Chairman, in its entirety, this appropriations bill reflects this vision. When you dissect and place the funding level of each program, each agency and each line item under a microscope you won't get a true indication of the overall picture. But if you step back and look at this bill in its entirely, keeping in mind that these numbers reflect a promise we made to our children—the promise that we would no longer burden them with our fiscally irresponsible actions—then you get a clearer perspective.

This appropriations bill is not perfect. But I believe it reflects a thoughtful and balanced approach given this Nation's $5 trillion debt. I urge all of my colleagues to support its passage.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I want to start out by paying tribute to the gentleman from Ohio [Mr. REGULA], the chairman of the subcommittee, who has been a joy to work with throughout the process of shaping this bill. He is invariably willing to listen and try his best to accommodate in a bipartisan fashion the interests of other members of the subcommittee, and I am proud to serve on his subcommittee.

I wish that I could transfer all of the enthusiasm that I feel about Mr. REGULA personally to the legislative product that we have before us this afternoon. I am afraid that probably the best thing I can do is to say it is better than last year's bill. But last year's bill, as we all recall, had some problems.

Just to get what I think is the appropriate framework, this Interior appropriations bill is the primary way that this Congress and this country makes a statement about the precious responsibility we have as stewards of the country's natural and cultural resources. So it really is a very important indication of what is important to us as a people.

In that context, I am afraid that this bill does not meet the fundamental responsibilities we in Congress have to protect and preserve those very vital natural and cultural resources which we all are proud to claim as citizens of this country.

There is an increase in many of the accounts, as the gentleman's opening comments indicated, over last year's levels, but we are still falling behind. Even with, for instance, the increase for the Park Service, we are not keeping up with the increasing backlog of deferred maintenance which is showing itself, whether in my home area at Rocky Mountain National Park, with trails being closed and visitor services being curtailed, or as is being repeated elsewhere around the country.

One of the bill's more serious shortcomings has to do with the energy conservation and efficiency efforts. If we are so shortsighted as to fail to appreciate the threat to this country's national security and its economic security by continuing our profligate ways on energy, we are going to be in very, very sad shape. I will have an amendment later on that addresses this point to a modest degree, far from curing what I think are real shortcomings in that part of the bill.

I wish as well that we could find the wherewithal to do the honor that we should as a Nation to our work in the humanities and the arts. The funding levels for both of those endowments are way below what American civilization ought to dedicate to the furtherance of the humanities and the arts and I regret that very much.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Utah [Mr. HANSEN], the distinguished chairman of the Subcommittee on National Parks, Forests and Lands of the Committee on Resources.

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

Mr. Chairman, I rise in strong support of this appropriations bill and recognize the great work that the gentleman from Ohio, Chairman REGULA, has done and the many of us who have spend hours talking to him about this.

I notice that people talk about an increase in payment in lieu of taxes. I hope that Members realize what this is. Out in the West, many of us are owned by the Federal Government. In the little county of Garfield, you take, for example, 93 percent is owned by the Federal Government.

All these folks from around the world and especially the East come out there and they want to play, and they want to look at things and fish, hunt, camp, et cetera. So we are saying, pay your share, if you will. They are the ones that put the debris down that has to be

picked up. They are the ones that start the fires. They are the ones that find themselves breaking a leg and you have to go out and take care of them. All we are saying is pay your share. So I commend the gentleman for adding money to payment in lieu of taxes.

They also tell us where to put it in wilderness, how to use it for grazing, what we can mine and cut. We are saying if you are going to tell us how to run it, at least pay a little bit.

I also hope the Members realized over the past year there has been sensational news stories about closure of park facilities, resulting from dramatically increased visitation to national parks and cuts in park budgets. Actually, this is a result of disinformation, Mr. Chairman, on the part of the Secretary of Interior. Contrary to what you have heard, and I could name the cities and towns that this has been said, including the President of the United States, including the Secretary of Interior, that the Republicans are going to close parks, that there is a list of 312 parks somewhere.

Let me tell you, as chairman of that committee, there is no list. H.R. 260 has no place in it, absolutely no place, where it closes one single park. I stand in the well and would eat the bill if someone could tell me where it closed one park. It does not do anything like that.

However, that does not stop the Secretary of Interior from engaging in this partisan politics, going on fishing trips on Government time and running partisan things when he should be running his department.

There are two indisputable facts: First, is visitation to parks have been flat for nearly a decade. Second, funding for parks has dramatically increased in recent years. The fact is increased funding for parks has been supported by both Democratic and Republican administrations in Congress. As a direct result of the effort of Chairman REGULA, and before him Chairman YATES, annual base funding for parks has risen from $394 to $666 million in the last 7 years, an increase of 69 percent. As GAO has testified before my subcommittee last year, these increases have far outpaced inflation.

Meanwhile, total visitation to parks has remained flat for a decade. In fact, total park visitation last year was, do you know, about 5 percent from its peak year of 1988.

Using two parks as illustrations, Zion in Utah and Yosemite in California, funding increases have far outpaced both of these. These facts have not stopped Secretary Babbitt from saying we are shutting those down.

The park newspaper at Yellowstone Park declares the park facilities were closed due to budget shortfalls. Last winter during the lapse in appropriations, Secretary Babbitt shut down all the parks and concession facilities, even though the parks reported they actually had more rangers on duty during the shutdowns than before. Meanwhile, the Forest Service, also without a budget, did not shut down a single ski area, outfitter, or any other concessionaire on Forest Service lands. They continued to welcome the public, and for that I salute Secretary Glickman.

Overall budget cuts at the Forest Service have been much higher, but that agency has sought out innovative ways to continue to serve the public. Rather than shut down its campgrounds, the Forest Service contracted them out to the private sector. Secretary Glickman has contracted out 70 percent of Forest Service campgrounds to the private sector this year. That provides for a vivid contrast with Secretary Babbitt, who runs around the country complaining about budget shortfalls.

Mr. Chairman, I think we need a Secretary who puts protecting and managing our parks above politics.

Mr. Chairman, I would urge support of this good piece of legislation.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, as we consider this very important bill, I think it is important that we revisit the issue of the timber salvage rider that was part of the rescissions bill last year. While I felt at the time that it was important to address the problem of dead and dying trees, and the issue of forest health in general, in hindsight it was clear we dealt with it in too much haste.

I did not vote on the Yates amendment when it was considered on the floor last year because I was with my wife at the hospital while she had minor surgery. I did vote for the bill on final passage, however, both because it helped to provide disaster relief to California and because it had the administration's support. At the time I think few Members of Congress were aware that the salvage timber rider allowed section 318 timber sales to be reinstated as well. If they had been aware of the deficiency, I do not think this rider would have gotten through.

The 1990 section 318 sales were intended to allow the development of a compromise in the Northwest but they did not succeed and were halted due to environmental concerns. These sales only affect old growth timber. The issue of salvage timber—or the attempt to glean the forest of dead or dying trees particularly after drought periods like the one recently in California—is a different concern altogether.

To my knowledge, these two issues were never intended to be intermingled. Fortunately, the Appeals Court has stepped in to stop the expedited 318 sales of old growth trees so we will have a chance to deal with option 9 in a responsible manner.

Given the vagueness of the definition of salvage timber, it was not unexpected that this provision could be ill used to harvest healthy trees. We should not have gone forward with the salvage timber rider without tightening up how the Forest Service implemented the program in the first place. In practice, the program allowed for more than dead and dying trees to be cut.

For those of us in this Congress who see a real threat to forest health and who have a strong desire to find the appropriate solution, the salvage timber rider simply went too far. Instead of merely allowing the timber companies some flexibility in helping to prevent future wildfires, those pursuing a different agenda took advantage of the opportunity and sought to cut health trees and old growth timber as well.

I would like to cite an example of how such sales can be extremely detrimental. Recently in my district the Forest Service sought to reinstate the Barkley timber sale in the Lassen National Forest. I personally appealed to the Department of Agriculture to stop the sale because it would have seriously unraveled the cooperative local efforts among landowners, conservationists, and government officials to produce a collaborative strategy for resource management.

In particular, the Quincy Library Group is a broad-based organization which worked hard to come to an agreement on timber harvests in the Sierra Nevadas. The Barkley timber sale would have jeopardized that carefully balanced effort. In response to my concern, the sale was stopped.

We must seek an appropriate balance in identifying solutions that will work overtime. I support the amendment before us to restore environmental review to the timber salvage process. We need to provide a check to the extreme actions being undertaken under the guise of harvesting dead and dying trees.

We need to come up with a definition of salvage similar to those that have been introduced by Members of both bodies, but which have yet to become law.

Mr. Chairman, this is an important issue that hopefully can be not only debated clearly today, but resolved once and for all, so the Congress can send a clear message about how it wants to deal with the issue of forest health.

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

Mr. FAZIO of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, does the gentleman recognize that it is the Secretary of Agriculture that has to approve these sales that he is discussing in his remarks? I think that is an important point. It is the administration's Secretary that is doing it.

Mr. FAZIO of California. Mr. Chairman, reclaiming my time, typically

they are really approved at the forest level. I think typically these decisions are made by Forest Service personnel at the regional level. They of course come from many different perspectives on these issues.

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, in drafting the regulation, we did not spell out that the Secretary in effect has approval responsibility. So I think that is an important element that we should just bring to the attention of our colleagues in discussing this question.

Mr. FAZIO of California. Mr. Chairman, reclaiming my time, I think the key is to come up with a definition of dead and dying trees that would warrant a salvage operation. The gentleman from California [Mr. CONDIT] had proposed, for example, 70 percent. If we had that kind of clarity in the law, then we would not have the problem of green trees being cut in some areas and the program working perhaps more appropriately in other areas.

□ 1245

And, of course, the 318 inclusion, which occurred in the Senate during the conference, was very much a troubling aspect for people across the spectrum who were interested in the forest health issue.

Mr. REGULA. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina [Mr. TAYLOR], a very fine member of our subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, I want to commend the gentleman from Ohio [Mr. REGULA], the staff of the committee, and the gentleman from Washington [Mr. DICKS], and the gentleman from Illinois [Mr. YATES], for the bill that has been put together. I think it is an outstanding bill, as has been said on the floor.

So far, it does recognize many areas in forest health and it recognizes areas of park maintenance. It is probably the largest effort that has been made toward maintenance that we have had in a long time, and that is especially important in a time when there is so much pressure on reducing the budget.

I would like, though, as a member of the committee and a sponsor of the timber salvage bill, to correct some misstatements. A lot of the organizations outside that have never understood this legislation, never really cared about forest health, have been trying to promote its demise.

First of all, the 318 legislation that was put in by the Senate, as the gentleman from California [Mr. FAZIO] indicated earlier, will expire September 30 of this year, so it is pretty much a moot question. As he mentioned a moment ago, the sales that people in that region felt were a problem, they have appealed. The court has spoken in this area and that is going to be pretty well handled, and there is no reason to address it on this floor at all.

As it deals with salvage, to say that this language ought to be changed or we should have used this language is to fail to understand that the salvage language used in the timber salvage bill was the identical salvage language that has been used for years in the Forest Service's procedure in salvaging timber.

It was only a few years ago that environmental organizations decided they needed to move another step forward and stop cutting in the national forest, as they have openly now said they want to do, and they put in a provision against salvage timber at the time. We simply removed that provision with the salvage amendment. The language is the same, that has never been contested over the years, as was used by the Forest Service.

Second, to talk about its being used abusively, there is not one single case, and I challenge anyone to come with me, an it is hard to do on the floor, but I challenge anyone to come with me and prove there is a single case where that has been abused.

And the final point is that green trees, when we are trying to wipe out disease and insects, for instance, with insects, the green tree is the host tree of the insect; it is a peripheral area just around the dead trees. If all we were cutting were the dead trees when we try to wipe out insects, we would never cut that out because the insect has already moved on to a living tree.

So we have to come around to a peripheral area to get rid of the insects. And if we do not get rid of the insect, it will take the entire forest. And that was the reason for the salvage bill; it was for forest health.

So I think the legislation has been misunderstood. We will address it more specifically in the debate, but it is a good piece of legislation that has worked well.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I want to acknowledge the efforts of the gentleman from Ohio, Chairman REGULA, and the ranking member, the gentleman from Illinois, Mr. YATES, for the bill they bring before us today. They have done their best to protect a wide variety of important programs in a difficult budgetary climate.

While there are many parts of this legislation I support, there is one in particular that I want to highlight, and that is the Department of Energy's fossil energy R&D. During the debate today many Members will come to floor and seek to plus up other accounts at the expense of fossil energy. While I do not necessarily disagree with the programs they seek to plus up, I believe that their efforts to cut fossil energy are misguided at best.

As you can see from this chart, the Energy Information Agency has predicted that 20 years from now, we will still be dependent on fossil energy for 89 percent of our energy needs. Since this will still be the primary source of our energy supply, it make sense to pursue technological advancements that will allow us to make better use of these fuels.

There is one area which I wish had received greater funding than is in the bill, and that is energy conservation R&D. For the same reasons that I support fossil R&D, I think it is important that we maintain a strong commitment to conservation R&D, as they deal with improving combustion-based energy.

However, I will oppose efforts to raise the conservation line at the expense of fossil.

I believe that such efforts are based on a fundamental misunderstanding of these two programs. Those who propose to increase conservation by reducing fossil are proposing no net gain for meeting our energy needs, they only move funds from one good program to another. The only difference is the name "conservation" sounds more politically-correct than fossil.

I realize that because fossil fuels have been around for awhile, that there is a tendency to think that the utilization technologies have been improved to their maximum. If this logic was applied to nuclear R&D, you would come to the conclusion that since atoms haven't changed since the beginning of time, that there is no more work to be done in this area. Or in the case of renewables, since wind has been around since the formation of the planet, we shouldn't fund wind energy research.

While these arguments make no sense, neither does the argument that we should cut fossil R&D, because they are currently in use. We are not talking about the fuel, but the way in which it is used.

The Department of Energy, should be praised for the way in which they have managed to live within the confines of last years Interior Appropriations bill, which calls for a 10 percent reduction per year for the next 4 years. This is allowing for a gradual phase-out of the fossil energy program, without throwing away tax dollars already invested in research projects that yet to be completed.

The amendments being offered to reduce fossil are being offered by those who either don't understand or don't care about the way their proposals will impact our energy security. I urge Members to oppose them all, as fossil energy should not be penalized with further reductions for adhering to its downsizing plan.

Mr. REGULA. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. RIGGS], a member of the full Committee on Appropriations.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Ohio, Chairman

REGULA, for yielding me this time, and I look forward to the debate coming up.

Colleagues, first of all, in this very brief 2 minutes, I want to address something the gentleman from Washington [Mr. DICKS] said during debate on the rule. He said that my amendment in the full Committee on Appropriations last week to prohibit the Fish and Wildlife Service from enforcing the critical habitat designation for the marbled murrelet on private lands, privately owned property, would render the marbeled murrelet extinct in northern California.

The question I have for Mr. DICKS is, when was the last time he visited us in northwest California? Because that critical habitat designation in my district alone, and this goes to the gentleman's staffer, too, who wrote his remarks, in my district alone this critical habitat designation applies to 693,000 acres in Humboldt, Del Norte, and Mendocino Counties, and that breaks down as follows: 477,300 acres in Six Rivers National Forest, Federal property; Redwood National Park; the King Range National Conservation Area; and some parcels of Bureau of Land Management land. That is all federally owned property.

And, in addition to that, the critical habitat designation applies to the 175,000 acres of State land, including State redwood parks, the Sinkyone Wilderness State Park, and some Mendocino State parks.

I am talking about protecting the property rights of 10 private property owners, 10 private property owners who own 32,000 acres in Humboldt County, the largest county in my congressional district. Some of those property owners are here today. They are not just timber companies, by the way. Some of them are longtime ranching and farming families, properties that have been in the hands of these families for generations, such as the Gift family, 501 acres designated critical habitat, taken without just compensation to the Gift family; the Bowers family, 156 acres taken without just compensation to the Bowers family; Harold Crabtree, his entire 254-acre ranch taken without just compensation from the Federal Government.

So I conclude, 99 percent of this critical habitat designation is on public lands. We are talking about the final 1 percent, the remaining 1 percent, that is privately owned property.

Mr. DICKS. Mr. Chairman, I yield myself 6 minutes.

I would say to my distinguished friend from California that I, too, represent an area that has been as affected as any in the country by listings under the Endangered Species Act, and my approach has been to try to work with the private companies and the State of Washington in order to get them to enter into a multispecies habitat conservation plan, an agreement between the Fish and Wildlife Service and the private company to protect the species on the private property lands and to help in the conservation effort. For that, they get 100 years of certainty.

Now, I checked yesterday with the Fish and Wildlife Service and asked them about the company involved here, and whether they had seriously attempted to negotiate a multispecies HCP, and the answer was a resounding no.

Now, that is the way for the gentleman to solve his problem, to sit down with his company and with the Fish and Wildlife Service and try to get them to work out on a voluntary basis a multispecies HCP. That is how the Endangered Species Act allows one to get the incidental take permit that is necessary.

Let me just also say to my friend from California, even with a critical habitat listing, the company still can log. All it cannot do is have a taking of a species that is either threatened or endangered, and so they can use this private property. I just want to make that point.

If he is going to have a taking, the only way he can get around a taking is to have an incidental take permit. And the way one gets an incidental take permit, a large private landowner, is to do it by negotiating a multispecies HCP. I have worked with the Murray Pacific Co., Plum Creek, Weyerhaeuser, the major timber companies in the Northwest, to get them to do that.

What the gentleman is doing today by walking into the full committee and offering an exemption for one large lumber company in his district is not only undermining the Endangered Species Act, but he is undermining my efforts and the efforts of other Members of Congress who are trying to work with their private timber companies to get them to do these multispecies HCP's. I am sure the gentleman has a different interpretation of his intent, but the bottom line is, this is what is occurring.

So I am urging my colleagues today to join with me in striking out the Riggs amendment, and I urge the gentleman to go back and do it the old-fashioned way, to sit down and get a multispecies HCP through the Fish and Wildlife Service.

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

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

Mr. RIGGS. First of all, Mr. Chairman, I appreciate the gentleman yielding, and I want to give him an opportunity to respond to the point I made that we are talking about 10 property owners.

Mr. DICKS. But the gentleman would admit that the predominant landowner here is the Pacific Lumber Co.; is that not right?

Mr. RIGGS. If the gentleman would continue to yield, I would not stipulate to that. We are talking about nine other private property owners, some of which are——

Mr. DICKS. But the Pacific Lumber Co. has 33,000 acres.

Mr. RIGGS. Mr. Chairman, if the gentleman would give me an opportunity to finish, there are nine property owners who own collectively 8,000 acres. And I am going to introduce in the debate to come, on the gentleman's motion to strike, letters from these property owners that say they have never had a single contact from the Fish and Wildlife Service. Not once. The properties have not been inspected.

Mr. DICKS. Mr. Chairman, I take back my time. The gentleman knows fully if they have a species on their property, it is their responsibility. They do not have to do it, but if they do not do it, they do not get an incidental take permit. If they want to risk taking a species without an incidental take permit, then they will violate the Endangered Species Act.

The way to do it is to go in and enter into an agreement. Now, in many cases, small landowners are given, as a matter of course, an incidental take permit. It is the large landowner that is asked to do the multispecies HCP.

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In this case, the company involved did not negotiate in good faith to get a multispecies HCP. If they had done that and they were willing to do that on all the lands that they own in this area that the gentleman's amendment affects, I am told by the Fish and Wildlife Service that they would have bent over backwards to try to enter into such an agreement.

The facts are that they came in and made it very clear from the very first instant that what they wanted to do was to file a lawsuit that would raise the issue of a constitutional taking. That is, in fact, what they did. And in fact the Federal judge, Judge Rothstein, is the one who directed the Fish and Wildlife Service to designate critical habitat. In this instance, 78 percent of the critical habitat was on Federal lands, and only 1 percent was on the private lands.

In my judgment, the only reason it is on the private land is because the area involved is crucial to the survival of the spotted owl in that area. So I would just say to the gentleman from California, not only in this amendment is he undermining the Endangered Species Act, he is also threatening the survival of the marbled murrelet.

There are a lot of fishermen who have written me saying, please oppose the Riggs amendment. They are fearful that, if we do not protect the marbled murrelet and it becomes endangered rather than threatened under the Federal law, even more onerous restrictions will be put on the fishermen in my colleague's area as well.

Now, I sympathize with the gentleman from California. He and I have worked on things together in the past, but what I do not like here is what he is doing. By coming in here and getting a specific exemption, it is undermining all of the rest of us who are trying to get our private companies to do the right thing by entering into a multispecies HCP. That is what the gentleman should be doing, not coming here and undermining the Endangered Species Act, threatening the marbled murrelet and threatening the old growth in this particular area which is crucial to the survival of the marbled murrelet.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding me the time. I want to thank him for his hard work in bringing this bill to the floor.

These are very difficult issues. As we have heard by the previous speakers, the chairman has had to deal with situations where there are very meritorious but competing interests. I think he has done an admirable job here. But I rise today to revise and extend my remarks with respect to an issue that is of paramount importance here to us in the State of New Jersey.

Included in this legislation is the Sterling Forest issue, which is located in my district. It is being put in this legislation as one of the Nation's top two priorities for land acquisitions. This legislation recommends that Sterling Forest receive $9 million as a downpayment on the Federal Government's purchase price.

I want to point out, by the way, I thank the chairman. He and I have worked for a number of years on this together. I do appreciate his cooperation and his commitment to this particular project. I also want to point out that the Speaker this last March visited our State and Sterling Forest and has made a commitment that he would see to it this year that this would be accomplished.

However, although this is an important step, it is a significant step. It strictly undermines the contention that I have had from the beginning, which is that time is of the essence and that Sterling Forest owners cannot be expected to wait forever, even though they are willing in a willing compromise, a negotiated compromise to deal with the Federal Government. But I must point out here that, even though this is set as a priority under this authorization, not only is time of the essence but we must not lose sight of the fact that we need authorization for this to be effective. This Sterling Forest is not yet authorized. I will be pressing ahead with every fiber of my being to see to it that it gets authorized in the very near future.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH], an excellent member of our subcommittee.

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of H.R. 3662, the fiscal year 1997 Interior and related agencies appropriations bill. This bill is $482 million below last year's funding and within our budget allocation.

Given the need to reduce Federal spending, and the resulting lower funding allocation the subcommittee and full Appropriations Committee is working under this year, this is a good bill, and I commend Chairman REGULA and his staff for putting this measure together.

H.R. 3662 represents the tough choices that have to be made if we are going to get spending under control. So while I call it a good bill and urge all of my colleagues to support the bill, I also recognize that there is something in here for everyone to dislike. It is impossible to both cut spending and to fund everything that all of us would like to fund.

On the other hand, compared to last year, H.R. 3662 increases funding for operating our National Park System by $55 million; it increases forest health initiatives like pest suppression and wildfire management by $72 million; and it allows $52 million more for Native American programs than last year.

Mr. Chairman, on balance, this bill represents a tremendous effort to balance spending cuts with stewardship of our natural resources. I urge a "yes" vote.

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

Mr. REGULA. Mr. Chairman, this is a very good bill. I hope the Members will take a good look at it, especially the amendments, as we go along. We will accept some, but we will have to resist a number of them. We want to finish the bill today, and we want to move along as quickly as possible.

Mr. POSHARD. Mr. Speaker, I am very concerned about the numerous amendments, notably the Farr, Walker, and Richardson amendments, in the Interior appropriations bill for fiscal year 1997 that cut valuable funding of up to $138 million for the Department of Energy's Fossil Energy Research and Development Program. We hear a great deal today about how the United States has become overly dependent on foreign sources of oil. A main reason for this is because over the past decade strict limitations have been put on the burning of certain types of coal. These moneys address such crucial energy issues by enabling research into vital clean coal technology, as well as ways to increase domestic oil and gas production. In addition, programs such as the Petroleum Technology Transfer Council that provide for the transfer of technology between independent producers would be eliminated.

Rural economies have been especially hard hit by the limitations on coal, and the decreased production of oil and natural gas. In my district alone, thousands of people employed in these industries have been affected, whether they are displaced coal miners or small oil companies that can no longer afford to operate. These citizens represent the backbone of our domestic energy production, and stand ready to provide alternative energy options to foreign petroleum. In Illinois, the Fossil Energy Research and Development Program will account for almost 30,000 jobs in the first decade of the next century. Moreover, the budget for fossil energy programs has already been cut 10.5 percent from last year's levels, and 30 percent from fiscal year 1995. Hence, these amendments would seriously endanger the future of energy development in this country, as well as many local economies. I urge all of my colleagues to retain funding for this important research.

Mr. BILBRAY. Mr. Chairman, I ask permission to revise and extend my remarks.

I rise today in support of the funding in this bill for California Natural Communities Conservation Planning [NCCP] program. The fiscal year 1997 Interior appropriations bill, which will be considered by the subcommittee this afternoon, contains $5 million for the program.

I would also like to support the amendment offered by my California colleague Rep. KEN CALVERT. His amendment will shift $1 million from the Forest Service General Administration Account to the Cooperative Endangered Species Conservation Fund. By cutting bureaucracy, the Calvert amendment will further our goals for protecting and preserving sensitive species in southern California.

The NCCP pilot program in southern California is the Nation's most advanced cooperative approach. The program was initiated 5 years ago as an attempt to create a multispecies approach to preserving species. By increasing funding in the Cooperative Endangered Species Conservation Fund, Rep. CALVERT's amendment will help us to fund the NCCP at the administration's requested level.

Even in a time of unprecedented fiscal constraints, I would like to commend Interior Subcommittee Chairman RALPH REGULA for recognizing the merit of this process and supporting the program. The NCCP represents the future of conservation, and it is a giant leap forward over the historical project-by-project, command and control methods of most environmental strategies. The system we have in place now sets us up for confrontation, conflict, and gridlock. The NCCP will replace that system and create a framework for comprehensive conservation planning to protect natural resources and sensitive species in southern California while allowing for reasonable growth.

The NCCP is part of a collaborative effort between Federal, State, and local officials, as well as land owners and environmental groups. The planning process' goal is to protect a variety of species and sensitive natural habitats, to prevent the need to list other species in the future as endangered, and allow growth and economic development to occur in balance with sound resource conservation.

The NCCP includes conservation and development plans for nine separate areas within the southern California planning region.

Again, I urge support of the Calvert amendment, and final passage of this bill.

Mr. UNDERWOOD. Mr. Chairman, I am pleased that Chairman REGULA and the Appropriations Committee has included in the fiscal year 1997 Interior appropriations bill $4.58 million in reimbursement to Guam for the costs incurred as a result of the Compacts of Free Association.

These compacts with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, allow open and free migration to the United States. Of course, Guam receives the greatest share of this migration which puts a tremendous strain on our local resources and this impact continues to grow. Guam is geographically located closest to these new nations. Their economies are less developed than Guam's, and for many of their citizens, the economic draw and unlimited access are powerful incentives leading to widespread migration to Guam. The Federal commitment to Guam is a statutory commitment made to Guam in Public Law 99–239, section 104(e), which authorizes the appropriation of funds to cover the costs incurred as a result of increased demands placed on educational and social services.

Let me underscore that this $4.58 million is only minimum reimbursement for the costs incurred by the Government of Guam. I am pleased that the Committee included report language which recognizes the need to augment this funding. I am also encouraged that in a letter to me on May 15, 1996, the Department of Interior has agreed to submit a report to Congress on the impact of the compact also required by Public Law 99–239. This information will assist Congress in continuing to address this important issue. We are hopeful that the Interior report will detail and document the full financial impact of the compact on Guam.

Mr. VENTO. Mr. Chairman, I rise in opposition to the fiscal year 1997 Interior appropriations bill. This legislation further cuts the already lean budgets of the National Park Service, Fish and Wildlife Service, Bureau of Indian Affairs, and other Federal land use agencies, even though demands by the public on these agencies is increasing.

We in the Congress are charged to act as stewards of America's natural and cultural resources. We have a sworn duty to protect wildlife, our air and water, and our National Parks. We have the responsibility to ensure that our children and grandchildren will be able to use and enjoy our public lands. This appropriations bill represents an abdication of our responsibility to the American people.

Although this bill does not contain the sweeping anti-environmental riders the Republican leadership included last year, the appropriations measure we are considering includes a number of provisions that threaten our natural resources. This bill prohibits the Bureau of Land Management from resolving longstanding rights of way disputes under RS2477 and waives certain environmental laws to expedite the construction of a telescope on Mt. Graham, a sacred site for Native American people. It also prohibits the Fish and Wildlife Service from enforcing designation of critical habitat to protect the marbled murrelet on 37,000 acres of private property in California, which amounts to an exemption from the Endangered Species Act for a select few. Finally, the bill undermines the sovereignty of Indian tribes by prohibiting the use of Federal funds to take lands into trust by a tribe unless the tribe has a binding agreement in place to provide for the collection of State and local sales and excise taxes on sales to non-members of the tribe.

I also question the spending priorities set by Congressional Republicans in the 1997 Interior appropriations bill. For instance, despite increasing numbers of visits to our National Parks and a considerable backlog of Park maintenance, the total funding for National Parks is reduced by $40 million from the fiscal year 1996 total. Funding for National Park operations and maintenance totals $24 million less than the President's request. At the same time, subsidies for timber road construction and road maintenance, and "green" timber sales are increased by $14 million over last year's levels. I do not believe this allocation represents the values of the public, who have overwhelmingly supported our National Parks and opposed corporate welfare.

Mr. Chairman, the Republican Majority has tried to talk the talk on environmental issues, but this Interior appropriations bill demonstrates more loudly than words that the GOP aren't yet ready to "walk the walk." I urge Members to defeat this bill.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 3662, the Interior appropriations bill for fiscal year 1997.

This Member would like to commend the distinguished gentleman from Ohio [Mr. REGULA], the chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Illinois [Mr. YATES], the ranking member of the subcommittee for their exceptional work in bringing this bill to the floor. Extremely tight budgetary constraints made the job of the subcommittee much more difficult.

This Member is pleased that the report includes language directing the National Park Service to develop a general management plan for Homestead National Monument of America near Beatrice, NE.

Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land and the people as a result of the Homestead Act of 1862. This monument was authorized by legislation enacted in 1936. However, a general management plan is needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon the Nation.

A general management plan is the first step in assessing and planning for new park development. The plan is used to identify the park's purposes, assess current situations, and plan new development and management directions. A general management plan also contains environmental and historical assessments. Public comment on the plan and proposed alternatives are required by the National Environmental Policy Act and other laws and policies. Before Homestead could embark upon any future projects, the general management plan process would have to be completed to ensure that mission-based objectives and public comment were properly considered. This process normally takes several years and it is this Member's understanding that it can be accomplished with base-funded staff with available funds.

Homestead National Monument of America is truly a unique treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legislation:

> It shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law.

Clearly, this authorizing legislation sets some lofty goals. This Member believes that a general management plan would begin the process of realizing these goals.

Mr. Chairman, this Member is also gratified that H.R. 3662 maintains last year's funding level of $250,000 from State and private forestry funds for the National Agroforestry Center at Lincoln, NE.

The National Agroforestry Center—formerly the Center for Semiarid Agroforestry—was authorized by the 1990 Farm Bill, the Food, Agriculture, Conservation, and Trade Act [FACTA]. Section 1243 of the FACTA authorized an annual appropriation of up to $5 million for the center. The National Agroforestry Center is a partnership of the Research, State, and Private Forestry, and International Forestry branches of the USDA Forest Service. The center conducts research on developing tree varieties, especially adapted to the Great Plains, that will enhance crop and livestock production, protect surface and groundwater quality, create wildlife habitat, and promote environmental goals. The center is nationally and internationally renowned as the U.S. flagship for agroforestry due to its leadership in agroforestry research, development, and applications.

The center, located in Lincoln, Nebraska is a key element of agroforestry research and technology transfer for the Forest Service. The center's mission is to accelerate the development and application of agroforestry technologies to attain more economically, environmentally, and socially sustainable ecosystems. To accomplish its mission, the center conducts agroforestry research and interacts with a national network of cooperators to conduct research, develop technologies and tools, establish demonstrations, and provide useful information to natural resource professionals nationwide and globally.

The National Agroforestry Center is developing key partnerships with other agencies and institutions and catalyzing interdisciplinary teamwork. Since agroforestry bridges critical productivity, biodiversity, sustainability, and

socio-economic issues, the National Agroforestry Center has become a focal point for interagency cooperation. The multi-agency initiative being developed includes the Agricultural Research Service [ARS], the Cooperative State Research, Education, and Extension Service [CSREES] and the Environmental Protection Agency [EPA].

The center seeks to increase the use of agroforestry in order to fulfill the following purposes: Make agriculture more sustainable; mitigate the adverse environmental side effects of agriculture; convert marginal farmlands to high-value tree crops and wildlife habitat; and enhance human environments

Mr. Chairman, in conclusion, this Member supports H.R. 3662 and urges his colleagues to approve it.

Mr. DEUTSCH. Mr. Chairman, I would like to underscore the comments of my colleagues who join with me in supporting the Florida delegation's Everglades amendment to H.R. 3662—the fiscal year 1997 Interior appropriations bill. Congress has long recognized that Everglades restoration is a basic quality of life issue. The State of Florida has taken the lead on this by funding the lion's share of restoration. It is crucial that Congress recognize the Federal commitment by funding authorized land acquisition priorities in this Interior bill. Although the committee report claims to make the Everglades a top national priority, this promise can only be fulfilled by fully funding the land priorities in this bill.

This Congress is deeply interested in the link between the economy and the environment. There is no better example than in south Florida where our multibillion dollar economy depends solely on reversing the environmental mistakes of the past.

I appreciate Chairman Regula's willingness to work with us on this issue. I led the delegation in organizing our unified position, and I know the chairman is aware that a majority of us are on record supporting our efforts today. I look forward to resolving this issue to everyone's satisfaction, and I thank the chairman.

Mr. FAZIO of California. Mr. Chairman, I think it is important that we revisit the issue of the timber salvage rider that was part of the Rescissions bill last year. While I felt at the time that it was important to address the problem of dead and dying trees, and the issue of forest health in general, in hindsight it was clear we dealt with it in too much haste.

I did not vote on the Yates amendment when it was considered on the floor last year because I was with my wife at the hospital while she had minor surgery. I did vote for the bill on final passage, however, both because it helped to provide disaster relief to California and because it had the administration's support. At the time I think few Members of Congress were aware that the salvage timber rider allowed section 318 timber sales to be reinstated as well. If they had been aware of the deficiency, I do not think this rider would have gotten through.

The 1990 section 318 sales were intended to allow the development of a compromise in the Northwest but they did not succeed and were halted due to environmental concerns. These sales only affect old growth timber. The issue of salvage timber—or the attempt to glean the forest of dead or dying trees particularly after drought periods like the one recently in California—is a different concern altogether.

To my knowledge, these two issues were never intended to be intermingled. Fortunately, the Appeals Court has stepped in to stop the expedited 318 sales of old growth trees so we will have a chance to deal with option 9 in a responsible manner.

Given the vagueness of the definition of salvage timber, it was not unexpected that this provision could be ill used to harvest healthy trees. We should not have gone forward with the salvage timber rider without tightening up how the Forest Service implemented the program in the first place. In practice, the program allowed for more than dead and dying trees to be cut.

For those of us in this Congress who see a real threat to forest health and who have a strong desire to find the appropriate solution, the salvage timber rider simply went too far. Instead of merely allowing the timber companies some flexibility in helping to prevent future wildfires, those pursuing a different agenda took advantage of the opportunity and sought to cut healthy trees and old growth timber as well.

I would like to cite an example of how such sales can be extremely detrimental. Recently in my district the Forest Service sought to reinstate the Barkley timber sale in the Lassen National Forest. I personally appealed to the Department of Agriculture to stop the sale because it would have seriously unraveled the cooperative local efforts among landowners, conservationists, and government officials to produce a collaborative strategy for resource management.

In particular, the Quincy Library Group is a broad-based organization which worked hard to come to an agreement on timber harvests in the Sierra Nevadas. The Barkley timber sale would have jeopardized that carefully balanced effort. In response to my concern, the sale was stopped.

We must seek an appropriate balance in identifying solutions that will work over time. I support the amendment before us to restore environmental review to the timber salvage process. We need to provide a check to the extreme actions being undertaken under the guise of harvesting dead and dying trees.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. An amendment striking the last proviso under the heading "Strategic Petroleum Reserve" is adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

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

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend.

The Clerk will read:

The Clerk read as follows:

H.R. 3662

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 Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), $566,514,000, to remain available until expended, of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which $3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which $1,000,000 shall be available in fiscal year 1997 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for challenge cost share projects supporting fish and wildlife conservation affecting Bureau lands; in addition, $27,300,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $566,514,000; and in addition, not to exceed $5,000,000, to remain available until expended, from annual mining claim fees; which shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: *Provided further,* That in fiscal year 1997 and

thereafter, all fees, excluding mining claim fees, in excess of the fiscal year 1996 collections established by the Secretary of the Interior under the authority of 43 U.S.C. 1734 for processing, recording, or documenting authorizations to use public lands or public land natural resources (including cultural, historical, and mineral) and for providing specific services to public land users, and which are not presently being covered into any Bureau of Land Management appropriation accounts, and not otherwise dedicated by law for a specific distribution, shall be made immediately available for program operations in this account and remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, suppression operations, and emergency rehabilitation by the Department of the Interior, $247,924,000, to remain available until expended, of which not to exceed $5,025,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without costs from funds available from this appropriation: *Provided further*, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred to this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C 9601 et seq.), $12,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedical action or response activities conducted by the Department purusant to sections 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropration: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bounds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreaton facilities, roads, trails, and appurtenant facilities, $3,103,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-07), $113,500,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out section 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interests therein, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FARR of California: In the item relating to the DEPARTMENT OF THE INTERIOR—Bureau of Land Management—Land Acquisition, insert "(increased by $4,750,000)" after the dollar amount.

In the item relating to the DEPARTMENT OF THE INTERIOR—United States Fish and Wildlife Service—Land Acquisition, insert "(increased by $37,300,000)" after the dollar amount.

In the item relating to the DEPARTMENT OF THE INTERIOR—National Park Service—Land Acquisition and State Assistance—

(1) insert "(increased by $57,790,000)" after the first dollar amount; and

(2) insert "(increased by $2,240,000)" after the second dollar amount.

In the item relating to RELATED AGENCIES—Department of Agriculture—Forest Service—Land Acquisition, insert "(increased by $35,310,000)" after the dollar amount.

In the item relating to DEPARTMENT OF ENERGY—Fossil Energy research Development, insert "(reduced by $135,150,000)" after the dollar amount.

Mr. REGULA. Mr. Chairman, I reserve a point of order since we have not yet seen the amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

The Chair would note that the amendment is printed in the RECORD as amendment No. 7.

Mr. FARR of California. Mr. Chairman, my amendment directly benefits every American and every Member who supports our parks, our public spaces. There is a big pot of money in the Federal budget to pay for new parklands and for other open space acquisition. That money can benefit every American who enjoys the beauty of our national parks, the serenity of the wilderness, the exhilaration of an early morning duck hunt of the surge of pride in exploring the great historical places of this Nation.

That pot of money is called the Land and Water Conservation Fund. It is supposed to take some of the money raised from the sale of publicly owned fossil energy resources to build a legacy of parks and open space resources for future generations.

In 1964, Congress created the Land and Water Conservation Fund to use some of the Federal royalties from offshore oil drilling to buy parklands. Even though the offshore oil drilling only comes from coastal States, the money was to be used in all of the States. It was an ideal environmental business plan, reinvest the profits from the exploration of publicly owned natural resources into the infrastructure of our Nation's parks and other public spaces. Money would come into the fund and Congress and the President would allocate it between State parks programs and Federal public land priorities.

The fund currently takes in $900 million a year. It will continue to take in such money until the program's authority expires in the year 2015. But the plan is broken. Only a trickle of that money reaches the parks and other land conservation needs.

By the early 1980's, the President and Congress began using more and more of the fund each year to mask the size of the deficit. Less and less went into land acquisition. In 1991, only $321 million of the fund's $900 million income went into the environment; only $100 million of that is appropriated today for fiscal year 1997, a $12 billion surplus, which frees up other moneys to be spent for other purposes, including fossil fuel energy research.

My amendment would restore the funding to the 1995 appropriated levels by increasing the bill's Land and Water Conservation Fund appropriation levels by $134,904,000 over the committee's appropriated level, reported level of about $100 million.

My amendment allocate this increase among the land management agency accounts according to the fiscal year 1995 allocations. The Bureau of Land Management would get about $14 million; Fish and Wildlife, $67 million; National Parks Service, $87 million; and Forest Service, $65 million; for a total of $235 million.

It is my intention that $2 million of the Park Service increase be allocated for State grants through the National Park Service States assistance programs.

This is assisting our States which have long asked for help with this fund. My amendment preserves the committee's decision not to earmark individual projects and to leave it to the discretion of the agencies which projects to pursue.

I offset the $135 million cut in the Department of Energy fossil research account. This account has a total amount of $359 million remaining in the bill.

□ 1315

The point is that we do not need to allocate as much as the appropriators have done for the programs for research which really benefit our large multinational corporations like Chevron, Exxon, Conoco and such.

We have spent over $2½ billion for fossil fuel research since fiscal year 1992, just over a billion of that for, just a billion of that for, the land and water conservation fund for acquisition in the same period of time. Yet, for example, in my home State of California this program, which the committee has appropriated, would help fund Chevron's research into enhanced oil recovery technology, Arco's research into new horizontal drilling techniques, Pacific Operators' offshore research in

Santa Barbara on lateral drilling technology to extract more oil offshore. One may argue these are appropriate areas of research, but why rely totally on this fund?

We also have money coming from drilling on State lands and from drilling on private lands, and none of that money is being earmarked for this research purpose.

The CHAIRMAN. The time of the gentleman from California [Mr. FARR] has expired.

(By unanimous consent, Mr. FARR of California was allowed to proceed for 1 additional minute.)

Mr. FARR of California. Mr. Chairman, I ask that we reverse the priorities here and put two-thirds of this appropriation into acquisition of land and one-third into fossil fuel research. That would still leave a surplus in the fund for fossil fuel research of about $224 million, and I suggest that that is an appropriate balance of funds and would urge this House to support my amendment.

The CHAIRMAN. Does the gentleman from Ohio withdraw his point of order?

Mr. REGULA. Mr. Chairman, I withdraw my point of order.

Mr. REGULA. Mr. Chairman, I rise in strong opposition to this amendment. Let me point out to our colleagues that fossil energy research is vitally important.

Mr. Chairman, let me point out that the fossil energy research program is vitally important to this Nation. We are dependent of fossil energy for 85 percent of our needs and will be far into the foreseeable future. Fossil energy research is important in reducing emissions. We all talk about clean air, and here is a key element in the clean air program. It is important in reducing emissions into the environment of this Nation; it is important to having energy independence.

As we well know, thinking back to Desert Storm, we paid a heavy price to maintain access to energy offshore. We have cut 23 percent since 1995 in fossil energy research. Most of these programs, if not all, are contractual relationships with the private sector, where they are being matched. Federal dollars are being matched by at least 50 percent private dollars. These programs are not to implement the use of energy, but rather to find better ways to use our energy resources. These dollars increase energy technology at the domestic level, and I think it is vitally important that we maintain our commitment to those private sector partners that have helped us in these programs and have committed their own dollars.

Most of us depend on gasoline powered automobiles, and we cannot at this point give up that source of energy for the vast number of domestic automobiles, but we can find ways to burn energy in a more environmentally friendly way. Coal supplies are vital to the generation of electricity. We only need to look at the industrial consumption of electricity that produces jobs to realize how important coal is as a part of our energy resources in this Nation.

For all of these reasons, and given the fact that we have reduced funding by 23 percent, it becomes extremely important that we maintain this fossil energy research. We will have a number of amendments trying to take out the funding that we have in for these programs, and we recognize we are scaling back 10 percent each year.

But recognizing that we are going to depend on fossil energy for the foreseeable future, I think it is vitally important that we continue these partnership research programs to ensure that we burn this energy, use this energy in the most efficient way, that we protect our air, that we protect our water resources, that we protect the competitiveness of our industry, and I think to vote for this amendment is a vote against jobs, it is a vote against clean air, it is a vote against energy independence, it is a vote against the environment, and I urge all Members to oppose this amendment.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I agree with the gentleman in opposing this amendment. This amendment is another form of the amendment that will be offered by the gentleman from Pennsylvania [Mr. WALKER] later on. For the same reasons as the gentleman from Ohio [Mr. REGULA] so eloquently outlined, I think the Farr amendment should be defeated.

Sure, it would be great if we had enough money to buy land for the Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the Forest Service. The Land and Water Conservation Fund needs that money. We just do not have it under the 602(b) allocation that we received, and it is very important that the fossil energy research and development continue with the money that we have allocated.

Mr. REGULA. I thank the gentleman from Illinois [Mr. YATES].

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am very much in favor of this amendment, and I want to take the opportunity to say a few words on its behalf.

I think that it makes very good sense for us to take this relatively small amount of money, $359 million, out of the fund for fossil fuel research and put it where it is most needed at this particular moment, and that is in the Land and Water Conservation Fund.

The Land and Water Conservation Fund, first of all, is funded presently at the lowest level it has ever been funded at since its beginning, so it is not a case that there is too much money in the Land and Water Conservation Fund. The fact of the matter is there is far too little.

Furthermore, it makes good sense now at this particular moment to take this $359 million out of fossil fuel research and put it into the Land and Water Conservation Fund. Why? This $359 million in research for fossil fuels ought to be being paid for the fossil fuel companies themselves. The oil companies today are making once again record profits. Let me give my colleagues an example.

Since January of this year the price that we are paying for regular gasoline at the pump in New York has gone up by more than 30 cents a gallon. Now that the spot market price for gasoline has come down, and it has come down now more than 16 cents a gallon since the end of April, the oil companies have dropped their prices by only 2 to 3 cents a gallon. So they are pocketing 13 to 14 cents a gallon on every gallon of gasoline that is sold in New York, and it is even higher than that in California and other places across the country. They are the ones who ought to be paying for this fossil fuel research.

Furthermore, this Congress has failed since its beginning to continue a tax on the oil companies which was designed to pay for the cost of the cleanup of old toxic and hazardous waste dump sites and also is to pay for the cost of leaking underground petroleum storage tanks. That failure of this Congress to extend that tax which had been in existence for those purposes means that every year the oil companies are pocketing an additional $1 billion.

Now we are never going to recoup that money. We are never, even if we pass these taxes, put them back in existence so we have the funds to pay for the cost of cleaning up toxic and hazardous waste dump sites and the cost of underground petroleum spills, we are never going to make it retroactive. So they have gotten away now with more than a billion dollars a year by not having to pay that tax, and they are getting away with additional billions in dollars in excess profits because of the fact they are changing more at the pump by orders of magnitude than they have to pay on the spot market for the petroleum products that they buy.

The oil companies are getting away with murder. They have their hands in the pockets of the motoring American public, and they are pulling out fistfuls of dollars day in and day out and stuffing it into their own pockets. CEO's making salaries of a million and a half dollars while the guy who is struggling to go to work every day has to pay an additional 30 cents a gallon, 25 cents a gallon, for every gallon of gasoline he

buys at the pump. It is wrong, it is unfair, it is unreasonable, and this Congress ought to put a stop to it.

So this is the time to take that money, that $359 million, put it in the Land and Water Conservation Fund, where it is desperately needed; the fund has never been this low; and make the oil companies pay for this fossil fuel research. Why should the American public be subsidizing that fossil fuel research when the benefits are going to go to the oil companies in the end in any case? This is just another example of the kind of corporate welfare that has been perpetuated here over and over again.

Let us make the oil companies pay for their own research, let us put a little money into the Land and Water Conservation Fund, and let us go to a system that is a little bit fairer for the American public, particularly those in rural districts like mine and other rural districts across the country where the people are totally dependent upon the automobile for transportation. Every time they go from home to work, from home to school, from home to the supermarket, they are putting additional money into the hands of the oil companies, and it is coming out of their pockets.

So this amendment makes good sense. Let us pass this amendment and tell the oil companies it is time for them to pay for their own research, put a little more money in the Land Water Conservation Fund, and stop exploiting the American people.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman and Members of the House, I rise in strong support of this amendment, and I would hope that the committee would look upon this as a friendly amendment because clearly this committee, the chairman of the committee and the ranking minority member struggled long and hard to try and meet the priorities of this Nation, of the Members of this Congress in dealing with the status and the quality of our national parks, our wildlife refuges and the forests of this Nation.

In 1964, when we passed the Land and Water Conservation Act, we kind of make a bargain with the Congress and within this country that we would trade the exploration and the development of our offshore energy resources off the coast of California and the Gulf of Mexico and elsewhere in this country, that we would trade the development of those resources to generate a pool of revenues to protect and to provide and to expand the public lands system within this country, that we would take a portion of those royalties and set them aside so we could buy lands for additions for new parks, for additions to existing parks and for our wildlife refuges, in some cases for forests and other public land units.

What has happened now because we have gone and spent ourselves into a deficit position, we now use this sacred trust, if my colleagues will, to protect the assets of the public lands of this Nation. We are now using that as a gimmick to balance this budget. Every dollar we do not take out of the Land and Water Conservation Fund that is reserved for the acquisition of public lands we divert, whether it is to the military budget, to the education budget, to infrastructure, to some other purpose. But that is not what we told the people of this country we were going to do with this money, and that is not what the people of this country expect us to do with this money.

□ 1330

Mr. Chairman, what we have now is we have a situation where by deferral of land acquisitions, deferral of the protection of the parks, deferral of the protections of the wildlife refuges and the other public lands, we are now subsidizing other activities in the Government where we do not have the courage to say no. It does not mean they are a higher priority, it does not mean they are a better priority. It just means this committee has less money to work with.

I think by adopting the Farr amendment, we have the opportunity to suggest that perhaps the priorities ought to be changed. Unfortunately, we can only deal with it within the context of the budget that is given to this committee. The gentleman from California [Mr. FARR] has sought to go to the energy research, the fossil fuel research portions of this budget that clearly do not have as high a priority as they might have had at one time, clearly do not have as high a priority at a time when the energy companies were not doing as well as they are doing today, clearly do not have as high a priority at a time when we were struggling to fill the strategic petroleum reserve, and now we are selling off portions of the petroleum reserve kind of willy-nilly. The President wants to sell off parts of it, this committee has made a decision to sell off parts of it.

Obviously this is not as high a priority. But what is a high priority with the American people is the additions to and the protections of the public lands, and most importantly, I think, as we start this summer season, the protections and the additions to the crown jewels, the national park system of this country that so many families will spend time this summer visiting with their children and with other members of their family. This amendment is about setting those priorities.

Mr. Chairman, this amendment does not mean that fossil fuel research will not take place. This amendment suggests that those who will benefit by the fossil fuel research perhaps shoulder more of the burden, now that they are doing better as a result of the run-up in gasoline prices and a stabilizing of world oil prices.

That is what this amendment suggests: that we share the burden; that the other luxuries that we want to put into the spending of this budget not be subsidized by the trust. This is a trust fund, a trust we created with the American people to protect the national parks, to preserve the national parks, to expand the national parks, and to protect the other public lands of this Nation. The Farr amendment gives us an opportunity to do that.

I know that the chairman of this committee believes strongly in the protection of the national parks, but he has to play the cards that he is dealt. I would hope that he would understand that this is hopefully a statement by a majority in this House that is deeply concerned about those cards and would perhaps play them in a different fashion, in a way in which the committee was incapable of playing them during the committee deliberations. I would urge support of this amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

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

There was no objection.

Mr. REGULA. Mr. Chairman, I think we ought to correct this statement that we have not recognized the priorities. Certainly it would be nice to do a lot of these things. If we buy more land, it costs more money. We need to take care of what we have.

I know the gentleman from California is very strongly in favor of a moratorium on offshore drilling both of the gentlemen from California. Therefore, they would diminish the revenues that flow into the Land and Water Conservation Fund for these acquisitions.

Mr. Chairman, the vast amount of the money that goes in that fund is from drilling off of Louisiana, Alabama, and Texas, so I think if they are so anxious to have more money in the Land and Water Conservation Fund, they should be out here supporting the lifting of the drilling moratorium on offshore drilling from California.

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

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

Mr. FARR of California. Mr. Chairman, some of that money, a good deal of that money, also comes from drilling off the coast of California. The point of it is that this Congress created that fund so those revenues would be reinvested back into lands. It now has a $900 million surplus. We are only asking for a very small amount of that money.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I believe that the fossil

energy research is an investment in the future of this Nation. We are an energy-dependent Nation. We burn more energy per person than any other nation in the world. What we want to do is make it affordable, what we want to do is increase our economic competitiveness in the world market, and most importantly, we want to improve the environment: clean air, clean water, jobs. That is what defeating this amendment is all about.

Mr. Chairman, we do not put any money in for commercialization. That is up to the private sector totally. But we do say that it is in the interests of the American public to have these things that I just described. Therefore, we are willing to be a partner with the private sector in developing the technology. Then the commercialization is something that is picked up by the private sector.

Mr. Chairman, we have already cut fossil research by 23 percent since 1995. I think it is vitally important that we keep these programs going.

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Farr amendment. I want to echo some of the comments made by the chairman of the committee, the gentleman from Ohio [Mr. REGULA]. Let us make no mistake about what is happening from this amendment. I have a letter here from the Secretary of Energy that I would like to quote from. We are talking about almost a 40 percent cut in the fossil energy R&D accounts.

This is a quote from Secretary Hazel O'Leary.

> A cut of this magnitude would effectively eliminate the Department of Energy's fossil energy R&D programs and limit our Nation's ability to manage its energy future. We have already cut this program to the bone. The administration's FY 1997 budget request of $348 million represents a 10.5 percent reduction from fiscal year 1996 funding levels and a 20-percent reduction from FY 1995. Taking an additional $137 million from this program, plus the estimated $30 to $40 million in termination costs, would essentially stop it dead in its tracks.

So, Mr. Chairman, let us be clear about this. What we are talking about in the Farr amendment is the elimination of the fossil energy research and development program in this country. Mr. Chairman, we just talked about, into the future, 85 percent of our needs; fossil energy is going to play a major role in providing 85 percent of the energy needs of this country.

Many people in the environmental community say, well, coal and oil, they are dirty fuels. That is exactly our point. Why would we stop research and development in ways to burn coal cleaner and cheaper and to use fossil fuels more efficiently, in environmentally sound ways, right at the time when our dependence on them is increasing, not decreasing?

Mr. Chairman, let us not be fooled by this. I urge all Members to understand, a vote for the Farr amendment and later on for the Walker amendment is a vote to eliminate fossil energy R&D programs in this country. I think that would be terribly shortsighted.

Mr. FARR of California. Mr. Chairman, will the gentleman yield

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

Mr. FARR of California. Mr. Chairman, it does not eliminate it. This program has received over $2 billion in the history of fossil fuel research. We only take, of the appropriations this year, one-third; $1 out of every $3.

Mr. DOYLE. Reclaiming my time, Mr. Chairman, the gentleman's amendment takes 38 percent from the budget. The Secretary of Energy, Hazel O'Leary, in a letter that I would be happy to share with the gentleman, says clearly here that we are talking about gutting, terminating, eliminating, fossil R&D programs for this country, right here from our own Secretary of Energy.

Mr. SHAW. Mr. Speaker, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly come to speak in favor of the amendment, not because of the contents, but just recognizing the work that this committee has done in trying to balance the needs of this country. But we have a problem of national proportions, which is a national responsibility in south Florida.

Early on in the history of south Florida, south Florida, the rim of south Florida had a natural dike. Outside we had, of course, the Atlantic Ocean. Within, we had a river of grass, which now is known as the Florida Everglades. There were natural springs bubbling up in downtown Fort Lauderdale, just in the new river. There were natural springs in Dade County that were bubbling up. It was a true tropical paradise.

Then, along came development within the Everglades itself. The whole attitude of the people was to drain the swamps, get rid of the alligators, get rid of all the problems, drain the swamps and put in a series of canals. Then agriculture came in to backfill on what was once the river of grass and the bottom of this giant swamp.

We have found that because of this right now, something has happened which has got everything out of balance. We have found that the natural ecosystem of the Everglades now is in serious danger, irreversible danger. We find down at the south end of the Florida bay that the natural marine habitat is disappearing, which is the nursery for all of the fisheries going up the coast, the east and west coast of Florida.

We have found that this is being caused because of the salinity that is building up and the rapid change of the salinity because of the rapid flow of the waters down into the southern part of the Everglades National Park, which is the Florida Bay. This is a national responsibility. The only way to solve this problem is to reacquire some of this land and try to turn to the past and try to reestablish the natural flow of much of the water flowing through the Everglades.

What is the tradeoff? The tradeoff is the irreparable damage that is being caused right now, day by day, as we sit here. We are finding that this is happening at a more and more rapid rate every day. It is imperative that more money be found for land acquisition so that we can put a stop to this destruction of this most valuable natural resource. It is a Federal responsibility. It is an entire network of Federal lands. It is a great national park. It is tremendously important, not only for the natural environment of Florida, but for the very supply of water that supplies the growing population of south Florida.

Therefore, Mr. Chairman, I think what the gentleman from California is proposing is a transfer of these funds from the fossil fuel area into the land acquisition fund, so we can speed up the acquisition of this land, is a most reasonable request. I would therefore urge all the Members to support this amendment, which will speed up the restoration of the Everglades and perhaps actually save the Everglades from the destructive process that has been put into place over many, many years of neglect and misunderstanding of the environment of south Florida.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to come down in opposition to this amendment, but I would like to provide a little background beforehand.

Mr. Chairman, this is not an all black or white situation. We see emerging here, expressed in debate on both sides, a recognition that we do need more funding for the Land and Water Conservation Fund. I thoroughly agree with that, and would support every reasonable effort to achieve that kind of funding.

We also, I think, see on both sides a recognition that we need to continue with the program of fossil energy research and development. That program, of course, has been under attack for several years because we point, as we have seen here on the floor today, to the mature coal and oil industry and say, why can they not do their own research. Well, they could if they wanted to spend the money. But their biggest priority is selling more oil and coal, not in doing research.

What we have in the present research program, as the distinguished chairman of the subcommittee pointed out, is a working partnership between industry and the Government in which

we are getting these companies to do the research by giving them an incentive. We are offering to match a part of the money. If Members can think of a better way to do it, to encourage mature industries to do research in the national interest which will improve the environment, improve the utilization of coal and oil by finding better and cheaper ways to get it out, I would like to know what it is, because I want to support that.

Mr. Chairman, we have some Members in the House who do not believe in this kind of cooperative research as a way to achieve national goals. I differ quite strongly with them. I think this kind of partnership is the wave of the future and we are going to have to do it, and we are doing it here. Are we spending too much or too little? I cannot answer that question.

I would support more money for this, but actually, the bill has in it $10 million more than the President requested, so I would support a reduction of $10 million and use that, at least, to fund some additional acquisitions of land through the Land and Water Conservation Fund. I cannot, I do not believe it is in the national interest, cut this program back to the extent proposed in this amendment and in some of the other amendments which are going to be suggested. It is not good for the country to do that. It is not a proper utilization of national resources to avoid funding this research which is so important to the future of this country.

□ 1345

I come at this from a bias, of course, in favor of finding ways to get the private sector to support more research of this kind. I think the partnership arrangement does it. I want to continue to support that. I will support any other way of funding the acquisition of the lands which I know are necessary through the Land and Water Conservation Fund. We use this in California for many different programs and I know it is important in Florida. Let us see if we cannot preserve the values from both of these things by a proper balance between funding the acquisition of land and a proper allocation of money for fossil energy research which I think is vital to the future of the Nation.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I have to take a moment and compliment Chairman REGULA and his staff. They have done a tremendous job. I sometimes see him as having tremendous responsibility and wisdom in this process and he has been more than fair to me, he has been very fair to the State I represent, Florida, and very fair to the environment. I also would be remiss if I did not thank Secretary Babbitt. I flew up during the Easter recess and met with him. He responded to an environmental concern in Florida. And this Congress has responded to environmental concerns in my State, which is being pressured by environmental problems and concerns.

When we come to Congress, however, we have an important responsibility, and that responsibility is to make choices. This is a tough choice because there are good, worthwhile programs. But I cannot think of anything that we do in the long term for so few dollars that makes such a big difference to what we are going to leave behind. In a few decades, most of us will be history. Some of us will be pushing up daisies and some of us will be someplace else, but the legacy that we leave behind will be determined today by this policy.

When you have a program, and I consider myself a fiscal conservative, and I get up with some folks of a little bit different philosophy, last year I was here with the gentleman from California [Mr. MILLER] and now with the gentleman from California [Mr. FARR], certainly a little bit different philosophy, but we agree that this is a sound investment with our dollars, that we have a surplus in the fund of $12 billion and that we get $900 million in, and this is an investment for the future.

My colleague, Mr. SHAW, from south Florida came up and spoke about what was happening in our State. I grew up in south Florida. I saw what happened in south Florida. I saw the mistakes that were made in south Florida. Today we can see where we developed to the Everglades and now this Congress has to appropriate a quarter of a billion dollars to take back some of that land. In my district, I am in central Florida and the same thing is happening there. We see the mushroom. Since I have been in office for a little over 36 months here, I have 2 new cities, one of 68,000 people, the third largest city in central Florida, in my district. I have another new city. The growth is phenomenal. And I will not get another chance. This is not a program where we are saying buy land and you do not want land out West. This is a program where local governments and State governments in concert with the Federal Government, and the way this darned thing should work, acquire land. We say that for children. I will not be here to enjoy it. We will not have another opportunity. I can tell you the developers are waiting with their plow.

We are asking when you make these decisions, and I know they are tough decisions, I know the chairman is pressed to consider us, consider the legacy, consider these choices, and consider what we are going to leave behind us for this next generation and consider also that we will never get another chance in States like Florida and other areas, and again that this is a voluntary program and that is it a program of cooperation.

I urge my colleagues, whether liberal, conservative, independent, moderate, Republican, Democrat, this is the chance to make a big difference in the environment that our children and grandchildren live in. This is a chance for them to inherit the earth, a part of that earth, and leave it a little bit better than we found it.

I urge Members, I beg Members to consider this amendment to expand the funds in this particular provision offered by the good gentleman from California [Mr. FARR] and let us vote for this and vote for opportunity for the environment for the future.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Farr amendment as well. I agree with the comments that my colleague on the other side from Florida made. Just looking at the land acquisition funds that have been available through the Land And Water Conservation Fund, particularly for the two programs that New Jersey has most benefited from in the last few years, I am looking at for the U.S. Fish and Wildlife Service for fiscal year 1994 $83 million; and then in 1995 $67 million; in 1996 $37 million; and now proposed, my understanding, for fiscal year 1997 is $30 million. Every year at least since 1994 that amount has been going down.

The same with the National Park Service. Fiscal 1994 $95 million; fiscal 1995 $85 million; fiscal 1996 $49 million; and my understanding for fiscal 1997 proposed $30 million.

The bottom line is that the Federal Government has been less and less able to provide for open space acquisition which is so important, particularly for a State like mine. New Jersey is the most densely populated State in the country. There are many projects out there through the Fish and Wildlife Service, as well as the Park Service or the Forest Service where we would like to see additional acquisition for open space to alleviate, if you will, some of the problems of high density so that people have a place where they can enjoy themselves, have recreational opportunities, whatever.

I think the point here and the point of the Farr amendment is that these opportunities are decreasing because the Federal Government has not been able to provide the funds. Similarly although the States try oftentimes to provide funding, they have, because of budget cuts and because of their own constraints, not been able to make up for the difference.

So I think what the gentleman from California [Mr. FARR] is essentially saying here is that here is our opportunity to take some money from another fund, in this case the fossil energy R&D where to some extent the oil

companies which I know have been making windfall profits this year, we have all heard about that, we all know what is going on with the oil companies and they should be able to pay a little more so that we can release more money that can actually be used for open space acquisition. I think it is a very simple amendment, it makes the point clearly, that if we want to reverse the situation and see the Federal Government involved in more land acquisition, more open space acquisition, this is certainly the way to go.

Mr. HANSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. It is interesting, as chairman of the Subcommittee on National Parks, Forests and Lands, to come to this floor and talk to my colleagues. A day does not go by that somebody comes up to me and says, "Mr. Chairman, I have got this great place for a park in my district and it would be great if we could put a bill in for my legacy to buy that." And then another person comes up and he says, "I want to buy up a few more acres of forest here for the Forest Service." Then a third person thinks we ought to exchange something over to BLM. This has been going on for years around here.

In fact, one of the leading members of this committee—who is now deceased—from California used to have the park-a-month club, where they bought park after park. In fact there is a statue to him down around the Presidio where he bought all these parks. I guess some were good, and I do not object to that. I love our parks like you do.

However, we find ourselves in the position, now we turn around, we go to the RALPH REGULA's and the SID YATES' of the world, we say, Fine, now fund them. However the public says, "We don't want to put the money up to fund them." We want all the beauties of the parks and forests but we cannot fund them.

I have sat and chaired meeting after meeting with the GAO, the General Accounting Office. They walk in, what do they say to me? They say that our biggest single problem is we do not have enough money to take care of these areas. We do not have enough men. We do not have enough manpower. We do not have enough time.

We continue to go on buying and buying more and more of these particular pieces of ground. I think that is probably all right if we can afford them. Unfortunately, living within our income really is not in popularity in this particular body.

Chairman YOUNG did an interesting thing. He decided that he would check out how much ground we have bought. He ased the GAO to look into it. Excluding the Alaskan Native Statehood Act, 34 million acres have been added to the Federal land base in the last 30 years, so we now have 650 million acres. Just that 34 million acres is the size of the combined areas of the States of Connecticut, Delaware, Hawaii, Maryland, Massachusetts, New Hampshire, New Jersey, and Vermont.

So we are buying all this new ground but nobody is saying how we are going to take care of it. I agree that the Federal Government may not own all of the land, which is appropriate, but basically what we really ought to do is come up with a way for better changes, for sale of land.

One of the most ridiculous statements that can be made in America is, "I'm going to go buy some ground for the Federal Government" or "I'm going to exchange ground with the Federal Government." Believe me, folks, that does not happen. It is so tied up with rigmarole, jumping through hoops, EIS's and all that type of thing, it never happens.

As a city councilman for 12 years in the little town of Farmington, I tried to make a minor land exchange with the Forest Service. It did not work. As a legislator for 8 years I tried to do it. It did not work. As speaker of the Utah House we tried to do it. They could not find a way to get through the paper of it all. Finally, as a U.S. Congressman, I finally got that through. It took 30 years to get a minor land exchange done with the Forest Service.

So those things do not occur. But I am sympathetic to inholdings, and I think we should be working to take care of it. I think the gentleman from Ohio [Mr. REGULA] has done everything that he possibly can.

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

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

Mr. FARR of California. Mr. Chairman, let me point out that the reason people are having such difficulty with this is we do have a surplus here. We are not spending enough money. When the gentleman was a city councilman and mayor, he received money out of the land and water conservation money that came to his city. When he was a State legislator he received money out of the land and water conservation money that came as grants to his State.

What has happened is all that money has dried up because we are not spending it, even though we are taking in $900 million. We are only asking that you spend another $135 million of that $900 million surplus for acquisition, so that those cities and counties and States could benefit from this surplus. That is what this amendment is about.

Mr. HANSEN. Reclaiming my time, when I was a city councilman, a State legislator and speaker of the House, I do not recall getting any of that money, and I was chairman of the executive appropriation committee. It just did not happen.

Let me just say, in my humble opinion, I think what has been worked out here in many, many long hours is the correct way to handle this. I would urge defeat of this amendment. I think they have done a good job on the Appropriations Committee. Let us get on with more important things.

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate several of my colleagues from the other side of the aisle speaking in favor of this amendment. I think what is clear is this is a bipartisan amendment. It is not just a Florida amendment. Each of us in Florida can speak to specific acquisitions that need to be taken by this country. We can speak, in fact, in south Florida alone, probably in the billion-dollar range of appropriate lands that should be bought by governmental entities. The State of Florida has taken the lead, local governments have taken the lead, and the Federal Government needs to be a participant in that.

The property is only getting more expensive. If there is any lesson about land acquisition by governmental entities, it is do it now. Do not do it tomorrow. Do not do it in 5 years. Do not do it in 10 years. Do it now. Because the reality is the land is only getting more expensive.

And not just that they are getting more expensive but there is another reason. Each of us is getting a little bit older, our children are getting older and our grandchildren are getting older. What that means is a little less opportunity for us and our children and our grandchildren to enjoy really the treasures of America. That is really what this debate is about, really giving the treasures of America to our children, our grandchildren and ourselves.

As I said, there is a place in every part of America that benefits by this amendment. We have people from New Jersey, people from California, people from literally every State in this country, 435 Members. I hope that when the vote occurs, each of us will remember that and the vote will pass unanimously. I do not expect that to happen but I hope that happens, and I think that is what our constituents expect us to do on final passage of this amendment.

□ 1400

Mr. BEVILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment to cut the fossil energy research and development program. This, of course, is robbing Peter to pay Paul. I am a strong supporter of our National Park System, and I am a strong supporter of the Forest Service, the Bureau of Land Management, the

Fish and Wildlife Service. But I cannot support adding more funding to these programs at the expense of our fossil energy programs.

This proposal in fact would shut down the fossil energy programs. This would be highly counterproductive when we consider that our fossil energy programs are designed to help protect the environment. The research is focused on ways to use energy resources like coal, oil, and natural gas in a more environmentally sound manner. We rely on these energy resources, and it is critical that we find ways to use them in a clean, efficient way. If we shut down the fossil energy programs, we are turning our backs on the development of technology we will need into the 21st century. We are turning our backs on the environment and on our Nation's energy security. We will be turning our backs on partnerships we have formed with industry which is footing at least half the bill on most of these fossil energy projects.

Our Nation cannot afford to fall behind in the development of these new technologies, and we cannot afford to renege on our commitments. I urge my colleagues to defeat these amendments.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. LAHOOD). The Chair will note the Chair permitted the gentleman from Ohio to address the amendment for a second time without objection.

The gentleman from Ohio [Mr. REGULA] is recognized for a third time for 5 minutes, without objection.

There was no objection.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment and want a couple last comments before we vote.

Mr. Chairman, let me just reemphasize that the fossil energy research touches the lives of every American. It means jobs in the future, it means clean air, it means energy security. It is so vitally important to this Nation that we work in a partnership arrangement with the private sector to develop better ways to use our energy.

We consume enormous amounts of energy in this Nation, and if we use it carefully, we will have it for future generations and at the same time we will protect our environment.

We have $100 million in this bill for land acquisition. We have a problem of maintaining and taking care of what we have now, and I think it would be very poor, very unwise public policy to abandon our goals of clean energy, of clean air, of all those things in order to transfer money to the land account and thereby increase the costs down the road of maintaining these land resources.

Mr. Chairman, I strongly urge the Members to vote against this amendment and support the good environmental policies of this Nation.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, this vote is about whether oil companies get more research money or whether your city, county, and State gets more land acquisition money. The gentleman from Ohio pointed out that this vote is essentially the difference between Ohio receiving $830,000 in grants from my amendment or no money. I think that most of the Members here coming to represent their districts have to also think about representing the totality of the districts.

It is not just the Federal forest lands and Federal park lands and BLM lands and fisheries management, but it is also State lands, county lands, and city lands. This amendment allows those communities to get access to funds that have been created by Congress for that purpose, for that purpose alone. It does not delete the funding in the oil and gas research fund. It only takes a third of that money and still leaves in excess of $200 million for research.

So I suggest to Members of this House that if they want to support their communities for their ability to acquire land from willing sellers, then this is the amendment to do it, and I ask for an "aye" vote.

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

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

RECORDED VOTE

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 16, as follows:

[Roll No. 251]

AYES—183

Abercrombie
Ackerman
Andrews
Baesler
Baker (CA)
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Blumenauer
Blute
Boehlert
Bonior
Brown (FL)
Brown (OH)
Camp
Campbell
Canady
Cardin
Castle
Chabot
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Cox
Cummings
Cunningham
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dixon
Ehrlich
Engel
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Gutierrez
Harman
Hastings (FL)
Hinchey
Horn
Jackson (IL)
Jacobs
Johnson (SD)
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
LaFalce
LaHood
Lantos
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McCollum
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Petri
Porter
Rangel
Reed
Richardson
Riggs
Rivers
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schroeder
Seastrand
Serrano
Shadegg
Shaw
Shays
Slaughter
Smith (NJ)
Spratt
Stark
Stearns
Stokes
Studds
Taylor (MS)
Thurman
Torkildsen
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Woolsey
Wynn
Young (FL)
Zimmer

NOES—235

Allard
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bevill
Bishop
Bliley
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
Davis
de la Garza
Deal
DeLay
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
English
Everett
Fields (LA)
Foglietta
Ford
Frisa
Frost
Funderburk
Gekas
Geren
Gillmor
Goodlatte
Goodling
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manzullo
Mascara
McCrery
McHugh
McIntosh
McKeon
Metcalf
Meyers
Moakley
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Pickett
Pombo

Pomeroy	Sensenbrenner	Tejeda
Portman	Shuster	Thomas
Poshard	Sisisky	Thompson
Pryce	Skaggs	Thornberry
Quillen	Skeen	Thornton
Quinn	Skelton	Tiahrt
Radanovich	Smith (MI)	Traficant
Rahall	Smith (TX)	Vucanovich
Regula	Smith (WA)	Walker
Roberts	Solomon	Wamp
Roemer	Souder	Ward
Rogers	Spence	Watts (OK)
Rohrabacher	Stenholm	Whitfield
Rose	Stockman	Wicker
Roth	Stump	Williams
Sabo	Stupak	Wise
Sanford	Talent	Wolf
Schaefer	Tanner	Yates
Schiff	Tate	Young (AK)
Scott	Taylor (NC)	Zeliff

NOT VOTING—16

Brownback	Hyde	Schumer
Bryant (TX)	Lincoln	Tauzin
Emerson	McDade	Torres
Fields (TX)	Montgomery	Wilson
Franks (CT)	Peterson (FL)	
Gallegly	Ramstad	

□ 1427

Mr. KNOLLENBERG, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MOAKLEY changed their vote from "aye" to "no."

Mr. MINGE, Ms. SLAUGHTER, and Messrs. BARCIA, CHABOT, and YOUNG of Florida, Mrs. MEEK of Florida, Mrs. KELLY, and Messrs. HORN, ROYCE, SHADEGG, WHITE, BILBRAY, and FORBES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FRANKS of Connecticut. Mr. Speaker, I missed the first three votes yesterday due to my attending my daughter's graduation from preschool. I congratulate Jessica Lynn, and I thank the Bunker Hill Nursery School for doing such an outstanding job.

Had I been present, I would have voted yea on rollcall votes 249 and 250, and I would have voted no on rollcall vote 251.

The CHAIRMAN. Are there other amendments in this portion of the bill?

AMENDMENT NO. 27 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment and I ask unanimous consent it be considered out of order.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. SANDERS: In the item relating to "BUREAU OF LAND MANAGEMENT—PAYMENTS IN LIEU OF TAXES," after the first dollar amount, insert the following: "(increased by $10,000,000)".

In the item relating to "DEPARTMENT OF ENERGY—FOSSIL ENERGY RESEARCH AND DEVELOPMENT, after the dollar amount, insert the following: "(reduced by $25,000,000)".

□ 1430

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the gentleman from Vermont offering the amendment?

Mr. MURTHA. Mr. Chairman, I object.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania objects.

Are there further amendments to this portion of the bill?

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of the remainder of title I is as follows:

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $98,365,000, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended, $520,519,000, to remain available until September 30, 1998, of which $11,557,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which $1,000,000 shall be provided to the National Fish and Wildlife Foundation for implementation of the Natural Communities Conservation Plan, and shall be available only to the extent matched by at least an equal amount from the Foundation and shall remain available until expended: *Provided*, That pursuant to 31 U.S.C. 9701, the Secretary shall charge reasonable

fees for the full costs of providing training by the National Education and Training Center, to be credited to this account, notwithstanding 31 U.S.C. 3302, of which not to exceed $2,000,000 shall be available for the direct costs of providing such training: *Provided further*, That not to exceed $1,000,000 of the funds provided herein may be used for contaminant sample analysis.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $38,298,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and Public Law 101-337; $4,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended, $13,085,000, for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), $1,000,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, $7,750,000, to remain available until expended.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $400,000, to remain available until expended, to carry out the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103-391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended, for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 83 passenger motor vehicles of which 73 are for replacement only (including 43 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103-551.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,593,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,135,139,000, without regard to 16 U.S.C. 451, of which $12,800,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $72,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $36,476,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), $36,212,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 1998.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $119,745,000, to remain available until expended: *Provided*, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1997 by 16 U.S.C. 4601-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $1,000,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 404 passenger motor vehicles, of which 287 shall be for replacement only, including not to exceed 320 for police-type use, 13 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That of the funds provided to the National Park Service in this or any other Act not more than $1,700,000 is to be used for the Office of the Director, not more than $2,000,000 is to be used for the Office of Public Affairs, and not more than $951,000 is to be used for the Office of Congressional Affairs: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of

National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to 31 U.S.C. 6305 to carry out public purposes of National Park Service programs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332 and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $730,163,000, of which $62,130,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $137,000,000 shall be available until September 30, 1998 for the biological research activity and the operation of the Cooperative Research Units; and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That beginning in fiscal year 1998 and once every five years thereafter, the National Academy of Sciences shall review and report on the biological research activity of the Survey: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $186,555,000, of which not less than $74,063,000 shall be available for royalty management activities; and an amount not to exceed $15,400,000 for the Technical Information Management System and Related Activities of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1998: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $94,272,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1997: *Provided*, That the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1997 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $175,887,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which $4,000,000 shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 1997: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau, including such expenses in field offices; maintaining of Indian reservation roads as defined in 23 U.S.C. 101; and construction, repair, and improvement of Indian housing, $1,381,623,000, of which not to exceed $90,829,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau prior to fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for

the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau under such Act; and of which not to exceed $339,709,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1997, and shall remain available until September 30, 1998; and of which not to exceed $55,838,000 for higher education scholarships, adult vocational training, and assistance to public schools under 25 U.S.C. 452 et seq., shall remain available until September 30, 1998; and of which not to exceed $55,603,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975, or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1997, may be transferred during fiscal year 1998 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1998: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1997: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1998 for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1995: *Provided further*, That no funds available to the Bureau shall be used to support expanded grades for any school beyond the grade structure in place at each school in the Bureau school system as of October 1, 1995: *Provided further*, That in fiscal year 1997 and thereafter, notwithstanding the provisions of 25 U.S.C. 2012(h)(1) (A) and (B), upon the recommendation of either (i) a local school board and school supervisor for an education position in a Bureau of Indian Affairs operated school, or (ii) an Agency school board and education line officer for an Agency education position, the Secretary shall establish adjustments to the rates of basic compensation or annual salary rates established under 25 U.S.C. 2012(h)(1) (A) and (B) for education positions at the school or the Agency, at a level not less than that for comparable positions in the nearest public school district, and the adjustment shall be deemed to be a change to basic pay and shall not be subject to collective bargaining: *Provided further*, That any reduction to rates of basic compensation or annual salary rates below the rates established under 25 U.S.C. 2012(h)(1) (A) and (B) shall apply only to educators appointed after June 30, 1997, and shall not affect the right of an individual employed on June 30, 1997, in an education position, to receive the compensation attached to such position under 25 U.S.C. 2012(h)(1) (A) and (B) so long as the individual remains in the same position at the same school: *Provided further*, That notwithstanding 25 U.S.C. 2012(h)(1)(B), when the rates of basic compensation for teachers and counselors at Bureau-operated schools are established at the rates of basic compensation applicable to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, such rates shall become effective with the start of the next academic year following the issuance of the Department of Defense salary schedule and shall not be effected retroactively.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $85,831,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further*, That for fiscal year 1997, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $65,241,000, to remain available until expended; of which $56,400,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 102–374, 102–575, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $841,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $34,615,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $500,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $65,088,000, of which (1) $61,239,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $3,849,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or

instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands grant funding: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $23,638,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99-658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $53,691,000, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $35,208,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $24,439,000, together with any funds or property transferred to the Office of Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Assets Forfeiture Fund, that represent an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, with such transferred funds to remain available until expended.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, $1,000,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $19,126,000, to remain available until expended for trust funds management: *Provided*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That unobligated balances previously made available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100-86; 31 U.S.C. 3334(b)), (2) to restore Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which where not Federally insured, including any interest on these amounts that may have been earned, but was not because of the default, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss has been reduced to a judgement or settlement agreement approved by the Department of Justice, under the heading "Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians", Bureau of Indian Affairs in fiscal years 1995 and 1996, are hereby transferred to and merged with this appropriation and may only be used for the operation of trust programs, in accordance with this appropriation.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1997 appropriation for operation of the Presidio: *Provided*, That prior to the transfer of any Presidio property to the Presidio Trust, the Secretary shall transfer such funds as the Trust deems necessary to initiate leasing and other authorized activities of the Trust: *Provided further*, That this section shall expire on September 30, 1997.

SEC. 109. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 114. There is hereby established in the Treasury a franchise fund pilot, as authorized by section 403 of Public Law 103–356, to be available as provided in such section for costs of capitalizing and operating administrative services as the Secretary determines may be performed more advantageously as central services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made prior to the current year for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automatic data processing (ADP) software and systems (either acquired or donated) and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: *Provided further*, That no later than thirty days after the end of each fiscal year amounts in excess of this reserve limitation shall be transferred to the Treasury: *Provided further*, That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 115. None of the funds in this Act or any other Act may be used by the Secretary for the redesign of Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 116. None of the funds made available in this Act may be used by the Department of the Interior to continue or enforce the designation of any critical habitat for the marbled murrelet on private property in the State of California, excluding approximately 3,000 acres of redwood forest commonly known as the "Headwaters Grove", located in Humboldt County, California.

SEC. 117. None of the funds made available in this Act may be used by the Bureau of Indian Affairs to transfer any land into trust under section 5 of the Indian Reorganization Act, 48 Stat, 985, 25 USC s. 465, or any other federal statute that does not explicitly denominate and identify a specific tribe or specific property, unless it has been made known to the Secretary of Interior, or his or her designee, that a binding agreement is in place between the tribe that will have jurisdiction over the land to be taken into trust and the appropriate state and local official(s) and that such agreement provides, for as long as the land is held in trust, for the collection and payment, by any retail establishment located on the land to be taken into trust, of State and local sales and excise taxes, including any special tax on motor fuel, tobacco, or alcohol, on any retail item sold to any non-member of the tribe for which the land is held in trust.

POINT OF ORDER

Mr. YATES. Mr. Chairman, I have a point of order.

The CHAIRMAN pro tempore. The gentleman from Illinois will state his point of order.

Mr. YATES. Mr. Chairman, on page 47 of the bill, section 117, I make the point of order that it is legislation on an appropriations bill. It is written in the form of a limitation, but, nevertheless, it requires additional duties on the Secretary of the Interior and, therefore, it is subject to a point of order.

The CHAIRMAN pro tempore. Does anyone else wish to be heard on the point of order? If not, the Chair is prepared to rule.

The language in section 117 of the bill would, among other things, authorize the Secretary of the Interior to designate another person to fulfill a specific role. As such, section 117 includes legislation. The point of order is sustained. Section 117 is stricken from the bill.

Are there any amendments to the remaining portion of title I?

AMENDMENT OFFERED BY MR. WALKER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALKER: In the item relating to "NATIONAL PARK SERVICE—OPERATION OF THE NATIONAL PARK SYSTEM", after the third dollar amount, insert the following: "(increased by $62,000,000)".

In the item relating to "BUREAU OF INDIAN AFFAIRS—OPERATION OF INDIAN PROGRAMS"—

(1) after the first dollar amount insert the following: "(increased by $27,534,000)"; and

(2) after the fourth dollar amount, insert the following: "(increased by $27,534,000)"; and

In the item relating to "DEPARTMENT OF ENERGY—FOSSIL ENERGY RESEARCH AND DEVELOPMENT", after the dollar amount, insert the following: "(reduced by $137,804,000)".

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes, to be equally divided between the two sides.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes.

Mr. REGULA. Mr. Chairman, I claim the 10 minutes in opposition.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes, and the gentleman from Ohio [Mr.

REGULA] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we have had an extensive debate about the fossil energy program that just preceded this and the questions that arise about exactly how we are spending that money. Let me enter one more point into that debate. When this House passed an authorization bill last year, we funded these programs at $221 million. This particular appropriations bill is at a figure $138 million above what this House authorized last year.

At the time that that authorization took place, there was, in fact, a vote on the floor. The gentleman from Pennsylvania [Mr. DOYLE] sought to do what the gentleman from Ohio [Mr. REGULA] proposes, and that is to have only a 10-percent cut rather than the cut that the committee proposed. Instead, the House voted by a rather large margin to stick with the committee's position in terms of the authorization.

What I am here today doing is defending that authorization, to say that we ought to put the appropriations in this bill, the spending in this bill that equals where we are on the authorization amount.

Now, what we do in this amendment is, we then transfer some of the money into some other accounts. For example, one of the things we do is we put some money into the National Park Service for operations and for maintenance; $62 million of the money saved here would go for 369 Park Service units in 49 States and the District of Columbia. This is an increase of $23.8 million above the administration's request that will help begin addressing the backlog of serious maintenance needs in the national parks.

Second, the money goes for education. $27.5 million will be used for an increase to forward-fund Native school operations to fund the administration's request to provide quality education for more than 51,000 Native Americans.

Third, this amendment addresses the issue of deficit reduction. Nearly $48 million in budget authority will be reduced under this amendment. In short, this amendment is proenvironment, pronational parks, proeducation, prodeficit reduction, probasic research, and anticorporate welfare.

I urge the adoption of this amendment for that reason. I think it is time that we start taking money out of accounts which are essentially industrial subsidies and put them into the things which are high priorities for this country. That is what this does; it takes money out of industry subsidy programs and puts the money into national parks, into Indian education, and into deficit reduction.

I urge my colleagues to adopt the amendment.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I thank the Chairman and I rise in strong opposition to the amendment. While I do not have anything against the programs it seeks to plus up, I once again believe we should not do this at the expense of fossil energy.

This amendment has almost a fictional quality about it. Here we have the vice chairman of the Committee on the Budget, who has never been a proponent of big government, seeking to fund social programs at levels above the President's request. I welcome the sudden concern of my colleague from Pennsylvania, Mr. WALKER, in the last months in Congress for programs he seeks to increase funding for, especially since he has never been a vocal advocate for them in the past. However, I doubt his true motivation lies with the programs he is increasing. Rather, it lies with the program he seeks to cut, fossil energy.

I want to praise the gentleman from Pennsylvania [Mr. WALKER] for the clever approach. He may succeed in getting his amendment passed, although I hope who voted against the Farr amendment will remember the Walker amendment is just about identical, and we should defeat it also.

I have here a letter from Public Citizens Critical Mass Energy Project in support of the Walker amendment, and I quote, "Coal and oil are extremely dirty energy sources and are significant sources of air and water pollution."

Mr. Chairman, I could not state a better argument for fossil energy R&D than this. This statement makes it sound as if fossil research was trying to find more ways to make it harmful to use these fuels when that is the very purpose of these programs, to find more efficient ways and cleaner ways to burn fossil fuel.

Let us look at why the gentleman from Pennsylvania [Mr. WALKER] claims we should cut fossil to roughly $221 million. He said the Committee on Science did not act on these accounts in fiscal year 1997 because he knew he did not have the votes in committee to defend his vision of energy policy. When we debated H.R. 3322, the science authorization, the committee chair claimed we handled the energy accounts on the floor last year. He refers us back to H.R. 2405, which passed the House last October without prior notice, and let me quote from that debate.

The gentleman from Pennsylvania [Mr. WALKER] said, "I never contended I brought this matter before the committee. I brought it to the floor as my own amendment."

The Committee on Science never agreed to the authorization levels.

Mr. Chairman, I would ask all Members to do what they did with the Farr amendment, and let us soundly defeat this amendment.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank my colleague, the chairman of the Committee on Science, the gentleman from Pennsylvania, for the time.

I listened with great interest to the arguments of my good friend and colleague on the other side of the aisle from Pennsylvania, Mr. DOYLE. With all due respect, I think that what we should focus on today is not the notion of personalities but the notion of public policy. And while I have the utmost respect for the Herculean efforts brought to the formulation of this bill by the chairman of the Subcommittee on Appropriations, my good friend and colleague, Mr. REGULA of Ohio, I see the Walker amendment as providing a common sense approach to some badly needed funds in some areas of great concern.

First and foremost, as the representative of the Sixth District of Arizona, I am acutely aware of the solemn and oft-regarded sacred nature of our treaty and trust obligation with native Americans. I believe this amendment works to address those problems by raising the forward-funded tribal education by $27.5 million.

Also, in the Grand Canyon State of Arizona, where some of nature's greatest treasures exist, I am mindful of the need to deal with the real wear and tear on some of our national parks. And, yes, if the truth be told, I do have my share of problems with the Park Service in terms of funds and some questions about how those funds have been used, but no one can dispute the fact that this type of maintenance is needed.

Moreover, to the notion of dealing with our deficit, the Walker amendment eliminates spending by $48 million. So, it rightly does what we come to this Chamber to do, to determine the proper priorities, to deal not in personalities but in policy, and to realistically face the future.

For that reason, Mr. Chairman, I stand in strong support of the Walker amendment and would urge my colleagues here in this House to join me in that support.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong opposition to the Walker amendment. Let me give my colleagues one example of the productivity of these research dollars.

Just as NIH research has been critical to the great strength of the American medical products sector, so R&D dollars have been critical to the development of clean energy alternatives.

Fuel cell technology. It has taken more than a decade of time to develop this technology. The private sector has invested $3 for every $1 the public sector has invested and the result is a very clean energy technology that is going to demand, as we get into production, iron-making, and especially steel manufacturing, electrical systems, heat exchanger and boiler manufacture, piping vessels, piping vessel capability, primary industries that are essential to keep our economy strong.

Secondary industries, plating, transportation of scrap, recycling of scrap metals, handling equipment and so on and so forth. It is just the kind of product that America's future depends on if we are going to be a strong manufacturing economy, capable of producing state-of-the-art energy sources.

I rise in strong opposition to the Walker amendment.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I rise in strong opposition to the Walker amendment that seeks to reduce fossil energy accounts by over $130 million in order to bump up the National Park Service's and native American accounts.

I would point to the illustrations we have brought here from the Committee on Appropriations Interior Subcommittee that shows already we are increasing national park operations by $55 million and the native American is also increased about $52 million. So we are increasing these programs in this budget in this appropriations bill already.

But I would also point out, one of the previous speakers came up and spoke about establishing national priorities, and that is exactly why this amendment goes in the wrong direction when we consider the fact that 85 percent of the energy requirements that we have in this country today are met through fossil fuel energy. Eighty-five percent.

Also consider the fact that today we import 58 percent of the oil from overseas.

□ 1445

This, Mr. Chairman, is a national priority. What were to happen if 58 percent of the fuel oil that we were importing from overseas was cut off and now we are in a national crisis? Say we are in a conflict somewhere around the world. How are we going to meet that 58 percent of oil that we were importing that has been cut off because of some national crisis? How are we going to meet those fuel requirements? The energy fossil energy research and development is absolutely essential.

This has been portrayed as corporate welfare. This is not corporate welfare. When we think about energy, fossil energy research and development, we might think of the Texaco's and Mobil's or Shell's. But 80 percent of the wells that are in this country today, domestic production in this country, are produced from wells that produce less than two barrels of oil per day. That is the marginal well, the stripper well, the producer, the mom and pop operation, the rancher, the farmer. That is the people that benefit through the fossil fuel energy research and development.

This is a bill that goes in the wrong direction. I urge my colleagues to vote "no" on the Walker amendment.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I rise to oppose this with a number of other members of the Committee on Science on this side of the aisle and the gentleman from New York [Mr. BOEHLERT], the gentleman from Tennessee [Mr. WAMP], and the gentleman from Oklahoma [Mr. LARGENT], who we have just heard and others. We rise to oppose the Walker amendment.

I think the situation has changed from last year. First of all, when we take a look last year, we made a commitment.

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

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the gentleman from New York [Mr. BOEHLERT] is a supporter of this amendment. I just want to correct the gentleman.

Mr. DAVIS. I stand corrected on that, Mr. Chairman. But I know that the gentleman from Tennessee [Mr. WAMP] and I, could reach no contemporary consensus this year on the authorization. We are dealing with last year's, last year's amendment which was offered on the floor. Last year we made a commitment to reduce R&D funding in both fossil and energy efficiency by 10 percent. That commitment is more than met in the bill before us this year which is a 14-percent cut.

This amendment would amount to a 47-percent cut from last year's level. It would literally wreak havoc on what is currently a planned and sensible downsizing of the government R&D part of this. Funding for fossil energy has been declining from $442 million in fiscal year 1995 to $359 million in fiscal year 1997 under the committee bill, a 23-percent decline in 2 years.

More than 92 percent of global man-made carbon emissions are released from outside the United States. Higher efficiency technologies, I believe, will help lower CO_2 emissions by more than 40 percent compared to existing options while reducing energy costs providing exportable technologies. I do not think we want to move backward on this, which is where this amendment takes us with reduced funding for R&D. The private sector R&D funding, including the Electric Power Institute and the Gas Research Institute, is declining at the same time.

Private sector spending on R&D in this area has dropped nearly 30 percent since 1982. Energy demand in the United States is going to continue to grow. EIA predicts that overall energy consumption will increase 19 percent over the next two decades. It does not make sense to cut funding for R&D in this area.

Contribution to fossil fuels to our energy mix will not decline when this increase occurs. In fact in my judgment, it is going to continue to grow. EIA projects that by the year 2015, 88 percent of our energy will come from fossil fuels. I urge defeat of this amendment.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. Mr. Chairman, I say to my colleagues, we are far too dependent in this country on foreign oil. What we need to be doing is investing in our own natural resources. I represent the anthracite coal fields of Pennsylvania. We have between 300 and 500 years of coal reserves left. We should be spending our Federal dollars investing in alternative uses of anthracite coal and not be so dependent on foreign oil. Scientists already are able to convert anthracite coal into diesel fuel. We are not able to do that cost efficiently yet.

We need to invest in our own natural resources. Anthracite coal is a prime example where I believe this Congress should be spending money. Anthracite coal is low in sulfur, and high in Btu, and meets all of EPA's requirements as far as emissions go. So I say to my colleagues, defeat this amendment. Let us invest in our own natural resources.

Mr. WALKER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Chairman, I thank the gentleman and I appreciate the debate. Let me just clarify a couple of points of, first of all, some Members who have come before us and make us think that there is going to be no money left for fossil energy research if we adopt this amendment. Wrong. There is going to be $221 million left for fossil energy research, even if we adopt this amendment. That is a quarter-of-a-billion dollars that will be available for fossil energy research.

So no doubt about it, there is going to be money there to do that. The question is whether or not we need the additional $138 million above what the House authorized last year. That is another point. We have heard several Members come to the floor and say, the Committee on Science did not do it. The House did it. Ultimately, the

House is the place where we make these decisions. The House passed authorization last year for fiscal year 1997, is that the figure that would be in place should my amendment pass.

So this keeps with the authorization, which in fact in the committee report last year the committee said that they would go with whatever the House passed in terms of an authorization. Yes, they also put language in that said they would only take a 10-percent cut so there is enough confusion in there, I guess, to make anybody's points. But the fact is, their report said that they would stick with the House-passed authorization. The House-passed authorization is what is in my amendment.

Third, I think it ought to be remembered by everybody who came out here and argued a few days ago on the floor about the bump in this year's funding, the fact that the deficit is going up a little bit this year. When we were arguing the budget just a week ago, lots of Members worried about the bump.

Here is your chance to begin doing some deficit reduction and taking care of the bump. Here we are, we have got $48 million in deficit reduction here. We get a chance to begin voting to reduce spending below what the budget says, so that what we can do is begin to deal with some of these factors. This helps us on the bump.

Fourth, I would suggest to my colleagues that a chart that has been floating around here, talking about the impact of reductions in fossil energy R&D by State, actually when we add up the figures on the chart, adds up to more money that they claim is coming out of the States that is in my amendment. So we have to be real careful about some of the figures flying around here. They actually have millions of dollars more that is coming out of the States, when we add them all up, than what is included in my amendment. Be very careful of some of the documentation.

Also I would suggest that in terms of environment, the League of Conservation Voters has said that this is the right direction to go, they are for this amendment. And they point out, for example, that this is an amendment that does, in fact, meet the needs of reducing fossil energy research to the right levels at the same time funding the parks.

Public Citizen, also an environmental organization, has written saying, fossil energy programs have received over $15 billion in 1995 dollars in Federal funding since 1974. The fossil energy industry is prosperous and mature. It is not deserving of a continuing large share of taxpayer support. The money that would be cut in this amendment can better be used for national parks, Indian education, and deficit reduction.

That is exactly the point. That is what we are doing with this amendment. We get a chance to increase the funding for the national parks. We get a chance to increase funding for the Indian schools, and we also get a deficit reduction.

I might make one final point; that is, that this amendment actually brings the bill somewhat closer to the administration's recommendations. When you look at the statement that the administration has given with regard to whether that the administration has given with regard to whether they veto the bill, a number of the areas in that particular message is in fact addressed by this amendment. They were concerned about the amount of money for Indian education. They were concerned about some of the moneys that were in their request for national parks that are not reflected in this particular appropriation. So this does in fact get us somewhat closer to where the administration would be on this bill and maybe avoids a veto on some of these issues as a result of the adoption of the amendment.

I would urge my colleagues to adopt the amendment. It is prodeficit reduction. It is pro-environment. It is pro-national parks. It is pro-Native Americans. And it is anti-industrial subsidy. It is a good amendment. I urge its adoption.

Mr. REGULA. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment.

I rise in strong opposition to the Walker amendment to reduce funding for fossil energy research and development and transfer these funds to the National Park System, Indian programs, and the budget deficit.

I wish that I did not have to stand here today in opposition to an amendment that would increase funds for our national parks. Unlike my colleagues on the other side of aisle, I have a history of supporting our parks. The 360 or so units of the National Park System are among the Nation's most precious natural areas, cultural resources, and recreation sites. These parks belong to the people, not just today, but in perpetuity. The Republican cuts to the National Park Service have greatly undermined our parks.

In fiscal year 1996 House Republicans thought it sufficient to provide a budget for the Park Service that would be $69 million less than the President's request. And this year they apparently believe that $1.13 billion, $290 million less than the President's request, is sufficient to sustain our Park System. Perhaps Republicans now realize that their cuts have gone too far, and they are trying to compensate by attacking an important program like fossil energy R&D. A program which stands for the development of clean, efficient, low-cost fossil energy technologies. I say: raise funds for the park service—just don't take it out of fossil energy R&D.

The Walker amendment effectively eliminates the Federal-private sector partnerships that are within 2 to 3 years of reaching their objectives—after 20 years and hundreds of millions of dollars of joint Government and industry investment. This bill will cause scores of private companies, who signed on with the Federal Government to cost-share high-risk, high-payoff research, to see the Government renege on its agreements. In all likelihood these companies will either abandon their research or look for foreign interests to pick up the cost-share.

It is particularly ironic that the Walker amendment comes at this point in time. Throughout the world, our economic competitors are expanding their government-industry partnerships, modeling their R&D arrangements after the public-private cooperative efforts which were pioneered here in the United States. In spite of a flat economy, Japan has nearly tripled its funding over the past 5 years for advanced coal combustion technology—the technology most in demand in the growing global marketplace. In fact, the governments of Germany and Japan are increasing their cooperative efforts with their private industries to develop technologies for global sale. Why? Because a $1 trillion market for advanced coal and other power-generating equipment awaits them in the 21st century. The Walker amendment would unilaterally put U.S. developers at a distinct disadvantage against the combined arsenals of other governments.

It is also ironic that the Walker amendment comes at a time when an unprecedented restructuring of our domestic energy market has caused private industry's investment in energy R&D to drop by 35 percent since the mid-1980's.

The U.S. energy industry involves more than $500 billion a year in sales and about 8 percent of our gross national product. Some 85 percent of our energy consumption comes from fossil fuels—coal, petroleum, and natural gas. With this kind of impact on our economy, the development of clean, efficient, low-cost fossil energy technologies should be one of the Nation's—and this Congress'—top priorities.

The Walker amendment turns its back on the future of technologies that supply 85 percent of the energy in this country. It turns its back on technologies that are within 2 to 3 years of crossing over the threshold to private sector deployment. It turns its back on today's energy industry where U.S. private sector investment in R&D is already declining. The Walker amendment turns its back on hundreds of millions of dollars in public and private investment—provided in good faith—to develop clean, efficient, low-cost technologies that can be used here at home and can be marketed to customers overseas.

I strongly oppose the Walker amendment to cut funding for fossil energy R&D by $137.8 million in the fiscal year 97 Interior appropriations bill. I urge my colleagues to vote "no" on the Walker amendment.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, just let us get the facts straight here. I have a letter addressed to the chairman of the Committee on Appropriations dated May 7, 1996. It points out that the Davis amendment in the authorization bill, and I quote: "the Davis amendment

clarifies that authorization for these programs should be reconsidered if in the budget and appropriations process more funds become available."

Now more funds have become available. So that what we have just heard about what passed this House last year is not relevant in view of the fact that we now have more money available.

Second, I would like to point out a quote from the administration letter which says, "a cut of this magnitude would effectively eliminate the Department of Energy's fossil energy R&D programs and limit our Nation's ability to manage its energy future." It goes on to say that "fossil energy consumption will continue to supply 85 percent or more of the total energy consumption in the United States for well into the next century."

What we are talking about is the energy future of this Nation. We are talking about energy independence, as was pointed out by a previous speaker.

We now import nearly 50 percent of our energy needs in terms of petroleum. That is a fragile position to be in. The world is volatile. What happens to our industries? I can remember in the last 1970's that I had companies that manufactured plastics come to me and want a few barrels of petroleum products because some other things come out of a barrel of oil. Probably, some of the fabric in this suit has an oil-based derivative. So it is important that we have energy security.

Second, it is important that we develop the ability to use our energy, coal, oil and gas, without impacting on our clean air, without impacting on our environment. What this vote is all about is to protect our environment, to move to more ability to maintain clean air.

What it is about is energy security. What it is about is jobs, bottom line is jobs, because in this Nation, we are heavily dependent on energy in every facet of our life, of our industrial community, of our domestic community. Households today use far more electricity than they did in the past. We drive many more miles than we did in past years.

Therefore, it becomes vitally important that we protect our energy resources, that we use them wisely, because they are finite, that we use coal, because it is a tremendous energy resource in this Nation. If we do what is embodied in this amendment, we cripple our fossil energy program.

Let me point out, because this amendment transfers to parks and native Americans, we have increased park operations $55 million. We have increased native American programs $52 million. The committee in its wisdom reduced the fossil energy budget by 14 percent from 1996, a total of 23 percent from 1995. It is going down. To pass this amendment totally upsets this balance that we have achieved between the needs of our society for energy versus some of these programs. Obviously they are put in there to sound attractive to Members, to save more parks, more native Americans.

Let me just reiterate, energy is vital to every person in this Nation. It is vital to our future. We want to be independent. We want clean air. We want jobs.

□ 1500

Mr. Chairman, a vote "no" is for those things, a vote "no" is for jobs, clean air and for energy independence.

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

Mr. REGULA. I yield to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I join the distinguished chairman of the committee, the gentleman from Ohio [Mr. REGULA], in opposing this amendment. I agree completely with the arguments that he has advanced. This amendment would really disrupt our energy programs tremendously.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Illinois.

One last comment: If you voted "no" on the last amendment, this one is worse. The last amendment slashed the fossil program $134 million after we already took out $60 million. This amendment slashes it $137 million, three more million dollars after we have taken out $60 million. So if you were a "no" on Farr, you are an even more emphatic "no" on Walker.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 224, not voting 14, as follows:

[Roll No. 252]

AYES—196

Allard
Andrews
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bellenson
Bereuter
Berman
Bilbray
Blumenauer
Blute
Boehlert
Bonior
Brown (OH)
Burr
Burton
Buyer
Camp
Campbell
Cardin
Castle
Chabot
Christensen
Chrysler
Clay
Coble
Coburn
Coleman
Collins (GA)
Cooley
Cox
Crane
Cummings
Cunningham
Danner
Deal
DeFazio
Dellums
Dingell
Dornan
Duncan
Dunn
Ehlers
Ehrlich
Ensign
Eshoo
Evans
Ewing
Fawell
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goodling
Gordon
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hancock
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hilleary
Hinchey
Hoekstra
Horn
Hostettler
Hyde
Inglis
Jackson (IL)
Jacobs
Johnson (SD)
Johnston
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kingston
Kleczka
Klug
LaFalce
LaHood
Lantos
Latham
Lazio
Leach
Levin
Linder
LoBiondo
Lofgren
Longley
Lowey
Luther
Manton
Manzullo
Markey
Martinez
Martini
McCarthy
McCollum
McDermott
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Mica
Miller (CA)
Minge
Mink
Montgomery
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Petri
Porter
Quinn
Reed
Richardson
Riggs
Rivers
Rohrabacher
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Saxton
Scarborough
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Smith (MI)
Smith (NJ)
Smith (WA)
Stark
Stearns
Studds
Stump
Talent
Tate
Tejeda
Thurman
Torkildsen
Torricelli
Upton
Vento
Walker
Walsh
Waters
Waxman
Weldon (FL)
Weldon (PA)
White
Woolsey
Young (AK)
Zimmer

NOES—224

Abercrombie
Ackerman
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barton
Bateman
Becerra
Bentsen
Bevill
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Callahan
Calvert
Canady
Chambliss
Chapman
Chenoweth
Clayton
Clement
Clinger
Clyburn
Collins (IL)
Collins (MI)
Combest
Condit
Costello
Coyne
Cramer
Crapo
Cremeans
Cubin
Davis
de la Garza
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Durbin
Edwards
Engel
English
Everett
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Franks (CT)
Frisa
Frost
Funderburk
Geren
Gibbons
Gilman
Goodlatte
Goss
Graham
Green (TX)
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hayes
Hefner
Heineman
Herger
Hilliard
Hobson
Hoke
Holden
Houghton
Hoyer
Hunter
Hutchinson
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennelly
King
Klink
Knollenberg
Kolbe
Largent
LaTourette
Laughlin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
Lucas
Maloney
Mascara
Matsui
McCrery
McHale
McIntosh
Menendez
Meyers
Millender-McDonald
Miller (FL)
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers

Nadler	Sawyer	Thornberry
Neal	Schaefer	Thornton
Ney	Schiff	Tiahrt
Ortiz	Schroeder	Torres
Orton	Scott	Towns
Oxley	Shaw	Traficant
Packard	Shuster	Velazquez
Parker	Sisisky	Visclosky
Paxon	Skaggs	Volkmer
Payne (VA)	Skeen	Vucanovich
Pickett	Skelton	Wamp
Pombo	Slaughter	Ward
Pomeroy	Smith (TX)	Watt (NC)
Portman	Solomon	Watts (OK)
Poshard	Souder	Weller
Pryce	Spence	Whitfield
Quillen	Spratt	Wicker
Radanovich	Stenholm	Williams
Rahall	Stockman	Wise
Rangel	Stokes	Wolf
Regula	Stupak	Wynn
Roberts	Tanner	Yates
Roemer	Taylor (MS)	Young (FL)
Rogers	Taylor (NC)	Zeliff
Ros-Lehtinen	Thomas	
Rose	Thompson	

NOT VOTING—14

Brownback	Gallegly	Ramstad
Conyers	Lincoln	Schumer
Emerson	McDade	Tauzin
Fields (LA)	Payne (NJ)	Wilson
Fields (TX)	Peterson (FL)	

□ 1520

Mr. HUTCHINSON, Mr. HEINEMAN, Mrs. CLAYTON, Mr. WELLER, and Mr. ARCHER changed their vote from "aye" to "no."

Mrs. MEEK of Florida, Messrs. COBURN, WAXMAN, and COOLEY, Ms. MCKINNEY, Messrs. LATHAM, VENTO, RUSH, and CHRISTENSEN, Mrs. ROUKEMA, and Mr. MCKEON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Chairman, on rollcall No. 252 I had intended to vote "aye," but I inadvertently voted "no." I would like for the RECORD to reflect that I would have voted "aye" on rollcall No. 252.

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Speaker, I was unavoidably detained and unable to make votes 249, 250, 251, and 252. Had I been present, I would have voted "yes" on all four.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 3662, the fiscal year 1997 Interior appropriations bill. I commend the chairman, the gentleman from Ohio [Mr. REGULA], and the ranking member, the gentleman from Illinois [Mr. YATES], for their diligent efforts that produce a bill that properly protects our environment and meets the needs of the shrinking Federal budget.

As the subcommittee chairman, the gentleman from Ohio [Mr. REGULA] is aware, I have long supported the need for Federal funding for the acquisition of Sterling Forest which lies between New York State and the State of New Jersey. Similarly, I know that the gentleman from Ohio also supports what I and my colleagues from New York and New Jersey are trying to do with regard to Sterling Forest, which is located in my congressional district in the State of New York. I am gratified that the House today will be offered an opportunity to vote for the funding for this important endeavor.

Mr. Chairman, permit me to note that Speaker GINGRICH and the Speaker's environmental task force are fully supportive of the need to preserve Sterling Forest. I look forward to working with the gentleman from Ohio, Mr. REGULA, during the fiscal year 1998 process, as well as Speaker GINGRICH, to put an end to this long, hard-fought battle to preserve Sterling Forest. By doing so, we will protect the Appalachian Corridor, protect the new Jersey watershed, consolidate contiguous public lands, and preserve its ecological integrity.

Accordingly, Mr. Chairman, I urge my colleagues to support this fair-minded bill that not only supports our environment but continues our congressional efforts to balance the Federal budget.

AMENDMENT OFFERED BY MR. DICKS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DICKS: On page 47 of the bill, strike lines 3 through 9.

Mr. DICKS. Mr. Chairman, I rise to offer an amendment to H.R. 3662, the fiscal year 1997 Interior appropriations bill. Specifically, my amendment strikes section 116 of the general provisions of title I of the bill, eliminating language that withholds funding and restricts the U.S. Fish and Wildlife Service from designating critical habitat on certain private lands in northern California.

I believe that section 116 is an ill-advised provision for several reasons, and that it is inappropriate to include this language on the fiscal year 1997 Interior appropriations bill. First of all, the provision allows for the weakening of the Endangered Species Act [ESA]. The gentleman from California, who is responsible for this provision being included in the bill might want you to believe that all this amendment does is withhold funding; but in fact it prevents the U.S. Fish and Wildlife Service from carrying out its statutory and regulatory responsibilities under the Endangered Species Act.

The act allows for the Service to designate critical habitat for species listed as "threatened or endangered." Section 4(b)(2) of the Endangered Species Act specifically states:

The Secretary shall designate critical habitat, and make revisions thereto, under subsection (a)(3) on the basis of the best science available and after taking into consideration the economic impact, and any other relevant impact, specifying any particular areas as critical habitat. The Secretary may exclude any area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.

Critical habitat designation is the one area of the Endangered Species Act where economic impacts are clearly considered, and I believe that is what fully occurred in this circumstance.

Mr. Chairman, I want to say to my colleagues, there are three major reasons why I am opposed to the Riggs amendment. First of all, Mr. Chairman, I believe that we should be supporting the Endangered Species Act, not undermining it. Critical habitat, when we designate it on private land, all it does is require one on private lands to come in, if you are going to take a bird or a species, in this case the marbled murrelet, and get an incidental take permit.

The way to do that is by filing a habitat conservation plan. That is how you get out of jail. You do not get out of jail by coming to the U.S. Congress and offering an amendment that makes it possible for you, while everybody else is complying with this law, to get a special deal. That is what I object to here.

Second, the marbled murrelet in northern California had declined in population from 60,000 down to about 6,000. The reason it has declined is because its habitat, old growth redwood trees, have been cut down in that area in a very significant way.

Third, as I mentioned, there is a way to get out of the Endangered Species Act, and that is to enter into a multispecies HCP. In this case, Pacific Lumber, who has most of the territory here, about 40,000 acres, did not negotiate in good faith with the Fish and Wildlife Service to get a multispecies HCP. Up in my State of Washington, I sat down with Murray Pacific, Weyerhauser, Plum Creek, and the major companies in my area. I said, "Gentleman, you are going to have to work with the Fish and Wildlife Service. You are going to have to get an HCP." Those companies are up there negotiating these HCP's. They get 100 years of certainty, they get to go into their land and do the harvesting; yet, they have to make some set-asides for conservation purposes, be it is the right thing to do. It is a win-win.

What am I going to do if the Riggs amendment is enacted? Then all these companies are going to come to me and say, NORM, why do you not offer an amendment to take me out from underneath the Endangered Species Act?

This is something we have never done. I just think it would be a tragic mistake in this instance to do it. That is why I am offering this amendment to strike the Riggs amendment, and I urge my colleagues to support this amendment.

Mr. RIGGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me put this debate in perspective, because we have now heard from the gentleman from Washington [Mr. DICKS], let us see, 8 minutes under the rule, several minutes under general debate, and the last 5 minutes. I do not believe I have heard him once mention the two words, private property.

□ 1530

There was a lot of discussion about the marbled murrelet. No discussion about private property. He said he believes in the Endangered Species Act. But the flipside of that is the gentleman from Washington [Mr. DICKS], unlike 277 Members of this House in a bipartisan manner, voted against the Private Property Protection Act in March of last year. That is why we are here. We are talking about protecting private property rights.

Let us do some simple math here for just a moment.

Mr. Chairman, here is what we are talking about. The Fish and Wildlife Service wants to designate nearly 4 million acres of property in the Pacific Northwest, Oregon, and Washington and northwest California, as critical habitat for the marbled murrelet, a tiny little seabird, which actually is not at all in danger of extinction because of flourishes in British Columbia and Alaska.

Let us look at how that 4 million acres breaks down. First of all, the ownership, largely Federal lands, these are properties that are already under public ownership and in the public domain, 2.9 million acres; 706,000 acres owned by State governments; 10,000 acres owned by local government; and 48,000 acres, 1 percent, privately owned.

So the question is, do you have to have it all? Why will 99 percent not suffice?

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

Mr. RIGGS. I will not yield.

Mr. DICKS. I will get the gentleman extra time. I promise the gentleman I will get him extra time if he will yield. I will ask for unanimous consent.

Mr. RIGGS. I will yield then at the appropriate time. I appreciate the gentleman now wanting to engage in a debate since he was unwilling to earlier.

Mr. Chairman, what we are talking about is the private property that was 1 percent of the 4 million acres. I will admit right from the get-go, there is no way to satisfy the regulatory appetite of the Federal Government. I acknowledge that. I acknowledge that there are those that genuinely believe we have to have it all, even the final, last, remaining 1 percent under private ownership.

But here is the problem, Mr. Chairman. That 1 percent represents 4 timber companies and 6 small ranches, 10 property owners altogether, in my congressional district. If we cannot protect private property rights for these 10 property owners, we cannot protect private property rights for America.

So before Members think that this is an easy vote, a clean, green environmental vote with no consequences in your congressional district because you do not have to worry about the economic consequences and the potential job losses, you can come down here and demagogue in the well because it does not mean anything to you and your constituents back home.

But it means a lot to the families that are affected, or would be affected, by the Dicks amendment, some of whom are in the gallery today. I want to introduce those families, because when we get done voting, if you have really got the courage of your convictions, you can come down and look those families in the eye and explain it to them.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will suspend. The gentleman is not allowed to make reference to the occupants of the gallery. The gentleman may proceed.

Mr. RIGGS. I appreciate that, Mr. Chairman, because the last thing we want to do, of course, is personalize this debate and put a human face on it. No, let us talk about it in the abstract. Let us talk about it conceptually. Let us not talk about the families and the property owners that are directly affected.

But I am talking about them because I represent them, and I care about them. The Gift family, 501 acres, they have owned this ranch since the 1800's, and it is prairie land, not forest land. It is prairie land. They graze on this property. Here it is. At least those of us in northern California can tell the difference between a cow and a marbled murrelet. These are cows, not marbled murrelet seabirds.

The Gift family, 501 acres taken. The Bowers family, 156 acres taken. In case you cannot see it, Mrs. Bowers is wheelchair-bound. She is still trying to operate the family ranch. Harold Crabtree, his entire 254 acres taken by the designation.

Do not tell me that these families have the financial resources to prepare elaborate habitat conservation plans and go through months and months of review with the Federal bureaucracy in order to get an incidental-take permit because they cannot. They do not have the wherewithal or the financial resources.

That is what we are talking about here. Fundamentally this debate boils down to whether you believe in private property rights, whether you are going to take a stand here and now to follow through on the commitment we made last March when the House voted overwhelmingly in favor of the Private Property Protection Act.

I look forward in the debate as we move forward to further introducing these families. Again I ask that Members take a stand here and now, protect private property and the families and jobs that depend on that private property.

Mr. STARK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to continue talking about families. Somehow it seems that in this list of families, we left off one leading Californian, and I think that the gentleman from Washington would indulge me that if, in fact, there were a citizen and a worthy cause, he might be more sympathetic to the Riggs amendment. But the fact is, these families with their couple of hundred acres are not really affected by this. But good old Charlie Hurwitz, now there is a man that we could all be proud of. He has got 40-some-odd thousands acres of this stuff, most of which he got by stealing money from the Federal Government. Charlie, if he is not under indictment, he is under the cloud of it for raiding a savings and loan which he used to buy Pacific Lumber.

After he bought Pacific Lumber in the district of the gentleman from California [Mr. RIGGS], and this is who the gentleman is trying to protect, he proceeded to lay off 105 people and he proceeded to log all these redwoods and sell them off to pay off the junk bonds that were supposed to pay off the savings and loan that forced the Pacific Life Insurance Company, Executive Life, into bankruptcy, costing not only the people in his district 100 jobs but costing hundreds of people to lose their pensions. This is good old Charlie Hurwitz from the gentleman's district. He is the corporate raider who owns this land who is trying to clear-cut all of the redwoods. Forget the murrelets. Let us think about the hundreds of loggers who will be out of work when Charlie is done.

I think that we should protect private property. The first person we ought to protect is the Federal Government from raiders like Hurwitz who will go in and clean out a savings and loan to illegally acquire this property, then begin to fire the people, deprive them of their pensions, sell off really what is a birthright for generations to come, these magestic redwoods, cut them down, sell them off to pay off junk bonds.

Is that the kind of a gentleman that you would like to help, I would ask the distinguished gentleman from Washington? The gentleman from California [Mr. RIGGS] wants to help him.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to applaud

the gentleman from California who has written on this subject and who has even suggested that maybe we could trade the massive $1.2 billion that we lost, or that the Federal Government lost because of the S&L that Mr. Hurwitz went bankrupt with.

Mr. STARK. We could make a deal with the devil himself and trade him out of his.

Mr. DICKS. We could buy the headwaters redwoods that are so critical to this. But in this case, most of the land is Pacific Lumber Co. land. The gentleman is right.

The other point the gentleman is right on, too, is that there was a Federal court that said you have got to issue critical habitat. So the Fish and Wildlife Service was directed by a court to do it.

Also, Mr. Hurwitz was stopped from logging the rest of the old growth because of a Federal court decision.

Mr. STARK. But then he found the gentleman from California [Mr. RIGGS]. Aha. He did not have to bother with the Federal court and the $1.6 billion he stole from the savings and loans. He could just sneak a little amendment in here to get himself absolved and continue to rip off on the public.

Is that the kind of a private citizen we should be helping when it entails destroying these redwoods which all of the citizens of the country can enjoy, I ask the gentleman?

Mr. DICKS. I do not think we should do it for those reasons. Let me also say to the gentleman, I think the important point here is that critical habitat——

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from California [Mr. STARK] yield for a parliamentary inquiry?

Mr. STARK. Not at this time. How much time do I have remaining, Mr. Chairman?

Mr. YOUNG of Alaska. Mr. Chairman, I am listening to some comments. I am about ready to take——

The CHAIRMAN. The gentleman will suspend. Does the gentleman yield for a parliamentary inquiry?

Mr. STARK. How much time do I have remaining, Mr. Chairman?

POINT OF ORDER

Mr. YOUNG of Alaska. Point of order, Mr. Chairman. I have asked a parliamentary inquiry.

The CHAIRMAN. The gentleman has 1½ minutes remaining.

Is the gentleman from Alaska [Mr. YOUNG] raising a point of order?

Mr. YOUNG of Alaska. Point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Alaska. Mr. Chairman, I rarely do this, but I have heard some very serious charges made from the gentleman in the well that relates to nothing about this bill. Of course in taking a question, the gentleman offered the amendment, in fact the intent of the amendment——

The CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Alaska. My point of order is when does one ask to have the words taken down, especially when the question comes to a fellow member of this committee that asks and presents an amendment and someone questions the integrity, such as, "He found Mr. RIGGS and now he can go ahead and steal from the public."

The CHAIRMAN. The demand for the gentleman's words to be taken down must immediately follow the words in question. So a demand at this point is untimely.

Mr. YOUNG of Alaska. I would not ask that that be done, but I would suggest to the gentleman, and I do respect the gentleman in the well, to be very careful when he questions another Member on the floor of the House and show him due respect. He is a Member of this House. He is supporting those small people.

The CHAIRMAN. The gentleman from California may continue.

Mr. STARK. Mr. Chairman, the gentleman from Alaska's point is well taken. The intent of the gentleman from California [Mr. RIGGS] is unquestionably honorable in this. He is trying to help Mr. Hurwitz, there is no question about that, and that is his right as it is Mr. Hurwitz's right who still walks abroad as a free man even though he has some civil differences with the Federal Government. I appreciate that.

However, the question still remains, is good old Charlie the kind of person that we think should be helped by giving him a gift and allowing him to log these redwoods.

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

Mr. STARK. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding.

If I were Mr. Hurwitz, I would be working with the Fish and Wildlife Service to do a multispecies habitat conservation plan like Murray Pacific, Simpson, Weyerhaeuser, and other people are doing in order to have a negotiated settlement of this issue so that he can get an incidental take permit and we can protect the owls and the murrelets.

The only problem here for the other people, by the way, there is a notion here that when you have a designation of critical habitat, you cannot do anything on your private lands. That is not accurate. You can go in and continue to log, but you cannot go in and take one of the species. If you are going to take a species, then you have got to get a habitat conservation plan, which is completely understandable.

So there is a way for Mr. Hurwitz to proceed, but he chooses not to because he wants to bring lawsuits saying that this whole process is a constitutional taking of his property. I guarantee I will work with any of the people that are here from the Congressman's district, with the people in the Fish and Wildlife Service who are doing HCP's to see if we can get them taken care of. I will be glad to work with the gentleman from California [Mr. RIGGS] to help the people who legitimately need help.

The CHAIRMAN. The time of the gentleman from California [Mr. STARK] has expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the gentleman from California be given 2½ additional minutes.

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

Mr. KOLBE. Mr. Chairman, reserving the right to object, I have had some discussion with the gentleman offering this amendment and after we have one more speaker on this side, which would even out the time at that point, we will seek a unanimous-consent agreement to limit the debate on the amendment.

So I would ask that we go to a speaker on this side, then we will have an even amount of time. I would object.

The CHAIRMAN. Objection is heard.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I want to congratulate the gentleman from California [Mr. RIGGS] for introducing this amendment.

I am still very frustrated that one person's name was used over and over and over again. What happened to the five landowners, the little ones, 125 acres, 151 acres, 527 acres? There are no trees on those lands. Contrary to what the gentleman from Washington says, there is in fact with the Fish and Wildlife, you cannot do anything on that land if they designate it might disturb the murrelet. The murrelet is not endangered. It is not endangered, I say to the gentleman from Washington [Mr. DICKS]. It is all over the area. But the Fish and Wildlife says it is endangered. So we bow and we scrape to the Federal Government, the almighty Federal Government.

Yet these people, this lady in the wheelchair, these people on this little ranch with their kids, they are browbeaten by this Government saying you must meet our requirements. With what? Has the gentleman from Washington [Mr. DICKS] ever been on a farm? No. Does he know anything about farming? No.

Mr. DICKS. I worked on a farm for two summers.

Mr. YOUNG of Alaska. The gentleman knows how these people live, and he wants them to go get a lawyer, and draw up this plan and we have got the big Federal Government, the Fish

and Wildlife, telling you what to do, that "if you don't do it you're going to jail and you're going to get fined." That is our Government today. We wonder why we have got the Freemen or the militants. We wonder why, in fact, we have got unrest in this country.

□ 1545

Mr. Chairman, it is because our Government, in fact, has got out of hand and out of line with the Endangered Species Act, and I am glad to hear the gentleman supports the Endangered Species Act, 35,000 people were put out of work in his area. In California and Oregon alone, 181 mills closed down. For what? For a species not endangered—because the Fish and Wildlife Service says it is endangered.

I write a bill that says it must have biological substantial evidence it is endangered, and I am criticized for that.

Do you know how to get a specie on the endangered list today? Any one of you can file a petition, as they did in Alaska. That is all you have to do. Then the agency says, we must study it. It the meantime, by the way, you are going to lose your job. This is just how ridiculous the Endangered Species Act is today.

Mr. Chairman, I think it is ridiculous that this amendment is even proposed when this gentleman has families to protect, and he talks about one person. What about the families? I do not care if it is one family or one acre. When this Government is wrong, it is wrong.

What happened to the gentleman's liberalism? What happened to his protecting the masses? What happened to "We have to think about the people"? All he thinks about now is the Government and how right they are. I am telling you they are wrong in this case, dead wrong.

Mr. Chairman, this is a bad amendment, and I support the gentleman from California.

Mr. Chairman, I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Alaska [Mr. YOUNG], the distinguished chairman of the Committee on Resources, for his very strong remarks.

We have heard some on the other side, in fact, I believe I heard the gentleman from Washington [Mr. DICKS] say this earlier today, that my amendment may actually send the marbled murrelet into extinction, and I just want to get on the record right now how absurd that contention is. According to the Fish and Wildlife Service, there are an estimated 18,000 to 35,000 murrelets in Washington, Oregon, and California alone, with several hundred thousand additional birds in Alaska and British Columbia.

The second point I want to make, particularly since the gentleman from California spoke first, to point the finger to one particular company, the gentleman may want to bad-mouth the majority owner of that particular company, but I want him to know he is talking about the largest private employer in the largest county in my congressional district, and that employment at that company has grown from approximately 950 employees at the time of the merger in 1986 to 1,600 employees as of last month, an increase of 650 living-wage jobs that cannot be easily replaced in our local economy.

So this debate is about private property, as I said earlier, and the families and jobs that depend on that private property, not about a particular individual property owner.

Mr. YOUNG of Alaska. Reclaiming my time, I had an opportunity, I wrote a good bill with the gentleman from California [Mr. POMBO] to solve this problem. But anybody who thinks the Endangered Species Act works, I would suggest he start reading it and seeing where this Government has gone out of whack, when they tell a woman she cannot take and raise grain on her ranch because there is a kangaroo rat. She stopped raising grain. The rats left because there was nothing to eat. It burned and burned the houses down in all the area.

This is the act that Members support. I am terribly disappointed to support an Endangered Species Act that does not protect the species, does not take and protect the private landowners, in fact, allows this Government to run amok. I am saying, let us change it. That is what I am saying.

Mr. KOLBE. Mr. Chairman, I have a feeling I am not going to get it, but I am going to propound it anyhow. I ask unanimous consent that all debate on this amendment be limited to 60 minutes, the time equally divided between the gentleman from Washington offering the amendment [Mr. DICKS] and the gentleman from California, and all amendments thereto.

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

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, this amendment is about an individual, Mr. Hurwitz. It is about corporate ethics and corporate policy, and it is about special legislation that if you are rich enough, you are strong enough, you have enough lawyers and you have enough lobbyists, what you can get done in the Congress of the United States.

It was not about the families who are on the poster board here, because if they wanted to take care of those families, they could have. The driving force for this amendment is Mr. Hurwitz. Mr. Hurwitz, who would get exempted not 145 acres or 165 acres on the family spread. Not that, but 32,000 acres of California's redwood forest heritage that he seeks now to log in violation of the law.

But that is not anything new from Mr. Hurwitz. Because when Mr. Hurwitz had a pension fund, he ran the pension fund in violation of the law. When Mr. Hurwitz had an S&L, a savings and loan, he cost the taxpayers of this country a billion dollars, because he ran that in violation of the law. When Mr. Hurwitz had employees, he ran his company in violation of the law with respect to the labor law.

Mr. RIGGS. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. RIGGS. Mr. Chairman, is it appropriate under the rules of the House to charge individuals with crimes of which they have not been convicted?

Mr. MILLER of California. Mr. Chairman, if I may have regular order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. RIGGS. Mr. Chairman, I will make a point of order that the gentleman's comments are out of order because they amount to slander, in that the individual mentioned has not been convicted of any of the crimes.

Mr. MILLER of California. Mr. Chairman, I object. I ask the gentleman's words be taken down because he has no evidence that any of this is suggestive slander. It is a matter of public record what Mr. Hurwitz has done to the people of this company, the people of the community, and the people of our State.

The CHAIRMAN. Both gentlemen will suspend. The Clerk will first report the words of the gentleman from California [Mr. MILLER].

□ 1555

The CHAIRMAN. Does the gentleman from California [Mr. RIGGS] seek recognition?

Mr. RIGGS. Mr. Chairman, so we can move forward, I ask unanimous consent that the words in question be considered withdrawn.

The CHAIRMAN. The gentleman does not need unanimous consent to withdraw his objection to Mr. MILLER's words; all he needs to do is withdraw his demand.

Mr. RIGGS. I do so, Mr. Chairman.

The CHAIRMAN. Does the gentleman from California, [Mr. MILLER] withdraw his request?

Mr. MILLER of California. Mr. Chairman, I do. The gentleman from Arizona [Mr. HAYWORTH] informed me I was wrong, that the gentleman said I was "slender." That is what I took offense at.

The CHAIRMAN. Both demands are withdrawn. The gentleman from California [Mr. MILLER] is recognized for the remaining 3½ minutes.

Mr. MILLER of California. Mr. Chairman, the Committee is not in order.

The CHAIRMAN. The slender Member from California wants order. The Committee will be in order.

Mr. MILLER of California. Mr. Chairman, this may be a painful biography to point out, but it is an important one, because it goes to the character of this amendment and it goes to the character of the company behind this amendment. Because every time this company has engaged a regulatory agency of this Government, the FDIC, who is worried about his banking practices, he has encountered them in court. The Office of Thrift Supervision, which was dealing with the taxpayers money, he has encountered them in court. The California Forest Practices Board, he has encountered them in court. And the Federal judge on forest practices, he has encountered them in court.

This man has engaged every law that he has been involved with in his company, and he has essentially violated them all or been charged with violating them all by regulatory agencies and the courts of this country. So what good does he do? He comes to the Congress of the United States, and to suggest that somehow the Members of this body, the Members of this body can be conned into allowing him to do something which nobody else gets to do in California, the Pacific Northwest, in dealing with the problems of our environment, he simply gets to escape his responsibility under the law. He simply escapes his responsibility under the law.

Now, they put a couple of families in the lifeboat with him to decorate it up, but the captain and the crew is Mr. Hurwitz and Pacific Lumber Co. They are the driving force, because they are the 33,000 acres that are being exempted here.

So what? So he can start practicing the forest practices that brought him in violation of the State law and the Federal law? No. We cannot have that in California. We treasure our redwoods, and so does this Nation. And you know why he is lumbering these woods? Why he is timbering these woods? He is timbering because he sold junk bonds and now he cannot pay the interest on those junk bonds that he destroyed a pension plan with, that he destroyed a wonderful company with, a company that used to take care of its employees' children by giving them college scholarships, a company that used to take care of you at Christmastime and Thanksgiving. Those employees were thrown out. They were bought an annuity and the annuity collapsed. But now he has to pay those bonds off.

He has been in my office, he has been in everyone's office, or his representatives have. He tried to shop one deal after another to avoid obeying the law. This is the court of last request. This body should not dignify this request. This body should turn down this request in the name of decency, in the name of this institution. This is so far out of the realm of responsibility it should not even befoul the aisles, befoul the aisles of this Congress, that this man would come here in the name of his not wanting to obey the law, to desecrate the redwoods, to desecrate forest practices, to desecrate these lands.

No, that should not be allowed. And when we talk about private property, let us talk about the small businessman in terms of the fisherman, the people that are fishing off of your coast and my coast, because when this man gets done logging on the streams, the salmon fisheries go to hell. What about those small business people? It is all entertwined. That is why it is called an ecosystem. That is why we are using Federal, State, and private lands to share the burden, to share the burden.

This is not the answer. This is wrong, it was wrong when it was introduced in the committee, and it was wrong when it has been brought to this floor, and it is wrong that you should have to take your time with it. Because this is not fair to the people in Oregon and Washington and California who are playing by the rules, the people who are trying to amend their practices.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. COOLEY of Oregon. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. COOLEY of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the Dicks amendment. I do not know what is happening in this debate. We seem to be off on an individual. We are not talking about the masses, the little people involved in this process. For too long private property owners of America have been asked to sacrifice property for government ventures. Nameless faces, bureaucrats who believe in quasi-science instead of sound principles, have trampled all over the constitutional guarantee of just compensation for the land that is taken for public use. This has to end.

In my 18 months in Congress, I have been astounded by the number of people who believe that all America's land is theirs for the taking. How far has this gone? It has gone too far. We are involved in a debate now, we are talking about an individual in California. Let us talk about the little people in California and also in Oregon that have done nothing wrong. If somebody has done something wrong, let us get some legislation to punish them, but let us not punish the other people involved in this process by masking it to the point of where we are going to take the land away from the little people because we have somebody big who may or may not have done something wrong.

This bill contains commonsense language to protect the private property that the Government is asking to set aside for the marbled murrelet habitat. This provision only relates to 1 percent of all the area designated as critical habitat. Unfortunately, the opponents of this provision feel there is no such thing as private property. This is a radical measure. The private property in question is northern California, southernmost tip of the marbled murrelet migration.

With 4 million acres set aside for critical habitat in Oregon, in Washington, and California, is 1 percent of the habitat, the southernmost tip of the bird's migration, going to change anything? Not at all. I do not think so, especially when you consider the murrelet is mostly found in Canada and Alaska. What the opponent of private property rights ought to do is petition the Canadian Government to set aside millions of acres of land in their country for this critical habitat.

But, again, maybe they think that the bird simply stops at the border. It is the time for Congress to stand up and protect private property rights and not allow this discussion to focus on one individual who may or may not have had a problem. But think about the thousands and literally hundreds of small families as we have seen by the example that are being adversely affected by this piece of legislation.

I oppose the Dicks amendment.

Ms. ESHOO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Dicks-Stark amendment, and I want to salute them for offering it. It would strike the language from this Interior bill which obviously I think has been established in the debate so far will harm the marbled murrelet.

The bill prohibits the expenditure of funds to protect this endangered species that nests in the Head Waters Forest in California.

As a Californian, I rise in support of the amendment. How dare anyone try to pluck out the jewels in the crown of our State? Why does this bill give special treatment to one timber company at the expense of this endangered species and the Endangered Species Act?

The U.S. District Court in California has already stopped Pacific Lumber. Maybe the other side should have called this the Pacific Lumber amendment. The U.S. District Court in California already stopped Pacific Lumber from cutting crucial sections of this bird's habitat, because Pacific Lumber refused to comply with the Endangered Species Act. So it is not the Endangered Species Act that should be coming under the hammer today, it is Pacific Lumber. Now Pacific Lumber is

asking the Congress to reverse that decision. Members, make no mistake about it. That is what the attempt is here today. I want to repeat that: Now Pacific Lumber is asking the Congress to reverse the court's decision.

Why are we being asked to reverse this decision? Because 1 percent of the marbled murrelet's total critical habitat designated by the Fish and Wildlife Service is on private lands in Washington, Oregon, and California.

Pacific Lumber is concerned that they will not be able to continue logging their logging activities in the area. Importantly, and this is something that every Member should listen to, a critical habitat designation does not in and of itself prevent logging or other activity; it simply triggers a process to ensure that any activity in the area does not adversely modify the habitat. That is a reasonable approach. I want to repeat that, that is a reasonable approach. There is nothing far-fetched or off the ranch about this. It is a reasonable approach.

Where there were once 60,000 marbled murrelets there are now only 2,000 to 5,000. Commercial logging has destroyed 95 percent of this nesting habitat. I think we have the responsibility to protect threatened and endangered species. They are a part of the cycle of our life. They are a part of the cycle of our life that God has given to us. It is not for us to desecrate, it is not for us to use up. The Riggs language in the Interior appropriations bill would doom this coastal bird forever, and I urge my colleagues to support the Dicks-Stark amendment.

Mr. Chairman, I rise in support of the amendment to strike language from the Interior bill which will harm the marbled murrelet.

This bill prohibits the expenditure of funds to protect the threatened marbled murrelet, a sea bird that nests in the Head Waters Forest in California.

Why does this bill give special treatment to one timber company at the expense of the marbled murrelet and the Endangered Species Act? The U.S. District Court in California has already stopped Pacific Lumber from cutting crucial sections of this bird's habitat because Pacific Lumber refused to comply with the Endangered Species Act.

Now Pacific Lumber is asking the Congress to reverse that decision.

And why are we being asked to reverse this decision? Because 1 percent of the marbled murrellet's total critical habitat designated by the Fish and Wildlife Service is on private lands in Washington, Oregon, and California. Pacific Lumber is concerned that they won't be able continue logging activities in the area.

Importantly, a critical habitat designation does not, in and of itself, prevent logging or other activity—it simply triggers a process to ensure that any activity in the area does not adversely modify the habitat. That's a reasonable approach.

Mr. Chairman, where there were once 60,000 marbled murrelets, there are now only 2,000 to 5,000. Commercial logging has destroyed 95 percent of their nesting habitat.

We have a responsibility to protect threatened and endangered species—they are part of our cycle of life. The Riggs language in the Interior appropriations bill could doom this coastal sea bird forever. I urge my colleagues to support the Dicks amendment.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to point out to my colleagues the reason that critical habitat was designated on private lands, and, by the way, in Washington, Oregon, and northern California it was only 1 percent of the lands, and it is because suitable nesting habitat on Pacific Lumber Co. lands in Humboldt County is the only available nesting habitat for the southern portion of zone 4. It is imperative to protect marbled murrelet habitat on corporate forest lands in northern California, because these lands provide a biological link for the murrelet populations between Redwood National Park to the north and the State redwood parks to the south. This is not being done in any mean-spirited way. It is being done to protect the marbled murrelet.

I was somewhat amazed by my friend from California suggesting that the murrelet, because it is surviving in Alaska, that we are not concerned about it. You have to understand under the law we have to protect these species throughout their range, and that is why you have got to protect them in northern California, Oregon, Washington, and Alaska. That is our law.

I would say to my colleague from Alaska, he is chairman of the committee. We have been waiting for him to come out with his amended bill. I understand that maybe the leadership on the majority side has had second thoughts about it, but I got to tell you this: To get up here today and say unequivocally that he does not support the Endangered Species Act I think is shocking. The Endangered Species Act is important to the future of this country, it is important to our biological diversity, it is important to the future of mankind. I think that we ought to think very, very carefully here today about a special exemption.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. RIGGS. Mr. Chairman, I just want to respond to the comments of the gentleman from Washington [Mr. DICKS] because this is the point I made earlier today. The gentleman claims that we have to have this 1 percent of private property to preserve the critical habitat for the murrelet toward the southern range of its existence.

But I want to point out again, 693,000 acres, 693,000 acres in Humboldt, Del Norte, and Mendocino Counties have been designated critical habitat, and almost all of that is on public lands, my colleagues. It is on public land. The Six Rivers National Forest, the Redwood National Park, the King Ranch National Conservation Area, and parcels of Bureau of Land Management land. In addition, 175,000 acres of State land, including the State redwood parks, the Sinkonyone Wilderness State Park, and some Mendocino coastal parks. What we are talking about here now is 29,000 acres owned by Pacific Lumber Co. and another 8,000 acres, smaller parcels, owned by nine other private property owners.

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, we have heard it represented and a number of very unkind things have been said about Mr. Hurwitz. I have never met Mr. Hurwitz. So I find it fascinating to see such intensity coming out of the other side. When Mr. RIGGS' predecessor offered the amendment 2 years ago on the Head Waters, we were going to spend $1 billion, and you all voted to pay Mr. Hurwitz $1 billion for some 56,000 acres. That was OK, because that is more Government land, and that is a positive good.

Mr. RIGGS. Mr. Chairman, if the gentleman will yield further, did I understand the gentleman correctly to say that in the last Congress my predecessor, Congressman Dan Hamburg, offered a bill that would have authorized Federal taxpayers to spend up to $1 billion to acquire 56,000 acres of productive timber land?

Mr. DOOLITTLE. That is exactly what I said.

Mr. RIGGS. And the two gentlemen from California who have been most outspoken, Mr. STARK and Mr. MILLER, voted for that bill?

Mr. DOOLITTLE. That is my understanding.

Mr. RIGGS. That sounds like a bailout for Charles Hurwitz.

Mr. DOOLITTLE. That was a bailout for Charles Hurwitz. That was OK in that day. Today Mr. Hurwitz is the subject of attack. I fought Mr. Hamburg on this, by the way.

I just want to point out when you want to shoot the rich, Mr. Hurwitz, it is the working person that takes the bullet. Here is a book on the Pacific Lumber Co. You heard they now have 1,600 employees, up by over 500 from when the merger occurred. You have the Blakeleys and the Andersons. You have the Phillips, a number of people, a whole book. These are flesh and blood people that work for a living. They are not the Fortune 500.

□ 1615

They are people that get up every morning and go to work and they are thankful they have a job. And this mean-spirited attack is going to basically throw these people out of work,

just as has happened in my district with the shutting down of timber, and in the district of the gentleman from California [Mr. HERGER] as well as the district of the gentleman from California [Mr. RIGGS], and a number of districts throughout the Northwest.

And here the Clinton administration comes again. They are everybody's friend. Just like they did in their great timber summit, we lost two-thirds of the timber jobs; and with their growth proposal, we went to four-fifths of the jobs that were lost. I do not want that to happen to this area. These people are too important.

The gentleman from California [Mr. RIGGS] is seeking to exempt only 1 percent of the territory. And do not believe these representations that this is to get at Mr. Hurwitz for all those supposedly terrible things he has done. We are seeking to protect private property rights, the six ranches which are important.

They want to talk about Mr. Hurwitz and get the focus off the six ranches, the people who do not have the attorneys or the money for the attorneys and the accountants and so forth to do these habitat conservation plans. These are the people we seek to protect. And, yes, we seek to protect the employees in Mr. Hurwitz' company.

Mr. Hurwitz is wealthy. He will continue to be wealthy whatever happens on the floor today, but these people, when they are out of a job, will be on welfare and we do not want that. I strongly urge Members to defeat the Dicks amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must admonish our guests in the gallery not to show demonstrations with applause.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I wanted to say to my two colleagues over there, there is a way for Mr. Hurwitz to get a certain program where he can continue to harvest on his entire property, and that is to do a multispecies HCP like every other responsible timber company is doing in the Northwest. But he will not do it because he wants to get special legislation either to exempt him or he wants to take it to court and raise a taking.

The reason this land is so important on this private property is because it has got the most nesting murrelets in the entire northern California area. That is why the judge, the scientists and everyone else said it is critical habitat and that is why we have to protect it.

Now, that makes sense to me, and I appreciate the gentlewoman's yielding.

Ms. FURSE. Mr. Chairman, reclaiming my time, the gentleman from California [Mr. RIGGS] is fighting for 10 individuals in his district. I think that is fine, but I am here to speak for thousands, thousands of people in Oregon, in Washington, and in California who depend for their livelihood on fishing. I am not going to use my own words, I will use the words of a man who is very well respected, Mr. Glen Spain, who represents the Pacific Coast Federation of Fishermen, and I quote:

> We urge you, on behalf of the commercial fishing industry, to oppose the Riggs rider and support stripping it out of the bill.

They go on to say:

> Anything that delays ESA-mandated recovery of the marbled murrelet is a direct threat to our industry and tens of thousands of coastal and inland jobs that we provide.

Mr. Spain goes on to say:

> The amendment, the Riggs amendment, is counterproductive, shortsighted, and will ultimately delay the steps necessary to minimize landowner impacts, not assist landowners in the long run.

Critical habitat designation does not stop logging activities on private land; it only assures that the impact on the murrelet is considered and assessed. Critical habitat only directly impacts Federal, not private, actions.

Now, Mr. Spain goes on to say, remembering he represents thousands of fishermen:

> If Congress wants to minimize the impact of this listing on our industries, Congress would be working towards a speedier designation of critical habitat, far more recovery funding, and for better science, not the reverse. We therefore urge you, on behalf of the fishing industry and the hundreds of thousands of jobs that we represent, to vote against the Riggs amendment and vote to strip it from the funding bill.

I agree, Mr. Chairman, that they are supporting thousands and thousands of jobs, and that is why I urge my colleagues, because of the Oregon, Washington, and California fishermen, to support the Dicks amendment, support private property rights, support jobs.

Mr. DICKS. Mr. Chairman, will the gentlewoman continue to yield?

Ms. FURSE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, would the gentlewoman tell me where that gentleman that wrote the letter is from?

Ms. FURSE. The gentleman is the Northwest regional office representative. Now, they have offices in Sausalito, CA; El Granada, CA; Mendocino, CA; and Eugene, OR; and they do indeed represent the fishermen of the Nation.

Mr. RIGGS. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the gentlewoman for yielding to me, and I have a copy of the same letter. And just to respond to the gentleman's question, he has clearly checked the box that says Eugene, OR, on the correspondence, so he is from Eugene, OR.

I want to make one other point the gentlewoman skipped over in quoting from the letter. The author says:

> The marbled murrelet is a sea bird which is also of great concern to fishermen because under the ESA our industry must go to extraordinary and sometimes expensive lengths to avoid even accidental "take" of the bird in commercial fishing gear.

It is my understanding that murrelets are dying in fishing nets. And if we take the gentlewoman's logic out to its logical extension, perhaps we should ban commercial fishing because it is bad for murrelets.

Mr. DICKS. Mr. Chairman, if the gentlewoman will continue to yield, the gentleman is worried, the fisherman is worried that if we take the Riggs approach, instead of being threatened, the species will be endangered and there will be even more onerous restrictions put on the fisherman. That is why he is worried, because it has an adverse effect on that whole segment of the economy if it is endangered.

Ms. FURSE. Mr. Chairman, reclaiming my time, those are thousands of small, small businesses who have this. They are willing to go to the length of protecting the marbled murrelet, but they see no reason why one or two or maybe even ten companies should be relieved of that, that burden. They say, let us share the burden, let us not just have the fishermen carry the burden. Let us share it, as private property owners across my State, the gentleman's State and Washington State are prepared to do.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Dicks amendment and rise in strong support of the Riggs language adopted by the Committee on Appropriations.

I think finally, after we sift out the debate that has gone on today, and some of it, admittedly, has been quite mean-spirited, we finally find out that they let the cat out of the bag, and the fact is that some people are mad at a California timber company. So we are really going to show them. We are going to get the Fish and Wildlife Service after them, and we are going to list a bird that spends most of its life at sea.

Its nesting habitat is in Alaska and Canada, but we are going to fix this timber company. We will list some bird and we will take their land, and, oh, by the way, we are going to take several other farmers' land, and it makes no difference if we throw them out of an income.

I have sat by and I have listened for years to these dulcet, round, pear-shaped tones about how we can work with the Fish and Wildlife Service on establishing critical habitat on an individual's land. Well, just ask my people in Idaho or the people west of the 100th

meridian how much the Fish and Wildlife Service works with private owners on the designation of private land for critical habitat.

Mr. Chairman, it simply does not work that way. Ask the hundreds of thousands of people who have been thrown out of work or had their businesses totally diminished because of listing of endangered species.

I think this has gone for enough, and I think that there are appropriate prosecuting attorneys who can certainly, if there is a valid case here against this lumber company, can certainly go after the lumber company. But we do not use the listing of an endangered species to go after a lumber company. That is a complete distortion of this system. I am thoroughly disgusted with it and I think we need to strongly support the Riggs language.

In addition to my support, the National Association of Realtors support the Riggs language and his position, and the Farm Bureau, the U.S. Chamber of Commerce, the American Forest and Paper Association all support the Riggs position.

I urge opposition to the Dicks amendment.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Washington, Representative DICKS, and the gentleman from California, Mr. STARK.

My friends, we must correct the terrible provision included in this bill, a poison pill that will destroy the magnificent headwaters forest of northern California. By stripping the endangered species critical habitat designation from 37,000 acres of forest, the Riggs provision will allow logging to begin at will, logging in a pristine old growth forest which is home to many precious species, including a rare sea bird and the dwindling coho salmon.

The Riggs provision would lead to the extinction of the marbled murrelet, which, in California, has seen a population decline from over 60,000 birds to fewer than 5,000 today. These birds nest in the headwaters forest and rely on critical habitat designation for their survival.

The Riggs provision also threatens the endangered coho salmon. Mr. Chairman, the headwaters is home to some of the last coho salmon runs in California. If we do not pass the Dicks amendment, the murrelet and the coho could be gone forever.

Preserving these species is crucial not only to our ecosystem but to the commercial fishing industry in my district and in the district of the gentleman from California [Mr. RIGGS] as well. Under the Riggs provision, fishermen will see their salmon catch continue to decline and, eventually, die.

We must ask why. Why are we asked to swallow this poison pill, a poison pill which may send rare species into extinction? The unbelievable answer, Mr. Chairman, is for a special interest giveaway to Pacific Lumber. This is simply outrageous and it is not acceptable.

Mr. Chairman, the people of northern California and the Pacific Northwest know that we can successfully balance our environmental protection and economic growth. They are ready to work together on a common solution to our region's problems. The Riggs provision, however, leaves them out of the process, and in so doing, would set a disturbing precedent for our future and for our environment.

We do not want the headwaters forest to be destroyed. We do not want the Endangered Species Act and the Pacific Northwest forest plan to be undermined, and we are amazed that this is proposed in the first place, proposed for the sake of corporate special interests.

Mr. Chairman, this is not what the doctor ordered. We must refuse to swallow this poison pill and vote for the Dicks-Stark amendment.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentlewoman's yielding to me.

It is not like there is not a way for Pacific Lumber to deal with the Federal Government on this issue. They have sat down, but they have never negotiated in good faith to get a habitat conservation plan. Now, under a habitat conservation plan, they get 100 years of certainty about harvesting timber on their lands, and for that they give some protection to those species on the lands. Most of the protection for species in the Northwest will be done on Federal lands, so this is the constructive thing to do.

Companies in my State of Washington, Weyerhaeuser, Plum Creek, Murray Pacific, ITT, right here, all have worked out their problems with the Federal Government and the Fish and Wildlife Service in a negotiated settlement. But, again, Pacific Lumber has refused to do that, and it is because they think that either by going to court and filing a taking suit or by coming to Congress that they can get legislation enacted that takes away their responsibility. Every other company out there is doing this. We have never done this before under the Endangered Species Act, and I think it would be a terrible precedent to set.

I appreciate the gentlewoman's support of my amendment, and I hope that we can pass it here today.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. RIGGS. Mr. Chairman, before the gentlewoman from California walks off the floor, I want to point out that she obviously did not read the bill, because on page 47 of the bill, section 116, beginning at line 3, we have the language of my amendment, and it says:

> None of the funds made available in this act may be used by the Department of the Interior to continue or enforce the designation of any critical habitat for the marbled murrelet on private property in the State of California, excluding approximately 3,000 acres of redwood forest commonly known as "Headwaters Grove", located in Humboldt County, California.

□ 1630

The gentlewoman, of course, insisted on using the Headwaters Forest as a reference throughout her remarks.

Mr. POMBO. Reclaiming my time, I believe that the gentleman points out that the portion of this private property that was supposedly the ancient forest, the headwaters, redwood, the big redwood trees, is specifically exempted from the amendment that was adopted in committee. We have been talking about that on and off during this debate. But it was specifically exempted in committee.

Here we go again. I think that this debate has been very, very instructive. It really does outline what the debate has been over the Endangered Species Act over the past several years. That is what we want to use as the Endangered Species Act, which is supposed to protect fish and wildlife from becoming extinct. We want to use that to accomplish other goals. We have heard that we wanted to use it to accomplish something that the fishing industry wants. But more importantly, we have heard it said that we want to use the Endangered Species Act to punish this particular company, that we want to go after this company and punish them for whatever transgressions they have committed over the years, whatever it is, real or imagined that they may have done. We want to use the Endangered Species Act to achieve that goal.

This entire listing of putting the marbled murrelet as threatened has been politically driven from the very beginning. I would like to read one thing here out of something that the Defenders of Wildlife has sent out, and my colleagues on the other side have used this extensively in their prepared floor statements. It says the marbled murrelets population in California, believed to have been about 60,000, is now estimated to be between 2,000 and 5,000 individuals.

One of the problems on this listing was the fact that Fish and Wildlife could not count the marbled murrelets. They had a real tough time counting them. They could not find the nests. They resorted to trying to count them as they would go out into the ocean to feed. They had a real tough time counting them. Yet today it is presented as

fact that at one time, sometime in ancient history, we had 60,000 marbled murrelets in northern California because the Defenders of Wildlife put it in their piece of paper that they sent out. Even though they cannot count them today, in today's time they cannot count them, they have a tough time finding them, but somehow it is presented as fact that at some point they had that number.

Furthermore, this map here that I would like to bring to my colleagues' attention points out the land patterns in northern California, in this one particular section. The brown and purple areas represent publicly owned lands. We can see that the vast majority of this area is publicly owned. There is no doubt about it. But they went in here to this area and picked out one particular section of ground that they were going to go after, which just happens to be the land that is predominantly owned by one timber company. It also involves nine other private property owners, nine other small individuals, but they went after that one particular piece of land to further their agenda of trying to punish this one person.

They have been trying for years to get this piece of property. They were never able to get it through legislation, through buying it, through anything that they ever tried. So they resorted to the Federal Government's trump card, the Endangered Species Act. You find an endangered species, you get it on the list, somehow, some way, even if you have to use trumped up science to do it, even if you have to make things up, you get it on the list and then you go after the property, because that is the one thing that you can do, is to use the Endangered Species Act.

Unfortunately, my time has expired.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would point out to the gentleman that the reason that the habitat has been, that this area was designated is because it is where the murrelets are living. It is their habitat. There are the old-growth trees. This is where they reproduce. It is not any vendetta or trying to get somebody. It is because that is where the species exist, that is where their habitat exists.

What I would say to the gentleman from California, when we cut the habitat down, the species populations go down. They have been going down at 6 to 8 percent per year. If we do not stop it, then we are going to lose that species in that particular area.

So I just wanted to point this out to my friend. This is no vendetta. This is trying to do what the law that Congress passed said we should do. That is to protect these species throughout their range.

I thank the gentleman for yielding to me.

Mr. BLUMENAUER. Mr. Chairman, I strongly support the amendment by the gentleman from Washington. I could not agree more with his words that are still echoing in this Chamber, that this is not to punish any single company. Indeed, I am concerned about the tenor here that sort of makes a cartoon process out of rules and regulations that a number of responsible timber owners in the Northwest are working with us to try and deal with the issues of environmental protection.

It is not about a handful of small property owners, as has been repeatedly documented throughout the course of this conversation. It is, rather, for the overwhelming benefit of the single large property owner.

It is not about using a process against somebody. This is what other companies are, in fact, doing. They have learned to use abitat protection plans and, in fact, even light-end timber companies are, in fact, advertising that point to their customers throughout the Northwest. To observe that there is no science involved when, in fact, what we are giving is a political fix to solve the problem primarily of one large owner really stretches credibility here in this regard.

If we adopt this approach, what we are suggesting to people is, rather than working in a cooperative fashion under the framework of the law, seek a political fix. Rather than working with the Government, with other landowners, with environmentally concerned citizens, seek a political fix. And if this political fix fails and, in fact, it goes through the progression of increased requirements for protection, what we will, in fact, have ended up doing is putting an even greater burden on the responsible private owners who have been playing by the rules because they are going to have to pick up the slack if it fails.

This Riggs proposal is a blow against cooperation and voluntary compliance. It sends the message to go to Congress to circumvent the laws. It is the wrong message to business. It is the wrong message to the environment, and it suggests that we are turning our backs on people who are committed to keep and improve our environmental protections.

Mr. DICKS. Mr. Chairman, if the gentleman will continued to yield, on this one point about this vendetta, here is a letter written by David E. Blockstein, Ph.D. and Chair of the Ornithological Society:

As the umbrella organization representing this Nation's 5000 ornithologists and students of bird life, the Ornithological Council recognizes that we all have to play our part if our wildlife resources are to survive in the 21st century. Our members have spent many thousands of hours studying endangered and threatened species like the marbled murrelet. Much of this time has been contributed on a voluntary basis. The central finding of this work is that without habitat, our wildlife will not survive.

Critical habitat designation is important because it provides direction to the Fish and Wildlife Service, if a private landowner applies for a Federal permit, such as an incidental take permit. By itself, critical habitat designation does not restrict action to the landowner. The Fish and Wildlife Service designates Federal lands for critical habitat first and will only designate private land as critical habitat if Federal lands are insufficient as in the case in northern California. If anything, the Fish and Wildlife Service has been too cautious when it comes to identifying critical habitat on nonFederal lands.

The Riggs rider is wrong for the following reasons: By depriving the government of one of its most important tools in species protection, it drives up the cost of recovering the marbled murrelet and increases the probability of extinction.

The Riggs rider sets a dangerous precedent that could be used to harm the recovery of other species.

Other States in the Pacific northwest and elsewhere have learned to live with the law and are trying to protect their wildlife species. It would be unfair to exempt northern California.

Other Members of Congress have avoided legislating through appropriations riders; Congressman Riggs should not have special privileges.

Please vote to delete the Riggs rider from the interior appropriations bill. David E. Blockstein, Chairman of the Ornithological Council.

That is not politicians speaking. Those are some of the Nation's finest scientists.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I listened with great interest to our new colleague from Oregon and our good friend from Washington, the sponsor of this amendment. I listened with interest to the letter offered by the gentleman from the ornithological association.

I stand here in the well today representing the people of the Sixth District of Arizona, many of whom feel they are voiceless and powerless against an onslaught that is ofttimes offered in moderate tones, with the occasional playground taunt or the demonization of one personality.

In stark contrast to the assertion of my new colleague from Oregon, I would commend to him the words of my good friend, the ranking member from the Committee on Resources on his side of the aisle, who absolutely, tooth and nail, went after a private citizen for the sin of operating a company that provides jobs and, dare I say the word, yes, "profits." But what we have to ask, Mr. Chairman, is this question, What is reasonable? What is fair?

Again, despite the letters, despite the playground taunts, despite the venom

and vitriol, here are the facts. Take a look at the ownership of the acreage for this critical habitat designation, 2.9 million acres belong to the Federal Government; 706,000 acres belong to the State government; only 48,000 acres are private.

Mr. Chairman, it is a fair question to ask, Is it not reasonable to allow a true balance to exist, to let the fragile rural economies and the very downtrodden that side of the aisle purports to champion keep their jobs and their way of life? When, oh when, will we speak up for the disenfranchised who do not have the glitz and glamour of the Hollywood crowd on their side but a simple plea and request: Let us keep our jobs. Let us keep our way of life because we have an interest in the environment, too. We have an interest in seeing this society preserved and, yes, we love the true concept of conservation. Yes, that is an emotional plea backed up by a rational plea.

Mr. Chairman, I would implore the Members of this minority to rise up against this amendment. It is unfair, it is unreasonable.

Mr. SMITH of Texas. Mr. Chairman, reclaiming my time, I rise in opposition to the Dicks amendment. It will undermine private property rights. It will harm resource protection and conservation. It will impose a Washington-knows-best, one-size-fits-all approach.

If you support private property, resource protection and flexible commonsense regulation, you should reject this amendment. The amendment violates private property rights. Ninety-nine percent of the land for critical habitat of the marbled murrelet is on public lands. Only 1 percent is on private property.

The interior appropriations bill currently protects both the murrelet and the rights of private landowners. The amendment would undermine this careful balance. It would ignore and violate the constitutional rights of private landowners in California. That is why the amendment is opposed by the League of Private Property Voters.

By violating private property rights, the amendment will undermine environmental protection. The private landowners in northern California are good environmental stewards. They have worked over generations, both to productively use their land and to protect their natural resources. The amendment will sabotage their efforts. It will convert resources from environmental assets into financial liabilities. In so doing, it will harm the very species it claims to help.

One cannot protect species unless they work with landowners. The amendment punishes landowners for good environmental management.

□ 1645

By punishing landowners it harms species as well. If my colleagues are concerned about protecting the marbled murrelet, reject this amendment. The amendment rejects flexible regulation in favor of a Washington-knows-best, one-size-fits-all approach.

The current bill recognizes the private land is different from public land, so it applies different approaches to protect the marbled murrelet on private and public lands. The amendment rejects this flexible, reasonable approach. Instead it imposes a command and control, one-size-fits-all approach on all property regardless of who owns it.

If we really believe in commonsense regulation, if we really believe and support flexibility, if we really believe that the era of big government is over, as the President tells us, we must reject this amendment. Protect the environment, secure private property rights, ensure flexibility. Reject one-size-fits-all, Washington knows best, and oppose this amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I apologize for speaking on this amendment because I have not been on the floor during most of the debate, and undoubtedly at least some, if not most, of what I say will be repetitious. I had intended to participate, and only because I was in a markup was I not able to be here.

The point that I would like to make is that what the Riggs amendment does is intervene in the processes of an ongoing court case which has halted the logging on the property that is a subject of discussion here, and through the enactment of this legislation the processes of the court would be circumvented. Normally speaking, the Congress is reluctant to do this kind of thing, and I do not quite understand why they would be doing it in this particular situation.

Now I did hear the emotional remarks of our good friend from Arizona a few moments ago about how it was important to preserve the jobs and the profits created by the owner of this property who is doing so much for the economics of the United States. I think this is the same gentleman who presided over the bankruptcy of the sixth largest savings and loans in the United States which cost the taxpayers a billion and a half dollars. I cannot quite get so emotional about his claims to be providing this great civic service by overlogging the redwoods of northern California. Now I admit that he has a right to use his property in accordance with reasonable public standards, but I do not think he has a right to be proud of the great service he is doing until I can understand a little better why he was unable to conduct a successful savings and loan business to begin with.

Now we have this endangered species problem in southern California. It does not involve the forests. We have the kangaroo rat, the Delhi sand fly, a number of other things that the developers hate, but we learned to love them and to live with them in the same fashion that the gentleman from Washington [Mr. DICKS] has described in the Northwest. Basically the major developers and the private property owners have agreed that a simple device of multiple species habitat protection, worked out with the support and help of the local government, or the State government as the case may be, is the logical approach both to protecting private property rights and to preserving species.

Now if my colleagues do not agree it is useful to preserve endangered species, of course this kind of approach will not appeal to them very much. But I think that it would be unwise to publicly, take the position that our society is entitled to wipe out any species that it likes. I just do not think that will sell.

Now we have to this with good judgment, we have to respect property rights, we have to protect those who suffer a loss as a result of protecting endangered species. We try and do this in accordance with the normal workings of law, and I think this is the course we ought to continue to follow.

I think this amendment introduced by my good friend from northern California, Mr. RIGGS, to circumvent judicial processes, to secure special treatment for a rather small number of people, including the gentleman that we have been talking about, is really not the operation of law but an effort to circumvent the normal processes of our society, and I support the amendment to the gentleman from Washington [Mr. DICKS].

Mr. Speaker, I rise in strong support of the Dicks amendment to strike language added to the Interior appropriations bill which will allow the Pacific Lumber Co. to circumvent the Endangered Species Act on most of the land contained in the Headwaters Forest. This provision, which was added by the gentleman from California [Mr. RIGGS], would prohibit the Department of Interior from enforcing the designation of critical habitat for the marbled murrelet on lands exclusively within his district.

The Headwaters Forest is the largest remaining property owned old growth redwood forest in the world. It hosts numerous species, including the murrelet and the coho salmon. Now Congress is planning to provide a special exemption for Pacific Lumber—a company that has demonstrated reckless logging practices within the Headwaters Forest.

For over 100 years Pacific Lumber was owned by a company that operated under model sustainable logging practices. Well, as many of my colleagues know, in 1986, Charles Hurwitz orchestrated a hostile takeover of the Pacific

Lumber Co., primarily through junk bonds. In the wake of the takeover, Hurwitz's United Savings Association of Texas failed, costing the taxpayers $1.6 billion. It was the sixth largest savings and loan failure in U.S. history.

Currently there are FDIC and OTS suits pending against Mr. Hurwitz and Maxxam Corp., which owns Pacific Lumber.

Pacific Lumber furiously increased the rate of logging in the Headwaters Forest, tripling the logging of redwood, especially old growth trees. After nearly exhausting the resources of this forest and facing numerous lawsuits and court orders to halt its destructive practices, Pacific Lumber laid off 105 workers.

The Fish and Wildlife Service recently designated lands as critical habitat for the marbled murrelet, and only 1 percent is privately owned. Only those lands that contain individual mature or old growth trees with occupied or potential nesting sites are included. Critical habitat is essential to protect enough area for the species to expand its range and recover to healthy population levels. A lengthy review and public comment period preceded the designation of the critical habitat. Based on that public comment, the boundaries were reduced from the 1995 proposal.

Through this provision, the Pacific Lumber Co. is merely trying to circumvent a Federal court order that halted logging in crucial sections of the habitat until a sufficient Habitat Conservation Plan has been completed. While I understand the concerns of the gentleman from California, I feel this exemption is irresponsible, and completely lacking any scientific justification, and I urge my colleagues to eliminate it by passing the Dicks amendment.

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

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

Mr. DICKS. Mr. Chairman, I appreciate the gentleman's support and again reiterate what underlies what the gentleman said. All the company has to do is go and sit down with the Fish and Wildlife Service. They work out a multispecies habitat conservation plan, and it takes some work to do it, there is no doubt about it, but there is a lawful way for them to have certainty, to protect the jobs, and that is what most responsible companies would do.

But to come here with this amendment which undermines a court decision, undermines the Endangered Species Act and frankly is inappropriate on this particular bill, I just think is a mistake, and I appreciate the gentleman's support.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Washington [Mr. DICKS] and I are often together in many areas, and I find that today we do oppose each other. I support the Riggs proposition that was put into the committee.

First of all, we need to look at the Endangered Species Act itself, and we should not be doing that quite vigorously in committee. The act was passed some years ago with the intent of not killing endangered species, of not destroying, going in and physically destroying those species. We got to the regulations. It turned out to be, after the regulations were completed, not to disturb the habitat of that species. Now that is broad as the whole world.

It is a long way from California to North Carolina, but in North Carolina we found the red cockaded woodpecker landing on a gentleman's land that by all the authorities, both regulators and nonregulators, was being managed in a businesslike, a professional and environmental way. There was 8,000 acres of land, and he won awards in doing it. The red cockaded woodpecker landed on it, built a nest, and in order to keep from disturbing the woodpeckers' habitat, they took a thousand acres of this land, set it aside. He could no longer harvest timber. He really could not do anything with it much. He went ahead and started harvesting the other 7,000 because he did not know when seven of the cousins of the red cockaded woodpecker might come over and take the rest of his land.

Now we do not know, and we did not know at that time, whether or not the red cockaded woodpecker was endangered at that time simply because the man manages land, harvests it, grazes it and so forth, but that was not the question. It was determined by the bureaucracy that it would disturb the habitat.

Now in the Pacific Northwest with the spotted owl we found that thousands of people were put out of work, we found that private property rights were taken in order to protect the owl. Some years ago I went out on a tour of the area. We found plenty of owls. We found finally that the owl probably was miscounted, that there were a lot more spotted owls than we thought. In fact they were quite more adaptable. We found them nesting in Kmart signs. So they had adjusted to their habitat pretty well. But that did not stop the fact that we destroyed tens of thousands of jobs in the Pacific Northwest and endangered private property rights.

Now let us look at the marbled murrelet and see whether or not we are talking about really the destruction of the marbled murrelet by setting aside this 1 percent. I was on the Interior Committee in question; the scientists coming in.

First of all, the marbled murrelet most of its life nests in the Aleutian Islands. There are no trees in the Aleutian Islands. So if it has to have trees, I asked the scientists, why, how did it get along in the Aleutians? They said it adapts. Well, precisely.

Most of the land of the nesting areas is along the coast, is already protected, so the seafaring marbled murrelet has habitat to come in and nest in in the coast. The 1 percent that we are talking about may not even be necessary at all.

In fact, if the 99 percent of public land that we now set aside is not enough to protect the marbled murrelet, why do we think 1 more percent of private property is absolutely essential to that at all, and there is no reason to say that we are going to destroy the marbled murrelet, even though its numbers may be decreasing, by defeating the Riggs position and taking this private property.

The only thing we know for certain is that we are treading on private property rights each time someone puts forth one of the 5,000, one of the 5,000 endangered species, and there are 5,000 out there endangered or listing. We can shut down the entire United States any time we want to put any of those endangered species forward, as we have the spotted owl, or as we have done with the marbled murrelet. We have to get some sense back into our Endangered Species Act, and we must stop taking people's private property under the guise of protecting endangered spices when there is very little scientific evidence at all.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I say to the gentleman, I would think the gentleman would be up here applauding the Fish and Wildlife Service for keeping the designation of critical habitat down to 1 percent of the land, 48,000 acres, Washington, Oregon, and northern California, and only in those areas where the recovery plan states that there is no Federal lands or there is no State lands to designate, and it happens to be that this area, this 40,000 acre area in northern California, has the best old growth habitat and a large number of murrelets, and so they felt that there was no other way to protect the murrelet in that area and keep distribution of the species without protecting this area.

And I would just point out even with the designation of critical habitat there really is no restriction. The company can go in and still get a habitat conservation plan, as the people of Georgia Pacific did very successfully on the red cockaded woodpecker.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. TAYLOR] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. TAYLOR of North Carolina was allowed to proceed for 1 additional minute.)

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate the gentleman's courtesy. Is it really essential; in other words, is the marbled murrelet going to be destroyed if this 1 percent is not in? That would be the first question, and the second——

Mr. DICKS. And the scientists have said that there is a greater risk of extinction if we do not protect it in this area, and that is why they said we have got to designate it as critical habitat.

Mr. TAYLOR of North Carolina. If that is absolutely essential, then have we considered the taking and compensating? We are considering the taking. Then can we consider the compensation of the individuals, not just this individual, but the other ranchers and other private property owners?

Mr. DICKS. The gentleman from California [Mr. RIGGS] does not support this idea, so I do not know. I think we cannot do it, I guess. I would be perfectly willing to consider it.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems to me this has been fairly thoroughly debated already. But one thing that has been, I think, given fairly short treatment is the question of fundamental equity between what is proposed to happen in California under the language of the gentleman from California and what is already the process for working out this same problem in the forests of Oregon and Washington. Questions of fundamental equity for the companies in those States that have gone the extra mile, have worked out with the government habitat conservation plans so as to avoid the proverbial train wreck. And I think it is very unfair to cut a special deal for this or any other particular company, given the efforts that are being made elsewhere in the Northwest to deal with this problem.

Second, I hope we will not revert back to the form that unfortunately was all too often the case in dealing with appropriations bills, and particularly this appropriation bill, in the last session of this Congress, namely loading down this bill with ill-advised environmental riders that are a real invitation to legislative deadlock which we simply do not have time for this year in particular. I think it was a failed strategy both substantively and politically for the majority last year; it is not going to be any better this year.

Finally, on the fundamental issue of the merits of the Endangered Species Act, Mr. Chairman, some very, very conservative and thoughtful scientists who work on environmental issues in my district have put the question to me about whether human activity has already made such changes in the natural environment on this planet that it may be beyond recovery.

□ 1700

Their answer to that question is we do not know yet. I think when we have doubts about that fundamental issue of whether human interference with natural systems may have put our survival in jeopardy, the question ought to arise whether we opt for a default position of further exploiting natural resources, or we opt for a default position of being very conservative about natural resources, including species, which are indicators of overall environmental health.

As my friend and my predecessor in this job I think has very profoundly observed, "the economy is a wholly-owned subsidiary of the environment." We forget that at our literal peril.

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

Mr. SKAGGS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would again point out that there is a statement of the administration saying they strongly object to the language and provision concerning the designation of critical habitat to the endangered marbled murrelet on private lands in California. The provision adopted by the committee would adversely affect the administration's effort to achieve balanced implementation of the critical habitat designation for this species, and would set a dangerous and unsupportable precedent that would lead to costly and time-consuming litigation. I want the gentleman to know that the administration again strongly, as he knows, strongly opposes this rider.

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

Mr. SKAGGS. I yield to the gentleman from Wisconsin.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman from Colorado, the gentleman from Washington [Mr. DICKS] for his amendment, and the gentleman from Colorado [Mr. SKAGGS] for his statement.

The fact of the matter is, in this instance, this has been a longstanding problem. This new owner of this particular parcel of land knew when he bought this land what the laws were. This is not something that changed, in fact, during the course of his ownership. The interest here, of course, is a special interest amendment that is being offered to, in fact, increase the value of the land at the expense of the Endangered Species Act and at the expense of the laws of the land that we have.

Is the Endangered Species Act perfect? No. Can it be improved upon? Yes. In a generic sense, I think it could. But to do it on this basis, with riders on appropriation bills for special interests, is inappropriate. I think the fact is that that law serves us pretty well if we look at all the resolution that has gone on. But if we are going to open the door up to special interest amendments, then we are going to find a disrespect for the laws of this land. That is what has happened.

On the basis of anecdotal stories here, we have heard again about the spotted owl, about the marbled murrelet, on the basis of this. This is the rejection of science. This is not the acceptance of a sound science process on this House floor. It is rejecting the facts and putting in place the special interest. The hell with the facts, full speed ahead. That is what this amendment is: business as usual for the special interests. This amendment ought to be adopted and this measure pulled from this bill.

Mr. SKAGGS. I thank the gentleman for his comments. It is a good reason to support the gentleman's amendments.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I worked with the gentleman from Washington [Mr. DICKS] on national security and a lot of different areas. I know he is not mean-spirited and I know he does not mean this amendment in that direction, but let me describe how I feel the gentleman is wrong in it, at the same time he is right. I think there needs to be a balance. This particular amendment I do not feel is a balance. Let me explain why.

First of all, Mr. Chairman, I have never met, and I do not know the gentleman with this particular company that the gentleman is talking about, and I do not really care about him. I know there are a lot of jobs at stake with it, and I know in the State of California and in the State of Oregon and in the State of Washington there have been thousands of jobs lost. We look at the individuals that you are talking about and focusing on one gentleman.

The things that the Democrat Party strives for, education, law enforcement, and those things, 94 percent of that is paid out of State revenues. All of those jobs, with the defense cuts in California, does the gentleman know how many jobs we have lost to the spotted owl and the gnatcatcher with the farmers, and with the Central Valley water project with the salmon and the farmers? It cost us $4 million because a kit fox lived under a bridge and we could not continue in San Diego. Those are the things we are talking about.

In this particular case, Mr. Chairman, it is more than just the bird. I look at the cases in California, where we had people wanting to just doze around their house because in fire season, you know how bad it is. They could not. They were told no because it was gnatcatcher country. Do Members

know how many homes we lost? We lost 12 very valuable homes to people. Those are real people, I would say to the gentleman from Washington. In New Mexico, remember when the little boy was lost for 3 days and they would not let a helicopter land because it was a wilderness area?

That is wrong when we take private property and put it on a list, which we cannot pay for, and I think a more balanced way, and we have offered and I offered to help, and I think part of the new ESA is to have revenues where we can pay for these lands. But when we take a person's land, cannot pay for it, it goes on a list, and because of that it is devalued to 10 cents on the dollar, and the Government comes in and says I want to give you fair market value, that is wrong.

In this case, we are talking about real people. I do not care about the forestry people, but we have farmers, we have people who are going to lose their places, just like in all these other examples. I do believe that is wrong. Over 52 percent of California is owned by the Government. What is too much? In Idaho, I think it is somewhere close to 70 percent is owned by the Federal Government and set aside. There is a point to which, yes, we need to provide for the environment.

Mr. Chairman, first of all, I promised that I would yield to my friend, the gentleman from California, and then I will yield to the gentleman.

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

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

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding to me. I want to address my remarks to the gentleman from Washington [Mr. DICKS] who has repeatedly asserted throughout the debate tonight that somehow the largest of the 10 property owners who are affected by the marbled murrelet critical habitat designation, Pacific Lumber Co., which again happens to be the largest private employer in the largest county of my congressional district, although I know that does not count for a whole lot at times in our debates out here, but he has asserted that all they have to do is go down, see Fish and Wildlife, and get an incidental take permit under the Endangered Species Act, which would allow them then to selectively harvest in those areas where the murrelet has been detected.

The facts are as follows. By the way, I might add, I received a letter today. I know this may seem a little incredulous to some of you on the other side. I received a letter today. Pacific Lumber opposes the amendment, my amendment, which I offered in front of the Committee on Armed Services, because it believes it does not provide sufficient relief. They feel my amendment should have provided for just compensation for this regulatory taking.

Mr. Chairman, they go on and say: "Pacific Lumber has worked diligently, without success, with the appropriate government agencies for years in an effort to ensure some economic return on and value from its timberlands which are considered habitat. It has spent over 3 years and $2.5 million in this regard, including substantial efforts to create an acceptable habitat conservation plan. Weyerhauser and Plum Creek," very important timber constituents of the gentleman from Washington [Mr. DICKS] "are much differently situated land-wise and murrelet-wise than Pacific Lumber Co. Also, the government is working with Weyerhauser and Plum Creek to obtain an acceptable HCP or an acceptable land swap. This is very different from Pacific Lumber's experience. For example, the government has told Pacific Lumber that the only kind of permissible activities it would allow on its privately owned marbled murrelet habitat would be," from the Fish and Wildlife Service, "noncommercial mushroom picking, Christmas tree cutting, rock collecting, and recreational fishing." These are not viable alternatives and would do little to sustain the company, its employment base, and its tax base.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

(By unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

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

Mr. CUNNINGHAM. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding to me.

Mr. Chairman, I would again point out that the designation of critical habitat has very significant meaning on Federal land, but when critical habitat is designated on private land, all it means is if you have to get a Federal permit, they have to take into account that you have got a murrelelet population and habitat on this particular land, only if there is a Federal nexus.

Having said that, there is also a way to deal with the problem of the fact that you have murrelets on the land. That is to do a habitat conservation plan. When you do the habitat conservation plan, and I would take umbrage at what has just been said about this, the company involved here did not negotiate in good faith with the Fish and Wildlife Service. I have talked to the people that were there. They said they made it very clear when they came through the door that they were interested in filing a suit on taking, a constitutional taking, and they were never willing to negotiate.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 1 additional minute.)

Mr. RIGGS. Mr. Chairman, will the gentleman yield.

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

Mr. RIGGS. Mr. Chairman, I have to rebut this contention. I have to ask the gentleman from Washington [Mr. DICKS] if he has had any personal contact with top level officials of the Pacific Lumber Company.

Mr. DICKS. No, I have not. But I have had contact with the top level officials of the Fish and Wildlife Service.

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

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

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

We keep hearing about the magical, mystical HCP process. I guess if you own 400,000 acres in one block, it is much easier to come up with an HCP which will work, because you are allowed to rotate your cutting throughout the entire parcel.

Unfortunately for most small property owners, that is not an option. It is not available to you. You do not have the attorneys, you do not have the accountants, you do not have the biologists. You do not have the ability to adopt that kind of plan. I know the gentleman from Washington has worked very hard on HCP.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

(On request of Mr. POMBO, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

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

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

Mr. POMBO. I thank the gentleman for yielding.

Mr. Chairman, I have supported HCPs. As the gentleman is well aware, in my endangered species reform bill. We strengthened the HCP process so it would be capable of establishing HCPs that would actually work. My colleague, the gentleman from southern California [Mr. BROWN], was down here before and he talked about the HCP process they established in southern California, which was a very painful and very expensive process that took years to come up with, and has shown everything that was wrong with the current Endangered Species Act in terms of an HCP.

Again, the problem is not the major property owners. The problem is not the larger developers. The problem is the small people, the individual property owners that do not have the ability to do that.

Mr. DICKS. Mr. Chairman, if the gentleman from California [Mr. CUNNINGHAM] will continue to yield, the administration has made it very clear that for the small people, they are going to be able to come in and file something and be able to be exempted. What they are trying to do is get an HCP on the big companies.

Mr. POMBO. Mr. Chairman, reclaiming my time, one of the worst possible things we could do to the Endangered Species Act is put in some arbitrary things and say if you have 5 acres or less, you are exempted from that.

Again, in looking at the land patterns in northern California, the brown and the purple are publicly owned lands. They are either owned by the Federal or the State government. We can look at this and tell that there is an abundance of Federal- and State-owned lands, publicly owned lands. The gentleman keeps talking about the Headwaters Forest and the great redwoods. It should be pointed out that we also have the Redwood National Park just a few miles from there that is already federally owned and has fallen into disrepair, like most Federal land.

I would like to quote one thing from the Defenders of Wildlife again in their thing that they sent out on this. They said that unlike other sea birds with nests in the sand, the marbled murrelet nests in branches 150 feet above the pine needle forest, in the column of trees. This is the property we are talking about, the private property. You would have a heck of a time finding that type of habitat that they insist they need for this bird.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington [Mr. DICKS]. I think the provision added in full committee by the gentleman from California [Mr. RIGGS] ought to be stricken from this appropriations bill. I think it is a special interest rider. We have a private calendar for the relief of individuals. Perhaps that rider ought to move to the private calendar.

At any rate, I think we are ready to vote, Mr. Chairman. We have spent more than 2 hours in debating this amendment. I would hope that we are just about through with it so we can get on with the rest of the bill.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding to me, as I rise in support of the amendment offered by the gentleman from Washington [Mr. DICKS]. In the interests of the gentleman's admonition for us to move on, I will eliminate some of my statement, but I do wish, in deleting my statement, that we will delete the Riggs rider in the Interior appropriations bill.

The Headwaters Forest is very important, Mr. Chairman. It is home to the largest private growth of giant redwoods anywhere in the world, as well as home to the endangered marbled murrelet, as we have discussed. The critical habitat of the murrelet in the headwaters is an essential link between Redwood National Park and Humboldt Redwood State Park, where the murrelet also depends on old growth forest for survival.

A few points on this. The great redwoods are a symbol of California's, indeed America's, magnificent natural wonders. Many of the trees are thousands of years old. They existed when Hannibal crossed the Alps. People come from all over the world to view these giant redwoods, and some of the trees would require many people to completely encircle them. They are truly natural wonders of the world.

Mr. Chairman, I think this is important to the point that has been made earlier. Once, 2.1 million acres of dense coastal redwoods covered the coast from the Oregon border to Big Sur in California. Today, original redwood occupies only 3.9 percent, of this former range, and the 48,000 acres we are talking about today is a large part of that 3.9 percent. The ancient groves are interdependent and support numerous species.

The Riggs amendment is a giant step forward in undoing the Endangered Species Act. The Riggs rider reduces protection of the marbled murrelet in northern California, and amounts to an outright assault on the Endangered Species Act, with the exclusive goal of protecting a major special interest that will gain financially from this rider.

□ 1715

It sets a dangerous precedent for other species and for the Endangered Species Act by opening up areas once protected.

As the gentleman from Washington [Mr. DICKS] has stated, adequate recourse currently exists for private landowners to have their grievances about the Endangered Species Act and critical habitats addressed.

The appropriate place for an endangered species amendment is in the authorizing process as the gentleman from California [Mr. POMBO] has suggested he is pursuing. We have done enough damage to our old-growth and ancient forests without contributing further to their destruction.

The Riggs rider would put the murrelet firmly on the road to extinction. If every Member of Congress sought to restrict coverage of the Endangered Species Act or circumvent its intent on a piecemeal basis, the ark would sink.

The Dicks amendment places the public interest over individual economic gain. The marbled murrelet and the Headwaters Forest contribute greatly to the richness of our world and the natural heritage we will to future generations of Earth's inhabitants.

Vote for the Dicks amendment to strike the Riggs rider from the bill. A vote against the Riggs rider is a vote for jobs, environmentally sound jobs.

Mr. Chairman, I rise in support of the amendment offered by Mr. DICKS to delete the Riggs rider in the Interior appropriations bill.

The Headwaters Forest is home to the largest private grove of giant redwoods anywhere in the world as well as home to the endangered marbled murrelet. The critical habitat of the murrelet in headwaters is an essential link between Redwood National Park and Humboldt Redwood State Park where the murrelet also depends on old-growth forests for its survival.

These great redwoods are a symbol of California's indeed America's magnificent natural wonders—many of the trees are thousands of years old. These trees existed when Hannibal crossed the Alps. People come from all over the world to view these great redwood giants; some of the trees would require many people to completely encircle them. They are truly natural wonders of the world.

Once, 2.1 million acres of dense coastal redwoods covered the coast from the Oregon border to Big Sur in California. Today, original redwood occupies only 3.9 percent of this former range, according to field work and satellite mapping. And the 48,000 acres, last remaining redwoods make up a large part of that small percentage.

The ancient groves are interdependent and support numerous species, many of which are endangered. It is the collective nature of species and their habitat that determine their preservation and survival. Endangered species, once listed as endangered, should not be victims of actions that restrict their environment and further endanger their status in nature.

The marbled murrelet once numbered 60,000 in California and has been reduced to between 2,000 to 5,000 birds. The reduction in numbers is directly linked to intense commercial logging which has destroyed over 95 percent of the marbled murrelet's nesting areas.

The Riggs rider is a giant step toward undoing the Endangered Species Act. The Riggs rider reduces protection of the marbled murrelet in northern California and amounts to an outright assault on the Endangered Species Act with the exclusive goal of protecting a major special interest that will gain financially from this rider.

It sets a dangerous precedent for other species and for the Endangered Species Act by opening up areas, once protected, for timber harvesting. Under the bill, only 3,000 acres would be protected—the headwaters grove.

As Mr. DICKS has stated, adequate recourse currently exists for private landowners to have their grievances about endangered species in critical habitats addressed. Section 10 of the act allows landowners to enter into long-term agreements with the U.S. Fish and Wildlife Service through habitat conservation plans. These plans allow landowners to secure some certainty on the use of their private property

over a long-term, for as much as 100 years ahead.

Critical habitat primarily seeks to protect enough area for the species to expand its range and recover to healthy population levels. Critical habitat designation and enforcement are crucial to the recovery of every listed species.

The appropriate place for an endangered species amendment is in the authorizing process, not the appropriations process. We have done enough damage to our old-growth and ancient forests without contributing further to their destruction.

The Riggs rider would put the murrelet firmly on the road to extinction. If every Member of Congress sought to restrict coverage of the Endangered Species Act or circumvent its intent on a piecemeal basis, the ark would sink.

The Dicks amendment places the public interest over individual economic interest. The marbled murrelet and the Headwaters Forest contribute greatly to the richness of our world and the natural heritage we will to future generations of Earth's inhabitants.

The world is a poorer place for the loss of a species. Vote for the Dicks amendment to strike the Riggs rider from the bill.

A vote against the Riggs rider is a vote for jobs.

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

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

Mr. RIGGS. I appreciate the gentleman yielding. I just want to point out to my good friend from California and fellow member of the Committee on Appropriations again since she was present the other night and will recall the debate, the amendment specifically excludes the Headwaters Forest.

So I do not understand why those on that side insist on repeating this contention that it includes the Headwaters Forest when it clearly, by the language of the bill, excludes 3,000 acres of redwood forest commonly known as the Headwaters Grove located in Humboldt County, CA.

Ms. PELOSI. Mr. Chairman, if the gentleman will yield further, the gentleman's original amendment was even more destructive than the way it was amended in committee because indeed he did not exempt the Headwaters Forest, these 3,000 acres.

This perfecting amendment from the gentleman from Ohio [Mr. REGULA] in his good intention to protect some of the acreage simply did not go far enough. The 3,000 acres does not begin to cover the area that needs to be protected. But I am pleased the gentleman from California [Mr. RIGGS] is pointing out that his original amendment was even more drastic.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. YATES was allowed to proceed for 2 additional minutes.)

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

Mr. YATES. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would just like to commend the gentlewoman for her statement. Yes, 3,000 acres are protected but there is at least 33,000 additional acres that are not protected. The Fish and Wildlife Service says that in order to protect the murrelet in this area where you have got a lot of old growth, you have got to have some private property designated. Again, I point out that in the three States, they only designated 1 percent but that 1 percent is critical to the survival of the marbled murrelet in northern California. That is why they did it. They did it with great apprehension, frankly. Again, the answer here to my colleagues and the other private companies that have done this, get a habitat conservation plan. Negotiate it. The people in southern California did it. The people in northern Washington State are doing it. It is not that hard to do.

What this is is an exemption that is going to then have every company in the country coming to all the Members saying, "Why don't you get one for us." That is just not the way to do business.

The irony of all ironies is the gentleman from California [Mr. RIGGS] stating that Mr. Hurwitz is not satisfied with his amendment. If he is not satisfied with it, why is the gentleman offering it? Why does he not just withdraw it and accept my amendment?

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

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

Mr. RIGGS. The reason I am offering it, I will be very clear again, is that we are talking about 10 property owners, 4 different companies and 6 small ranches. That is why. And because the principle involved here is the fifth amendment of the Bill of Rights to the Constitution.

Mr. DICKS. If the gentleman will yield further, the Fish and Wildlife Service has told me, and I have talked to the people in that region, they will sit down with those people, the small landonwers, and work this out. They are willing to sit down with Mr. Hurwitz and work this out.

Mr. RIGGS. Does the gentleman have that in writing?

Mr. DICKS. I have been told by people whom I have known and worked with for many years and we have worked successfully on getting the Murray Pacific HCP, so why do we not do it the old-fashioned way, do it right, instead of having this legislative rider that is going to cause all the problems for the Members of Congress in our areas?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has again expired.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time for debating this amendment terminate in 10 minutes with the two gentlemen from California who are on their feet having spoken being given that full time.

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

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DICKS. I think a split of 10 minutes, 5 on each side; I will agree to that. They will agree to that.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and all amendments thereto be limited to 15 minutes, half on this side and half on that side.

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

Mr. RIGGS. Mr. Chairman, I reserve the right to object to simply point out that many of our colleagues have now come to the floor to participate in this debate and I think we owe it to them to give them the opportunity to express their personal views. So I would seek a unanimous-consent agreement, but I would propose that we make it a little bit longer than the timeframe of the unanimous consent.

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

Mr. RIGGS. I yield to the gentleman from Illinois.

Mr. YATES. Twenty minutes. We have already debated it over an hour, I might say.

Mr. DICKS. Two-and-a-half hours.

Mr. YATES. This is only the third amendment to this whole bill.

The CHAIRMAN. What is the time request on each side?

Mr. DICKS. Mr. Chairman, I ask unanimous consent that we have 20 minutes, 10 minutes on each side.

The CHAIRMAN. What is the unanimous-consent request from the gentleman from Illinois?

Mr. YATES. The request is that all debate terminate in 20 minutes, 10 minutes on each side.

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

Mr. RIGGS. Mr. Chairman, reserving the right to object, I yield under my reservation to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

I am inclined to support this, but I would like to ask, Mr. Chairman, if it would be possible for those Members who are seeking the opportunity to speak on this amendment, if they could stand, raise their hands so that there would be some indication as to whether or not we should proceed with this measure. Members who, I guess, have already taken their time would not be included, this would be Members who have not yet taken an opportunity.

It appears that there are several Members, Mr. Chairman, who wish to

speak on this, so I would propose to my dear friend from Illinois that we extend it to possibly 30 minutes total so that those Members who wish to speak would have the opportunity.

Mr. YATES. Mr. Chairman, I ask unanimous consent that the time for debate on this amendment and all amendments thereto be limited to 30 minutes, 15 minutes on each side.

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

Mr. RIGGS. Mr. Chairman, reserving the right to object, I do so to clarify that I would then control the 15 minutes of time in opposition to the Dicks amendment.

Mr. YATES. And the gentleman from Washington [Mr. DICKS] will be in charge of our time on our side.

Mr. RIGGS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the time for debate on this amendment and all amendments thereto will be limited to 30 minutes. The gentleman from California [Mr. RIGGS] and the gentleman from Washington [Mr. DICKS] each will control 15 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I yield 3 minutes to my good friend and northern California neighbor and colleague [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to the Dicks amendment.

Mr. Chairman, the listing of the marbled murrelet is the capstone of efforts by extreme environmentalists to lock up private property in northern California. This small bird, which environmentalists claim is on the verge of extinction, actually has a habitat range that stretches all the way from California through Canada and into Alaska, where literally hundreds of thousands of murrelets can be found.

The thrust of the movement and this amendment is to move the battle to stop timber harvests from Federal to private property. Over 4 million acres of murrelet habitat already has been designated in Washington, Oregon, and northern California; 3.9 million of these acres are on Federal land.

Less than 1 percent of the critical habitat, approximately 48,000 acres, is located on private land. Seventy percent of this private property is owned by one property owner. This one property owner will have 33,000 acres of land locked up by an uncompensated taking unless this Congress has the courage to stop it.

Mr. Chairman, 3.9 million acres of critical habitat for a bird that thrives by the hundreds of thousands in Alaska through northern California. We do not need to confiscate 33,000 acres of private property to save the marbled murrelet.

Unfortunately, the extreme environmentalists do not see it that way. Extremist juggernauts like the Sierra Club have already declared open war on Federal timber harvests. Now they are setting their sights on private timber interests. Their work will not be done until every square inch of forest in North America has been converted to a park.

Mr. Chairman, every private property owner in the United States should pay close attention to this vote. Today, extremist policies are taking property from a northern Californian. Tomorrow, it might be a Georgian or a Floridian or even someone in New York or New Jersey who will lose their property rights for the sake of furthering an extreme environmental agenda.

Mr. Chairman, I urge my colleagues, especially those who champion private property rights, to stand up for the millions of private property owners in our country, to oppose policies that systematically rob Americans of their rights of self-determination, and to reject the extreme environmentalist agenda by opposing the Dicks amendment.

(By unanimous consent, Mr. REGULA was allowed to speak out of order.)

EVENING SCHEDULE

Mr. REGULA. Mr. Chairman, I want to let Members know what we have in mind. That is, there is about 25 minutes left on this amendment, and then there will be a vote. Then we have two amendments that will be offered that will be accepted by the ranking minority member and myself, and we will voice vote those. Then it would be our intent to roll votes after that for a rather sustained period.

This will allow people to have some idea of what is planned for the rest of the evening. We do hope to finish this bill tonight, and I think we can, if everybody works at it.

Mr. DICKS. Mr. Chairman, I yield myself 5 minutes.

The Chairman, first of all I am a little disappointed in the hysteria that I have been hearing about what this all means. I want to read again, so that all my colleagues have an understanding objectively, with passions lowered, what this means.

The Fish and Wildlife Service only designated non-Federal lands as critical habitat where Federal lands are limited or nonexistent where non-Federal lands are essential for maintaining marbled murrelet populations and nesting habitat. The U.S. Fish and Wildlife Service recovery plan stated that suitable nesting habitat on Pacific Lumber Co. lands in Humboldt County, CA, is the only available nesting habitat for the southern portion of zone four. This area has known nest sites and is situated in a key area close to the coast, with no Federal lands in the immediate area that are able to provide similar recovery distributions.

It is imperative to protect murrelet habitat on corporate forest lands in northern California because these lands provide a biological link to the murrelet populations between the Redwood National Park to the north and the State redwood parks to the south. Contrary to the assertion of the gentleman from California [Mr. RIGGS] that critical habitat designation amounts to a condemnation or taking of private land, the Fish and Wildlife Service action does not specifically prohibit logging or any other type of land use on those properties.

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

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

Mr. RIGGS. Does the gentleman's letter that he is reading from now make any mention of the nine other property owners who are affected by the marbled murrelet designation?

Mr. DICKS. The same remedies exist for them.

Mr. RIGGS. Does the gentleman's letter make any mention of those nine?

Mr. DICKS. Mr. Chairman, reclaiming my time, as I said to the gentleman, the other people that are affected besides your major company can go to the Fish and Wildlife Service and can get a habitat conservation plan. The Fish and Wildlife Service has said it is going to work with smaller landowners.

The most important areas, as the gentleman has mentioned, are the headwaters areas. The problem we have got here is that there is a legal and proper way to proceed. That is getting a multispecies HCP. What the gentleman is doing today with his amendment that was adopted in the full committee is trying to short-circuit the process.

I would again say to the gentleman, why is it that Plum Creek, Weyerhaeuser, Simpson and the Murray Pacific Co. are all able to negotiate with the Fish and Wildlife Service, and yet Mr. Hurwitz and Pacific Lumber are not?

□ 1730

It is because this gentleman is not interested seriously in reaching an agreement which would give him 100 years of certainty and the ability to log on his land. Now, we can work out the problems of the other small landowners.

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

Mr. DICKS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman from Washington yielding to me.

Mr. Chairman, the fact is that the Fish and Wildlife Service, under the Clinton administration, has actually made a commitment to exempt small landowners.

When we hear the discussion about landowners, the only reason this amendment has any effect in this bill is because of the large landowner exemption. This is a single-interest, special-interest exemption to this particular issue.

Mr. Chairman, I want to ask the gentleman from Washington [Mr. DICKS] this. I heard some suggestion that there was some modification to the fifth amendment to the Constitution in this particular amendment. Now, the gentleman from California, our friend and colleague, and the gentleman from Washington, neither of my colleagues have amended the fifth amendment to the Constitution in this appropriation bill; have they?

Mr. DICKS. Reclaiming my time, even in the Committee on Appropriations, we are not that brazen, I would assure my friend from Minnesota.

Mr. Chairman, the point is here, there is not a taking, because the company can come in, they can get a habitat conservation plan. They can work out this problem with the Fish and Wildlife Service. They do not need to be exempted.

Mr. VENTO. Mr. Chairman, if the gentleman would yield to me further on this point of taking, there was an earlier court decision in this term of Congress.

Mr. DICKS. Sweet Home, Mr. Chairman.

Mr. VENTO. The Sweet Home decision. And it was suggested that this activity by the Fish and Wildlife Service constituted, that was the assertion, that it constituted a taking. The Supreme Court rejected that particular logic.

Mr. Chairman, I would just suggest to my colleagues that in fact we are in an era where we have this new information and knowledge. It obviously is difficult for some of us to come to grips with it. It means new limits and complications in the world of work and in the world of commerce. But the fact is it has the same logic as if water ran through your land that you did not have any responsibility to anyone as to where the water came from or what you did to it while it was on your land or the air quality issue. The same is true with these habitat areas that have these important species. Obviously they affect all of us. They affect the entire fauna and flora in these ecosystems that are critical, and that is why we have laws in place, because of the foresight of others that addressed those issues with sound science and economics.

Mr. RIGGS. Mr. Chairman, I yield myself 1 minute to point out, first of all, that under this administration we have seen a gradual erosion of private property rights. Many of us from the West, of course, vividly recall the broken promises of this administration, beginning with the Pacific Forest Conference, or whatever it was called, which has resulted in literally thousands of timber workers being unemployed today and on food stamps.

Mr. Chairman, I want to make one other point. The gentleman from Washington [Mr. DICKS] has repeatedly asserted that there is no other suitable murrelet habitat in the vicinity of these 37,000 acres. He has repeatedly asserted that, but in the immediate vicinity are 693,000 acres of publicly owned land which has also been designated as critical habitat for the marbled murrelet.

How many times do I have to repeat these statistics: 477,300 acres on Federal land and 175,000 acres on State land. That is not, that is not a lack of critical habitat in the immediate vicinity for the marbled murrelet.

Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me the time, and I want to respond to the comments of my friend from Washington, and he is my friend, on this issue. The gentleman from Washington [Mr. DICKS] has stated that it is all that a landowner has to do, is go in and get an HCP. Well, that cost of those timber companies who did that in my State hundreds of thousands of dollars to get that HCP. It is not that easy, in my judgment. They did it with great sacrifice, great time delays, and at a great cost of their corporate dollars, and that is very real.

It is easy for us to stand here in this body and talk about, well, just go get an HCP or just go down and negotiate with the Fish and Wildlife Service. That is not that easy in today's world. That is one of the problems that I think small owners, landowners face, first.

Second, I received a letter from the Farm Bureau. Now, I represent the eastern district of Washington, lots of farmers, lots of small farmers. This is what they said about this amendment of the gentleman from California [Mr. RIGGS] and this provision in the appropriations bill. The Farm Bureau supports this private property rights provision and urges its retention in the bill. The provision sets a valuable precedent that it is wrong for the Government to impose regulations that prohibit private landowners from harvesting a crop.

Third, I think all this debate really emphasizes is that we have got an Endangered Species Act in this country that needs very, very serious attention. We have ambiguities in the law that was passed in 1973. We are fighting this out today, this discussion between private property rights and the public interest in protecting critical habitat and protecting endangered species. They are both very, very important.

But I think what we really ought to be doing instead of fighting this debate on this amendment is addressing the issue, the greater issue of reforming the Endangered Species Act to make it work so that small landowners and private property rights and big companies and birds and fish and animals can coexist. I think they can, and I think we ought to really direct our attention to that effort.

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

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

Mr. RIGGS. The gentleman from Washington [Mr. DICKS] has repeatedly asserted throughout the day that the Endangered Species Act is working well in the State of Washington. The gentleman from Washington [Mr. NETHERCUTT] also represents a congressional district. Is it your opinion that the Endangered Species Act is working well in the State of Washington today?

Mr. NETHERCUTT. Reclaiming my time, I think we are frustrated in our State, whether it is the gentleman's district or mine. We are frustrated trying to make it work. Again, I want to make the point, it should work. We need to protect species. We need to protect private property rights. But under the current laws, we are all frustrated and it is costing everybody a fortune to make it work.

Mr. DICKS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I would say to my friend from Washington, and he is my friend, that habitat conservation plans are a voluntary thing. A company like Murray Pacific, my good friend Toby Murray from Tacoma, WA, worked hard with my office, the Fish and Wildlife Service, everyone over an extended period of time to negotiate out a habitat conservation plan. I was there the day that that plan was approved. Toby Murray got up, conservative Republican, a business guy, solid as anyone. You would love him on your side of the aisle, and we would love him on our side of the aisle. He is providing good jobs for people.

He said this was the proudest thing that he had ever done, to be able to sit down with the Federal officials and to work out an agreement that would allow him on his private lands to protect salmon, to protect murrelets, to protect owls, to protect species, and yet still be able to do harvesting for the next 100 years. That is a win-win. Now, that is not an Endangered Species Act that is broken. That is an Endangered Species Act that is working.

I applaud this administration. I have opposed them on many things, and I think sometimes that they are, you know, too zealous. But in this area, they have been willing to sit down with the private sector, roll up their sleeves and come up with these habitat conservation plans. That is why I object to this approach, while all of my companies up there are doing it the right

way, the way that the law lays out to do it, and they are succeeding.

Plum Creek is going to be next, then Weyerhaeuser and the State of Washington. Then if we can get this protection with the Federal option nine at the core, we protect the major Federal lands, the big landowners, then we can exempt most of the little landowners that both the gentleman from California [Mr. RIGGS] and I are both concerned about. They can be exempted because we will protect enough species on the Federal lands and on the major private landowners and the State lands to let the little people off without any requirements whatsoever. That is my goal.

Mr. Chairman, I am willing to work with the majority side in strengthening the habitat conservation provisions of the Endangered Species Act. But let us not go down the road of an exemption for one company that was taken in a hostile takeover, who comes here and asks for legislation and now they are not even satisfied with what the gentleman from California, [Mr. RIGGS] is trying to do for him. I think this is a terrible precedent.

We are all going to regret the day we do this. The administration says it will veto the bill over this. We have got a lawful way to proceed. We do not need to do this. This is a terrible mistake and we will rue the day that we did not protect the murrelet, did not protect the old growth redwood, and that we did not protect the Endangered Species Act.

I thought this was going to be the new majority now that we are going to look at environmental things in a little more responsible way, and that is why I was so upset by the comments that were made by the gentleman from Alaska [Mr. YOUNG], when he said flat out, as chairman of your Committee on Resources, that he does not support the Endangered Species Act.

I think we have got to sit here and say to ourselves, how can we say that? If biodiversity is not important, if protecting species is not important, even some of the most conservative Christians today in the church movement were standing up and defending the necessity to protect God's creatures. I say to the gentleman that protecting species is a responsibility of this Congress, and protecting the Endangered Species Act is the tool to do it.

Can we improve it? Yes. But to come in here today for one company and try to pass a social exemption is wrong, and the gentleman from California [Mr. MILLER] said it better than I can say it, but it is not the right way to proceed. If we want to change the ESA, let us go to the authorizing committee and change it. Let us not do it here in an amendment that has had no hearings, no process, no procedure. It is simply wrong.

The CHAIRMAN. The Chair would advise that the gentleman from Washington [Mr. DICKS], has 6 minutes remaining, and the gentleman from California [Mr. RIGGS], has 8½ minutes remaining.

Mr. RIGGS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I say to the gentleman, suppose Pacific Lumber Co. jumped through all the hoops to get a habitat conservation plan, spent the hundreds of thousands of dollars and took the months or years to accomplish it. Do we have information that suggests what activities they might be permitted to carry out on their land, having spent the hundreds of thousands of dollars and the months to obtain such a plan?

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

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

Mr. RIGGS. Mr. Chairman, let me say again for the RECORD that Pacific Lumber Company was told by the Federal Government, quote, that the only kind of permissible activities it will allow on its privately owned marbled murrelet habitat would be noncommercial mushroom picking, christmas tree cutting, rock collecting and recreational fishing.

Mr. DOOLITTLE. And that is reasonable.

Mr. RIGGS. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. DREIER] my very good friend and a distinguished member of the Committee on Rules and the Chairman of the Legislative Task Force.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding me the time, and since he mentioned I am on the Committee on Rules, it is great to see this marvelous testimony to the open amendment process we have gone through for the past several hours. Everyone is cheering for it, I can tell.

Mr. Chairman, let me say that as we look at this measure, I believe that what we have come to is actually a compromise. We continue to hear the terms veto bait and this is a special interest measure, but it is a bipartisan compromise. It includes the support of the Chairman of the Joint Committee on Fisheries and Aquaculture, a Democrat from the California State legislature who has spent time looking at this, and Chairman Hauser has concluded that the Riggs language is very appropriate.

It also enjoys the support of the inclusion of an amendment by the chairman of the subcommittee, who obviously dealt with this Headwaters question which continues to come to the forefront time and time again, and it is excluded. Mr. RIGGS has made that point very, very clear. But very, very important is the fact that this addresses the issue of private property rights while it is also looking at the environmental concerns, which my friend from Washington has just raised.

Mr. Chairman, I submit for the RECORD letters that have come from people who are actually witnessing this debate: Mary and Jack Walsh, who are property owners whose land was pictured here on the easel earlier, and people like Martin and Donna Gift, who I know are very interested in this debate and in fact are being victimized if we do proceed with this. Also a very thoughtful handwritten letter. It is handwritten, so I cannot read exactly. Donmarie Paddock-Bowers.

The letters referred to are as follows:

JACK WALSH, M.D.,
Eureka, CA, June 14, 1996.

DEAR CONGRESSMAN RIGGS: I am writing you in regards to the Marbled Murrelet Critical Habitat Designation which is currently impacting our family's property just north of Fortuna, California.

My wife Mary and I purchased this previously clear cut property in 1953 when the second growth market was just coming into its own. We never dreamed that we would see it logged in our lifetime. This summer, our son Pat, will have completed his ninth year of selective logging on a sustained yield basis. We are all very proud of our logging operation.

The property (880 acres), is completely surrounded by other second growth stands. Why we were arbitrarily placed in this Habitat Designation, without any input from our family or forester is beyond our imagination. (see aerial photos)

Just October, our forester, Ron Hunt wrote a detailed letter to Russell Peterson, State Supervisor of Fish and Wildlife in Portland, Oregon. He requested that our property be removed from Habitat Designation for obvious reasons. (no existing habitat) Several follow up inquiries were put off by the Fish and Wildlife Service. We have yet to hear any logical explanation as to why we were placed in the Habitat Designation. (see Ron Hunt's letter).

The arrogance of the Fish and Wildlife Service to arbitrarily begin drawing maps which impact our property, we feel is completely unjust. We have more than enough regulations to overcome in an attempt to properly care for our forest. We hope you can help us.

Sincerely,

DR. AND MRS. JACK WALSH.

GIFT RANCH,
Kneeland, CA, June 14, 1996.

Hon. FRANK RIGGS,
1st District, California,
Eureka, CA.

DEAR CONGRESSMAN RIGGS: I, along with my son Todd, am the current owner and manager of the Gift Ranch in Humboldt County, California. A significant portion of our ranch, 510 acres of grassland, brushland, and timberland have been included within the United States Fish and Wildlife Service (USFWS) marbled murrelet's "so called critical habitate". This arbitrary designation of our property will cause a great financial burden upon our families.

This ranch has been owned and managed by the Gift family for four (4) generations. We have been good stewards of this land and the land has rewarded us with a reasonable living. Currently, the ranch supports me, my wife, my son Todd, his wife, and his three young children.

Recently we, at considerable expense, obtained a long term timber management permit from the State of California. This contract with the state obligates us to grow our

timber on a "sustained yield" basis. It requires that we do only selective logging and maintain existing wildlife habitate. One of the requirements of this permit was an extensive, and I mean extensive, wildlife review. Among the wildlife habitate reviewed was the marbled murrelet. Both public and private biologists agreed that due to the extensive grassland, hardwood areas, and young growth forestlands that our ranch was not murrelet habitate. Nowhere on this ranch is the type of old growth forests that are reported to be essential for murrelet habitate.

This appears to be another example of heavy handed government "taking" of private property with little or no justification. At least the government could have explained to us why my son's house and the 100 or so acres of grass and oak woodlands is so critical to the survival of the marbled murrelet which is a sea bird that nests in dense old growth forests near the Pacific Ocean, not 20 or so air miles away on a hot open south facing slope.

This designation will not allow us to harvest the timber (no matter how conservatively) that we need to supplement our livestock operations. With severely depressed livestock prices the managing of our timber resources is critical to our existence.

Every generation of Gifts have added assets to this ranch. These assets are usually in the form of innovative stewardship and/or acreage to the property. It seems odd that the government with its vast holdings and seemly unlimited resources must take land from the private individual non industrial landowner to provide "so called" habitate for the marbled murrelet and/or any other "so called" endangered species.

Sincerely,

MARTIN GIFT.

JUNE 14, 1996.

Congressman RIGGS,
Washington, D.C.

My name is Donnavie Paddock Bowers, I am 55 yrs old. My husbands name is Ben Bowers, he is 58 years old. We are living on what's left of my family's sheep and cattle ranch. Visualize a small ranch (440 acres) half wooded and half prairie, this is a small ranch—too small in our county to make a living on, so my husband has a job off the ranch to make ends meet. My parents had 2,500 acres originally and sold most of it off to retire, and kept enough of the ranch to run, to supplement their retirement which is what we had planned to do when Ben retires.

I am disabled and in a wheelchair, I have been diagnosed with 2 diseases, "M.S." and "Late Lyme Disease" both of which are incurable diseases at this time. So we have large medical bills.

We are very concerned (half of our property 220 acres) has been put into the "Marbled Murelet Habitat" as seen on page #412, 413, and page #414. We feel that we will be so restricted over time that we won't be able to graze our cattle on our own land, and won't have this extra income that we desperately need to live on. This property is in my blood—"I love it". It makes me ill to think it could be taken away from us. Why this "marbled murrelet habitat" bill or some other bills that could come up in the future. I have been fighting for the past 5 years to keep our ranch (part or all of it) from being included into the "Headwaters Forest". We can't get rich running this ranch, but do need the extra income.

Because of my disabilities I have to run the ranch from my wheel chair and my wheel chair accessible van. If we are forced off of our property at our ages and health we wouldn't be able to start over! But the biggest concern is losing my heritage which can't be replaced at any price! My family has been on this land for 113 years. I thank God every morning that I can live on this land that previous generations of my family lived here before me.

A few miles from house most of my relatives are buried, including Mom & Dad.

Please protect our personal & property rights. We voted for you to look out for us when you went to Wash., D.C., Please help us now.

I want to continue running this ranch from my wheel chair with my trusty dog named "Teal" at my side.

Thank you,

DONNARIE, PADDOCK-BOWERS.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 17, 1996.

LEADING CALIFORNIA DEMOCRAT AGREES—
THIS HABITAT IS NOT FOR THE BIRDS!

DEAR COLLEAGUE: Later this week, you may be asked to vote on a provision now included in the Interior Appropriations bill that excludes 37 thousand acres of private land from the 3.9 million-acre critical habitat designation for the marbled murrelet. The murrelet is a small bird that sometimes nests in old-growth redwoods. Why then, did the Interior Department include 501 acres of land belonging to my constituent, Martin Gift, that is largely prairie, as well as other, similar private land? As you can see from the letter that follows, Democratic Assemblyman Dan Hauser, Chairman of the California Legislature's Joint Committee on Fisheries and Aquaculture, agrees that the designation is wrong.

If you favor protection of private property from government action that reduces value without compensation, then vote "No" on any amendment to delete the habitat limitation.

Sincerely yours,

FRANK D. RIGGS.

CALIFORNIA LEGISLATURE, JOINT COMMITTEE ON FISHERIES AND AQUACULTURE,
Sacramento, CA, June 17, 1996.

Hon. FRANK RIGGS,
Capitol Hill

DEAR CONGRESSMAN RIGGS: Mary Morgan of my staff has personally toured Martin Gift's ranch. This ranch has been in the family for four generations. It is my understanding that a measure is pending that would declare approximately 500 acres of their ranch as critical habitat. Their ranch is part of the 3.9 million acre designation for critical habitat that is included in the Interior appropriation bill for 1997.

I question the methodology that could have allowed this portion of their ranch to be included in this critical habitat designation. Scientists have never walked over this land or studied this land from the land. Aerial photos are not as accurate as land surveys. According to my staff person, clearly, almost one-half of this acreage is bare grassy prairie which is good grazing pasture. What tree would a marbled murrelet or spotted owl live in on the bare grassy prairie? On the remaining acreage, that is included in this critical habitat designation, there is some fir, very little redwood, some oak and pepperwood.

At the very least, their ranch should be deleted from the critical habitat designation. Moreover, given the shaky methodology that included their land, may be the best alternative is to exclude private land from this critical habitat designation?

Thank you for your thoughtful and timely consideration of this request.

Sincerely,

DAN HAUSER.

It seems to me that as we look at these very touching statements that have been made by these individuals whose rights are being jeopardized, if we pass this amendment by the gentleman from Washington, [Mr. DICKS], we have no choice other than to support private property rights, responsible environmental concerns, and we should move ahead and do this immediately.

□ 1745

Mr. DICKS. Mr. Chairman, I yield myself one minute.

Mr. Chairman, again, let us just talk a little bit about Pacific Lumber Co. Pacific Lumber Co. was once an outstanding practitioner of sustainable forestry. In 1985, Charles Hurwitz' Houston based holding company Maxim Corporation orchestrated a hostile takeover of Pacific Lumber using junk bonds financed by the notorious Michael Milken and his firm, Drexel, Burnham, Lambert. Almost immediately after the take over, Hurwitz raided the PALCO employees' pension fund and practically tripled the rate of cutting redwoods to pay off the loans and junk bonds used to finance the takeover. In justification of his actions, Hurwitz was quoted by Time Magazine as telling his new employees, "There is the story of the golden rule: He who has the gold rules."

Now, this seems to me not to be a company that deserves our help here today.

Mr. Chairman, I yield 4 minutes to my friend, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I think the gentleman makes an important point. There is in fact a right way to do business and a wrong way to do business.

My family, interestingly enough, logged in this area and logged for this company and settled in this area in the 1840's and taught school and were workers in the mills in Eureka and Scotia and that whole surrounding area for many, many years, before they moved down to the San Francisco Bay area. Our family is legend with the culture of the woods and what it meant to work in those woods, and it is a very important part of our state.

As the gentleman pointed out, at one time this was a company that people pointed to with great pride, not only because it took very good care of its resources, but because its schedule of cutting was based essentially on sustainable forestry before we knew the term here in the Halls of Congress.

But all of that changed one day when this company was subject to a leveraged buyout and the bottom line and interest rates took precedence over the workers, over the forest resources, and, unfortunately, also over the laws of this Nation that are there to protect workers, protect pension plans, protect labor rights, and to protect the futures of those families. That is long and legendary, and we have had some heated debate about that today.

But the fact of the matter is as we close this debate, this House of Representatives cannot be used in this fashion, because this is deciding simply you no longer want to play by the rules, as does every other company in California and the Pacific Northwest and many other areas of our country, as they struggle with endangered species.

Rather than try and reform that legislation, all that we have had so far is these extreme proposals that say "you can't kill the species, but you can destroy the habitat." These extreme proposals that have caused Speaker GINGRICH now to announce that the Endangered Species Act changes are dead for this year, they will not be passed.

So now we are back with this kind of extreme proposal, that says simply you get yourself a lobbyist, you get yourself a lawyer, and you opt out of the system.

We really cannot present to the American people that that is the way you do business, because there are a lot of businesses in my area, there are a lot of home builders in my area, there are a lot of land developers in my area, that are struggling to put together habitat conservation areas. That is the way they do business. They will be able to build fewer homes or in different places or use parts of land and not other parts of land, because that is what they are required to do to present compatibility with the species and with the protection of our environment. That is the way those people are doing business.

They do not all get to run to the Congress and say "Take us out." If this is about endangered species and this is about reform, we can talk about reform. What we were not able to talk about in the last session was the gutting of the Endangered Species Act.

We should not allow Mr. Hurwitz and Pacific Lumber Company to unilaterally, only for his purpose, to gut the Endangered Species Act. That is what this amendment does, for one particular party, for one particular purpose, that has been unable, unable, to decide to play by the rules and to obey the law.

I want to thank the gentleman very much for offering this amendment.

The CHAIRMAN. The gentleman from Washington [Mr. DICKS] has 1 minute remaining, and the gentleman from California [Mr. RIGGS] has 5½ minutes and has the right to close.

Mr. DICKS. Mr. Chairman, it is my amendment.

The CHAIRMAN. The gentleman from California is a member of the committee.

Mr. DICKS. Mr. Chairman, I am a member of the committee and I am a senior member of the committee. I have the right to close.

The CHAIRMAN. The gentleman from California [Mr. RIGGS] has the right to close, because he represents the committee position and is a member of the committee.

Mr. RIGGS. Mr. Chairman, I yield myself 30 seconds, simply to point out that Pacific Lumber Co., as I mentioned earlier, has grown from 950 employees in 1986 at the time of the merger to 1,600 employees as of last month, and over the past 10 years, this is no cut and run operation. I would say to the gentleman from Minnesota [Mr. VENTO], over the last 10 years the company has invested over $125 million in capital improvements and additions to equipment and machinery. It has purchased two sawmills, invested in additional timber lands, and has invested heavily in modernizing its facilities.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, I think everybody in this Chamber agrees we should not carelessly cause the extinction of animal or plant species. Unfortunately, this amendment, our current policy, makes it harder to save endangered species. I think it is important to realize that just because something is called an Endangered Species Act, it is not automatically effective in saving endangered species. In fact, over the last 20 years, that act has not been credited with saving a single endangered species.

Now, the reason is the act creates the wrong incentives. The most effective way to preserve a threatened species——

Mr. DICKS. Has the gentleman heard of the bald eagle?

Mr. SMITH of Michigan. The bald eagle was by DDT.

Mr. DICKS. The DDT did not save it. The Endangered Species Act saved it.

Mr. RIGGS. Mr. Chairman, reclaiming my time, the most effective way to preserve threatened species is by improving and expanding their habitat. One might expect that an endangered species law would reward people for creating habitat. It does not do that.

For example, it could pay people who establish breeding grounds for the spotted owl or the marbled murrelet. We do not do that. Instead, we punish those who happen to have endangered species on their property. It is the wrong way to go about it. It benefits all of society. We should not impose on small property owners the imposition that does us all good. We need to change our policy. It is not a good amendment.

Mr. RIGGS. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. POMBO], cochairman of the Speaker's task force on the environment.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, yes, it is true that this debate really is not about the Endangered Species Act. I wish we were debating the Endangered Species Act on this floor today, but we are not. We are debating about whether or not we should protect the private property rights of these few people.

What it really comes down to is that, yes, the gentleman from Washington [Mr. DICKS] is correct about one thing. When your property is designated as critical habitat, and it is private property, it is not immediately affected under the law, unless you want to use it. If you want to use it for anything, you have to go to the Federal Government to get permission to use it.

Mr. DICKS. Only if you want to take a species.

Mr. POMBO. If you want to use your property, you have to go to the Federal Government and get permission to use your property, or risk being taken under the Endangered Species Act and being prosecuted for taking an endangered species. You must go to the Federal Government to use your property.

So, fine. You do not have to go to the Federal Government, unless you want to use your property.

Now, under the marbled murrelet critical habitat listing it says they need 150-foot-tall trees. This is part of the private property that was so necessary to include under the Endangered Species Act to protect the threatened marbled murrelet, this property right here. You can tell that it is not a forest, it is not populated with 150-foot-high trees, and yet they insist that it must be protected. This is about private property rights. That is what this debate is all about, and that is what we must protect.

Mr. DICKS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would ask my colleagues to support this amendment. The gentleman before said they cannot use the property. They can go in, they can get an incidental take permit; small companies are regularly exempted by this administration. The story here today is whether we are going to allow a special interest amendment to exempt one company from having to go through the lawful pattern that every other company is going through. The question is about the survival of the marbled murrelet in northern California. It is about protecting old growth redwood forests. The recovery plan of the forests of the Fish and Wildlife Service says that this habitat is critical.

Now, think of it: In three States we only designated 48,000 acres, most of which are Pacific Lumber. I think it is wrong to give them an exemption. I urge my colleagues to support the Endangered Species Act, to support the environment.

Now, this will probably be one of the most important environmental votes of the year. The administration has said that they will veto this bill if this rider is not taken out. Let us not mess up the Interior appropriations bill.

The CHAIRMAN. The gentleman from California [Mr. RIGGS] is recognized for 2 minutes to close.

Mr. RIGGS. Mr. Chairman, after much debate we finally found a point to agree on. This is probably the most important private property rights vote that we will have in the 104th Congress, and that is what this is about. Since 99 percent of the designated habitat is unchanged in my amendment.

Mr. DICKS. I said environmental vote.

Mr. RIGGS. This is not an endangered species debate. Instead, it is about the core differences here between those who seek to protect the rights of private property owners, including some longtime ranch families, and those who have little concern about government regulatory takings of property without compensation.

So that is what this debate is about. Let us put an end to the taking. Let us keep our promises. Let us not betray rural America. If you were one of the 277 Members of this body who back on March 3, 1995, voted for the Private Property Protection Act, I urge you, I implore you, to reject the Dicks amendment, his motion to strike, and to stand firm for private property rights, stand firm for the small ranch families and rural America.

Mr. BROWN of California. Mr. Chairman, I rise in strong support of the Dicks amendment to strike language added to the Interior appropriations bill which will allow the Pacific Lumber Co. to circumvent the Endangered Species Act on most of the land contained in the Headwaters Forest. This provision which was added by the gentleman from California [Mr. RIGGS], would prohibit the Department of the Interior from enforcing the designation of critical habitat for the marbled murrelet on lands exclusively within his district.

The Headwaters Forest is the largest remaining privately owned old growth redwood forest in the world. It hosts numerous species, including the murrelet and the coho salmon. Now Congress is planning to provide a special exemption for Pacific Lumber—a company that has demonstrated reckless logging practices within the Headwaters Forest.

For over 100 years Pacific Lumber was owned by a company that operated under model sustainable logging practices. Well, as many of my colleagues know, in 1986, Charles Hurwitz orchestrated a hostile takeover of the Pacific Lumber Co., primarily through junk bonds. In the wake of the takeover, Hurwitz's United Savings Association of Texas failed, costing the taxpayers $1.6 billion. It was the sixth largest savings and loan failure in U.S. history. Currently there are FDIC and OTS suits pending against Mr. Hurwitz and Maxxam Corp., which owns Pacific Lumber.

Pacific Lumber furiously increased the rate of logging in the Headwaters Forest, tripling the logging of redwood, especially old growth trees. After nearly exhausting the resources of this forest and facing numerous lawsuits and court orders to half its destructive practices, Pacific Lumber laid off 105 workers.

The Fish and Wildlife Service recently designated lands as critical habitat for the marbled murrelet, and only one percent is privately owned. Only those lands that contain individual mature or old growth trees with occupied or potential nesting sites are included. Critical habitat is essential to protect enough area for the species to expand its range and recover to healthy population levels. A lengthy review and public comment period preceded the designation of the critical habitat. Based on that public comment, the boundaries were reduced from the 1995 proposal.

Through this provision, the Pacific Lumber Company is merely trying to circumvent a federal court order that halted logging in crucial sections of the habitat until a sufficient Habitat Conservation Plan has been completed. While I understand the concerns of the gentleman from California, I feel this exemption is irresponsible, and completely lacking any scientific justification, and I urge my colleagues to eliminate it by passing the Dicks amendment.

Mr. Chairman, I rise in strong support of the Dicks amendment. Since the start of the 104th Congress, the Republican majority has consistently attempted to ignore the nation's existing environmental protections. In this particular instance the Republicans would like to prohibit the Fish and Wildlife Service from enforcing critical habitat protections for the marbled murrelet in the state of California.

For those of you who are unaware, the marbled murrelet is an endangered seabird that nests in old-growth forests. In order to protect these endangered birds, the Fish and Wildlife Service recently designated roughly 4.5 million acres of forest in California, Washington, and Oregon as critical habitat areas. Yet, rather than encourage private industries to comply with these protections and enter into a multi-species habitat conservation plan, the bill before us today would exempt these companies in California from complying with these standards.

In addition to harming the Nation's efforts to protect these endangered birds, exempting Californians from these standards will undermine efforts in my own state of Washington to have owners of critical habitat areas enter into multi-species habitat conservation plans of their own. The Dicks amendment would strike these environmentally dangerous provisions. I would hope that the House supports his efforts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 164, not voting 13, as follows:

AYES—257

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Campbell
Cardin
Castle
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Davis
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Goss
Green (TX)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Hutchinson
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pomeroy
Portman
Poshard
Pryce
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tate

Thompson	Volkmer	Williams
Thornton	Walsh	Wilson
Thurman	Ward	Wise
Torkildsen	Waters	Wolf
Torres	Watt (NC)	Woolsey
Towns	Waxman	Wynn
Upton	Weldon (FL)	Yates
Velazquez	Weldon (PA)	Zimmer
Vento	Weller	
Visclosky	White	

NOES—164

Allard	Edwards	Nethercutt
Archer	Ehrlich	Neumann
Armey	Everett	Ney
Bachus	Fowler	Norwood
Baker (CA)	Frisa	Nussle
Baker (LA)	Funderburk	Ortiz
Ballenger	Ganske	Orton
Barr	Gekas	Oxley
Barrett (NE)	Geren	Packard
Bartlett	Gonzalez	Parker
Barton	Goodlatte	Paxon
Bateman	Goodling	Pickett
Bevill	Graham	Pombo
Bilirakis	Greene (UT)	Porter
Bliley	Hall (TX)	Quillen
Boehner	Hancock	Radanovich
Bonilla	Hansen	Regula
Bono	Hastings (WA)	Riggs
Brewster	Hayworth	Roberts
Bryant (TN)	Hefley	Rogers
Bunn	Heineman	Rohrabacher
Bunning	Herger	Roth
Burr	Hilleary	Royce
Burton	Hobson	Salmon
Buyer	Hoekstra	Schaefer
Callahan	Hostettler	Seastrand
Calvert	Hunter	Shadegg
Canady	Hyde	Shuster
Chabot	Istook	Skeen
Chambliss	Johnson, Sam	Smith (MI)
Chapman	Jones	Smith (TX)
Chenoweth	Kim	Solomon
Christensen	King	Souder
Coble	Knollenberg	Spence
Coburn	Largent	Stearns
Collins (GA)	Latham	Stenholm
Combest	Laughlin	Stockman
Condit	Lewis (CA)	Stump
Cooley	Lewis (KY)	Talent
Cox	Lightfoot	Taylor (MS)
Crane	Linder	Taylor (NC)
Crapo	Livingston	Tejeda
Cremeans	Lucas	Thornberry
Cubin	Manzullo	Tiahrt
Cunningham	McCrery	Traficant
Danner	McHugh	Vucanovich
de la Garza	McInnis	Walker
DeLay	McIntosh	Wamp
Dickey	McKeon	Watts (OK)
Dooley	Mica	Whitfield
Doolittle	Molinari	Wicker
Dornan	Montgomery	Young (AK)
Dreier	Moorhead	Young (FL)
Duncan	Myers	Zeliff
Dunn	Myrick	

NOT VOTING—13

Baesler	Hayes	Tauzin
Brownback	Lincoln	Thomas
Emerson	McDade	Torricelli
Fields (TX)	Peterson (FL)	
Gallegly	Ramstad	

□ 1817

Messrs. BILIRAKIS, HALL of Texas, and MANZULLO changed their vote from "aye" to "no."

Messrs. CAMP, WELDON of Florida, KASICH, and CHRYSLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. THOMAS. Mr. Chairman, on rollcall No. 253, I was unavoidably delayed, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. PORTER. Mr. Chairman, I was present on the floor and voted on rollcall No. 253. I intended to and thought I had voted in favor of the Dicks amendment, but on checking the RECORD find that I am recorded as "no." Apparently, I inadvertently pressed the wrong button on the voting station. I wish to correct the RECORD to indicate that my intention was to vote "aye."

Mr. THOMAS. Mr. Speaker, I missed a vote on an amendment to H.R. 3662, which passed by a 93 vote margin, 257 to 164. I oppose the amendment which would resume designating critical habitat for the marbled murrelet and would have voted against the amendment had I not been detained discussing a matter of importance to some of my Tulare County constituents with Members of the Senate in the Senate Chamber.

For too long, the Endangered Species Act has hurt our economy and wasted public resources. As a cosponsor of H.R. 2275, I believe Congress must reform the Endangered Species Act, so that it will contain strict requirements for scientific documentation and mandate objective evaluation of evidence prior to any species being listed and a habitat designation made. If society wants to protect a species, then society should pay for it, and not lay the costs onto the backs of that segment of society who own property on which so-called endangered species live.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SKAGGS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKAGGS: On page 22, line 1, strike "$186,555,000" and in lieu thereof insert "$182,555,000"; On page 58, line 25, strike "$358,754,000" and in lieu thereof insert "$354,754,000"; and on page 59, line 24, strike "$499,680,000" and in lieu thereof insert "$507,680,000".

Mr. SKAGGS. Mr. Chairman, this amendment would move an additional $8 million into some very important energy conservation programs in the bill. It would be offset by a $4 million reduction in the Mineral Management Services account and an additional $4 million offset against the fossil energy R&D program. The 8 million, it is my intention, would be divided, with 3 million to the Federal Energy Management Program, which makes tremendous difference in reducing the costs of operating Federal buildings and, therefore, a major contribution to our efforts to control the budget, and 5 million to the building equipment and materials program, which promotes major energy conservation programs in building construction around the country.

I have been pleased to work with the chairman on this.

Mr. Chairman, these en bloc amendments would increase by $8 million the funding for important energy conservation programs.

To do this, they would reduce by $4 million each the funding for leasing of oil and gas on the Outer Continental Shelf and for fossil energy programs.

One of the most serious shortcomings of this bill is the inadequate funding that it would provide for the programs managed by the Department of Energy's office of energy efficiency and renewable energy. These energy conservation programs return big dividends, including important reductions in the amounts that the Government must spend for energy. In other words, these programs help reduce budget deficits, while at the same time they also help reduce or avoid pollution in our air, water, and soil, lessen our dependence on foreign oil, and create jobs in American industry.

These programs have already been severely cut. The 1996 legislation reduced them by 25 percent below 1995. Now, on top of that, this bill would inflict an additional cut of nearly 10 percent. The result would be to seriously damage these programs—programs that have been successful in reducing the Federal deficit as well as helping to boost America's economic growth, improve the quality of our environment, and enable us to maintain world leadership in several technologies.

This amendment does not restore all the funds that these programs should have. In fact, even after the increase I am proposing, funding for the energy conservation programs will still be cut by more than $29 million from current levels. But while I would have liked to do more, at least my amendment will somewhat mitigate the injury this bill will do to these tested, successful programs which save both money and energy.

The offsets proposed in my amendment will not have serious adverse effects. Under the bill, large areas of the Outer Continental Shelf will remain under the longstanding moratorium putting them off-limits to oil and gas leasing. So, the proposed reduction in funding for the Mineral Management Service's offshore leasing program will not seriously hinder that program. And the proposed reduction in the fossil energy account can be absorbed by reducing the funds for work on an advanced natural gas turbine, which, even after the reduction, will receive $15 million more than President Clinton has requested and almost 30 percent more than this year.

As to the proposed increases, my objective is to add $3 million to the Federal energy management program, and $5 million to the building equipment and materials program. Each of these programs has a proven track record of success, yet each of them would be severely hurt by the cuts in the bill as it now reads. Even with the changes I'm proposing, each of these programs will receive less than they are getting in the current fiscal year, although the harm will be lessened.

FEDERAL ENERGY MANAGEMENT PROGRAM

The Federal Energy Management Program provides technical and other assistance to reduce the amount of energy the Federal Government uses. In other words, it enables the Federal Government to reduce its spending on heating, lighting, and other energy costs—which means it helps reduce the budget deficit.

These are not minor savings. The Energy Department estimates that in Colorado alone, the program has the potential to save $26.5 million annually, while creating 510 new jobs—

savings and jobs that are at risk if my amendment is not adopted.

And Colorado is not the only place where savings and jobs are at risk without my amendment. To take just a few examples, the energy department estimates that: in California, without my amendment the bill puts at risk annual savings of more than $188 million, and some 3,500 new jobs; in Texas, without my amendment the bill puts at risk annual savings of more than $93 million, and some 1,700 new jobs; in Virginia, without my amendment the bill puts at risk annual savings of more than $82 million, and some 1,500 new jobs; in New York, without my amendment, the bill puts at risk annual savings of more than $51 million, and some 900 new jobs; in Illinois, without my amendment, the bill puts at risk annual savings of more than $40 million, and some 700 new jobs; in Arizona, without my amendment, the bill puts at risk annual savings of more than $23 million, and some 450 new jobs; and in Ohio, without my amendment, the bill puts at risk annual savings of more than $33 million, and some 600 new jobs.

We should not be so shortsighted. We should not jeopardize such savings and jobs.

BUILDING EQUIPMENT AND MATERIALS PROGRAM

The story is similar for the building equipment and design program. It funds research on advanced lighting, improved window technologies, and voluntary, market-driven initiatives to promote high-efficiency equipment.

Every year, 35 percent of all the energy used in our country goes to light, heat, and cool residential and commercial buildings. The goal of the building equipment and materials program is to cut in half the energy used for light, heat, and air-conditioning—reducing waste and reducing costs. One example of what's underway is the joint DOE–EPA "Energy Star" labels, a voluntary program for high-efficiency appliances. Another is promotion of advanced technologies like the superwindows with special coatings that cut down on energy transmission—technologies that have already saved American consumers more than $2 billion and that can save billions more.

Mr. Chairman, energy conservation, increased use of renewable energy, and increased energy efficiency should be bipartisan goals. I greatly appreciate the help and support of many of our colleagues, on both sides of the aisle, who share that view. It's been a pleasure to work with them, and I am confident that they will join in support of these en bloc amendments.

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

Mr. SKAGGS. I yield to he gentleman from Ohio.

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

Mr. Chairman, we have examined the amendment. We have no objection to it. We are willing to accept it.

I might say that in conference I would like to do some fine tuning as to where we move these accounts to get the most cost-effective way of accomplishing the goal.

Mr. SKAGGS. I thank the gentleman for his support very, very much.

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

Mr. SKAGGS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think it is a good amendment. Our side is willing to accept it.

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

Mr. SKAGGS. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, these are among the most cost-effective programs that the Federal Government has to offer. I think that the gentleman's amendment is very important and will be well received by the Federal Government. I thank the gentleman for propounding it.

I rise in strong support for the amendment offered by my colleagues, Mr. SKAGGS and Mr. EHLERS.

This amendment to restore a small portion of the energy efficiency budget is key to our Nation's environmental health and economic future.

The Skaggs-Ehlers amendment also cuts Government waste. The Skaggs-Ehlers amendment will return $3 million to the Federal Energy Management Program [FEMP]. FEMP's mission is to reduce energy use in the Federal Government, thus providing direct dollar returns to the taxpayer. FEMP provides at least $4 in lower Federal energy costs for every $1 spent.

The Skaggs-Ehlers amendment will also help mitigate deep cuts in DOE's buildings efficiency research programs which have thus far yielded billions of dollars in energy savings, consumer savings, and pollution prevention. DOE research and development of advanced technologies in lighting and windows, for example, have improved consumer choice while providing Americans the opportunity to reduce their energy bills and improve their quality of life.

These are critical needs and I look forward to working with the Department of Energy so that these additional funds will be targeted to these high results programs, such as lighting research and windows research.

These programs have been among the most successful programs in the Federal Government. I serve as a cochair of the bipartisan Alliance to Save Energy and in that capacity I have become very familiar with Federal energy efficiency programs. These are some of the most successful—that's why they enjoy the strong support not only of the Alliance to Save Energy, but companies in the lighting and windows industries, environmental groups, and many others.

I thank the chairman of the subcommittee, Mr. REGULA, for his leadership on these issues. I encourage my colleagues to vote in favor of the Skaggs-Ehlers amendment to cut Government waste and improve our environment.

Mr. SKAGGS. I thank the gentleman for his support.

Mr. PORTER. Mr. Chairman, I rise in strong support of this amendment. While research into alternative energy sources is extremely important, we must not lose sight of what we can do to lower our energy consumption today. Increased funding for energy efficiency programs within the Federal Government as well as for energy efficient building equipment and materials will dramatically reduce our country's energy demand at the present time.

By increasing funding for the Federal Energy Management Program or FEMP, we will reduce energy use in the Federal Government thereby providing direct dollar returns to the taxpayer. Currently, the Federal Government wastes more than $1 billion annually on unnecessary energy bills. Expanding FEMP will be an important step in eliminating this terrible waste. FEMP has reduced the annual U.S. Government energy bill by $4.4 billion since 1985 and provides at least $4 in lower energy costs for every $1 spent.

In addition to improving energy efficiency within the Federal Government, increased funding for building equipment and materials will improve options for the American homeowner to make their homes more energy efficient. Specifically the use of energy efficient lighting and windows will save the consumers significantly in their energy bills. In addition to providing consumers an opportunity to reduce their energy bills, these new materials and technologies will assist in pollution prevention.

As cochair of the Alliance to Save Energy, a nonprofit coalition of business leaders working to promote energy efficiency, I have become very familiar with the Federal Government's energy efficiency programs. Both FEMP and the building equipment and materials program are among the most successful.

I join together with the Alliance, companies promoting energy efficient building equipment and materials, environmental groups and many in supporting this amendment. I hope the rest of my colleagues will choose to do the same.

Mr. OLVER. Mr. Chairman, I rise today in strong support of the Skaggs-Ehlers amendment.

This amendment is sound environmental policy that saves the Government billions—yes billions—in energy costs in Federal buildings.

This amendment says that this Nation will not surrender in our war of independence from Persian Gulf oil.

With passage of today's amendment, we will begin to turn back the tankers that carry oil from the Middle East.

We will reassert our independence, and reduce the overseas reliance which has hurt our economy, and dragged us into war and conflict. We must end the high price—in lives and dollars—that has been placed on foreign oil.

This amendment also means that we might have a few less tankers navigating Prince William Sound, Narraganset Bay, and the Chesapeake.

This amendment takes significant steps toward improving and encouraging energy efficiency, and reducing our reliance on foreign oil.

This amendment offers a long-term, forward-thinking approach to energy policy.

This amendment signals that an energy efficiency strategy will become a larger and more important part of our Nation's energy picture.

By improving energy efficiency, families will be able to have more disposable income, save energy, and incorporate environmental protection into their way of life.

I urge you to vote to protect the environment and protect the wallets of working families by supporting the Skaggs-Ehlers amendment.

Mr. TORKILDSEN. Mr. Chairman, I rise in strong support of the Skaggs amendment to restore $8 million in funding to important energy conservation programs. This amendment would restore the Federal Energy Management Program [FEMP] and the Department of Energy's lighting research program to their fiscal year 1996 levels.

The House should lead by example by providing Federal buildings with energy efficient lighting systems. Today, the Federal Government is committed to cutting their energy usage in over 500,000 buildings by 30 percent over the next decade. Federal Energy Management Program funding plays a key role in meeting this objective.

The Federal Energy Management Program is a small but significant part of the effort to reduce this Nation's energy dependency. We all agree that energy resources will become increasingly scarce in future years. Let's do the right thing and pass the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CALVERT

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

The Clerk read as follows:

Amendment offered by Mr. CALVERT: Page 12, line 14, after the dollar amount, insert the following: "(increased by $1,000,000)".

Page 49, line 6, after the dollar amount, insert the following: (reduced by $1,000,000)".

Mr. CALVERT. Mr. Chairman, I would like to thank Chairman REGULA for allowing me the opportunity to offer this amendment.

My amendment would simply transfer $1 million from the Forest Service general administration account to the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund. We are decreasing bureaucracy to bring money back to the local communities to help save endangered species.

The transferred money would be used to further the completion of habitat conservation plans and thus would serve two important purposes. It would provide lands as safe harbors for threatened and endangered species and bring us one step closer to creating multi-species preserves. It would also help protect American citizens from any negative effects of the Endangered Species Act by freeing them from various restrictions and fees. I would like to see acceptance of this amendment.

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

Mr. CALVERT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept this. It is a good amendment. This program in southern California has worked out very well, and it has become a model for about 200 others, other programs of a similar nature around the country. We think it is a very excellent way of showing how we can get a partnership with private, local, State, Federal, all working together to set up a habitat conservation program.

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

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

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

Mr. Chairman, I would like to congratulate the gentleman on this very thoughtful amendment. One of the greatest burdens for those who are trying to attain the American dream of homeownership in Riverside County, the area represented by my friend, Mr. CALVERT has been jeopardized by the Endangered Species Act and the overriding costs that have been imposed on those who are trying to be successful. This will in fact play a role in relieving, just a part, a part of that cost burden. I strongly support it and appreciate my friend's bringing forward this thoughtful amendment.

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

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

Mr. BILBRAY. Mr. Chairman, I strongly support this amendment. I appreciate the chairman supporting it because this will be a downpayment, a new innovative way of implementing our species management. This is multispecies management. It is the next progressive step in preserving endangered species. I think we may all disagree about different tactics, but the goal should be the same, supporting the species.

This act will help to pay for that new strategy and will show that we can truly update our approach and instead of being punitive and confrontational with many of our approaches like we have in the past, we are being cooperative and actually progressive with this.

I strongly support my colleague's amendment on this side. I thank him very much for those of us that have worked over 5 years at moving to multispecies management of our endangered species.

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

Mr. CALVERT. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, our side is willing to accept the amendment.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the amendment offered by my friend and colleague from California, Mr. CALVERT to shift $1 million from the Forest Service General Administration Account to the Cooperative Endangered Species Conservation fund. This funding is very important to further California's Natural Habitat Conservation Plans [NCCP]. This multi-species approach to habitat and species conservation is a great improvement over the traditional command and control methods. It brings all parties together to protect the environment and private property rights.

Mr. CALVERT's amendment will enhance the program in California to develop conservation and development plans in nine separate areas in southern California that protect multiple species while allowing economic growth. In San Diego, our Multi-Species Conservation Plan encompasses over 55,000 acres in the San Diego region. I am encouraged by these efforts to protect the habitat of native plant and animal species, and I'm glad the Federal Government can lend support to our exceptional project.

Chairman REGULA has been extremely supportive of our conservation plan, and I am sure it will be a model throughout the country. I commend Mr. CALVERT for his amendment and urge my colleagues to join me in support.

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

The amendment was agreed to.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to request a colloquy with chairman regarding the fate of the ongoing restoration work at Fort McHenry National Monument and Historic Shrine. I would ask that the chairman engage in such a colloquy.

Mr. Chairman, I am concerned that the committee has cut a $2.5 million line item in the Park Service's construction budget for the completion of a project that is now underway at Fort McHenry.

Last year, based upon a high priority request from the Park Service, $1.5 million was appropriated for work to preserve the underground bombproof rooms and power magazines at the fort as well as some of the more deteriorated walls and defenses of the structure. This year the Park Service requested $2.5 million to complete this project.

The action of the committee threatens the timely completion of the work that is now underway at the birthplace of our national anthem. I understand the pressures your subcommittee is under this year, but this was a 2-year high priority project requested by the Park Service that is being cut off in the middle. I would greatly appreciate your reconsideration of this project as this bill moves forward in conference with the other body.

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

Mr. CARDIN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I understand the gentleman's concerns and his appreciation of the pressures we are under this year. I hope that in conference we will be able to seriously consider restoring the funding and see this important project through to completion in a timely manner.

Mr. CARDIN. Mr. Chairman, I thank the chairman for his comments.

AMENDMENT OFFERED BY MR. GOSS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOSS: In the item relating to "NATIONAL PARK SERVICE—LAND ACQUISITION AND STATE ASSISTANCE", after the first dollar amount, insert the following: "(increased by $15,000,000)".

In the item relating to "FOREST SERVICE—RECONSTRUCTION AND CONSTRUCTION", after the first dollar amount, insert the following: "(reduced by $15,000,000)".

Mr. GOSS. Mr. Chairman, the purpose of this amendment is to increase the funds available to the National Park Service for necessary land acquisition, reducing the Forest Service construction account by the same amount. The amount is $15 million.

The reason that I am seeking this shifting of funds is to help provide money for Everglades restoration land acquisition that the Federal Government has promised. A $15-million increase in the Park Service's land and water conservation fund would pay for the top priority for Everglades land acquisition.

□ 1830

It is necessary to limit further degradation of the park and Florida Bay and to restore natural water flow which is critical to the long-term survival of the entire system. This is a plan that has been agreed upon by many participating parties and that the Federal Government has committed to.

Members should know that the State of Florida, its industry and its individual taxpayers, have made a solid financial commitment to Everglades restoration across the board. Over the estimated life restoration effort, which is a 15- to 20-year program, the State expects to spend $1.1 billion or 60 percent of the total cost, primarily from Florida taxpayers. The Federal Government is committed to $737 million, which is less than 40 percent over the same period, and the sugar industry will pay about $245 million in that period.

I think this demonstrates that Florida is the senior partner here and is really stepping up to pay more than its share. It is clearly living up to its end of the bargain.

The proposed source of funds we have chosen for this amendment is the Forest Service construction account, which saw an increase over last year's funding levels and includes the controversial road construction program. In fact, because it often costs more to build these roads then the Forest Service recovers in subsequent timber sales, many refer to the program as a subsidy. In my view they are right. The committee recommends that $62 million be spent on new timber roads next year. That is $15 million that we are talking about, represents 24 percent of that amount. But I ask Members to keep in mind that these construction programs are slated to have their funding levels increased over last year's amounts under the bill.

By comparison, land and water conservation funding has declined steeply over the past 2 years, and the Park Service's share is down $19.1 million since last year. An additional $15 million, in fact, will not even restore it to last year's levels, but it will help the Everglades and other areas seeking help with land acquisition. I think most Members agree that the Everglades is a national priority, and we do not want to end up taking a step backward from our level of commitment to restore them.

I am grateful for the excellent work done by the gentleman from Ohio [Mr. REGULA] in this committee this tough year. The bill before us does an excellent job of providing scientific and management resources necessary for the restoration effort we are talking about. It adds $13.8 million over last year's levels.

I know Members remember that Congress made a strong investment in Everglades restoration in the farm bill passed this year. The truth is that there is already, quote, a short list for those moneys for the farm bill that far exceeds the available dollars we have got. This short list does not include lands that were scheduled to be purchased through the normal process of this appropriations bill because language in the farm bill specifically discouraged that. The money, in fact, is not fungible, and it is already declared for other areas.

Mr. Chairman, at this time I would like to yield for a brief colloquy to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Is it in regards to the amendment?

Mr. GOSS. Mr. Chairman, I say to the gentleman I am querying on the amendment. I would like him to accept the amendment, but short of that, if the gentleman from Ohio can, I would like to know if he can give us some assurances on this bill.

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

Mr. GOSS. I yield to the gentleman from Ohio.

Mr. REGULA. I thank my friend, the gentleman from Florida [Mr. GOSS], for yielding, and I would say to him that we consider the Everglades restoration funding, including land acquisition, to be one of the very top priorities in our bill, and I might mention in the bill, and I am quoting from the report, "the committee considers this," speaking of Sterling Forest, "this and the Everglades restoration effort to be two of the highest priority projects in this bill." I understand that the pressing need for land acquisition is outlined by the State-Federal Everglades Task Force, and included in that were the National Park Eastern Expansion and the STA-1 watershed project.

It is clear that the State of Florida and its taxpayers have made a real commitment to this restoration project, and it is appropriate that the Federal Government live up to its responsibilities as well. I would point out that we have increased all other Everglades accounts by a total of $13.4 million, and most of this is for science.

Finally, while I cannot support this amendment, given the limited amount of money we have for land acquisition, I would pledge to work with the gentleman from Florida [Mr. GOSS] and the Florida delegation in conference to ensure adequate funding for Everglades land acquisition.

The CHAIRMAN. The time of the gentleman from Florida [Mr. GOSS] has expired.

(By unanimous consent, Mr. GOSS was allowed to proceed for 1 additional minute.)

Mr. GOSS. Mr. Chairman, I reclaim the time.

I accept the pledge, and it will be my intent to ask unanimous consent to withdraw my request for this amendment. However, Mr. Chairman, others wish to speak on it, so I would like to allow them to strike the last word to speak on it briefly, and I believe the appropriate procedure then is for me to yield back the balance of my time and hope to get recognition for my request as soon as they are finished.

Mr. SHAW. Mr. Chairman, I rise in favor of the amendment offered by the gentleman from Florida [Mr. GOSS].

Mr. Chairman, the gentleman from Florida [Mr. GOSS] has done tremendous work on this amendment. I certainly support it. It is certainly needed. We went through the arguments and the problems with the Everglades and the need for the restoration. I think he has very adequately set forth the determination, which is met with financial backing by the State of Florida and the taxpayers of the State of Florida, for the restoration of this most precious natural resource.

I think this is a good amendment. I would like to thank the gentleman from Ohio [Mr. REGULA], and I know the gentleman from Illinois [Mr. YATES] also has an interest in the Everglades.

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

Mr. SHAW. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think it is a good amendment. I would be willing to accept it now. I do not know why the gentleman is going to withdraw it.

Mr. SHAW. Mr. Chairman, I wish that were to be the case, and I would like to comment, too, on the funding area for which the gentleman from Florida [Mr. GOSS] picked out in order to fund this amendment, and it is a construction of roads into new forests

that have not been harvested. I have always looked at this with a great deal of skepticism as to why in the world that we are putting these roads to nowhere through our national forests and, in effect, selling off these, in many cases, very precious timber resources at a loss when we put the price of the road in there.

To me, I think we need to take a look, and I would hope that the Committee on Natural Resources would take a look, at reexamining our whole outlook as to how we manage our natural resources. We can certainly go in and, with some good forestry practices, we can cut our national forests. I am not necessarily opposed to that, but I think it is absolutely absurd to do this at a loss to the American taxpayers because we are losing the precious natural resources, being the national forests, and we are constructing roads to nowhere that really are not doing anybody any good, and we are losing money in the process. To me this makes absolutely no sense.

But to get back to the main thrust of the amendment, this is a very important amendment, and at this time I will not object should the gentleman from Florida [Mr. GOSS] want to withdraw the amendment based upon the colloquy with the gentleman from Ohio [Mr. REGULA].

Mr. FOLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the subcommittee chairman for his assurances to address the issue of funding for Everglades land acquisition in conference. This is an extremely vital issue for the State of Florida, and I look forward to working with the chairman through conference.

As the author of the amendment to provide $200 million for land acquisition in the Everglades earlier this year in the farm bill—it was not my intention, nor the intention of the Florida delegation, to have these monies undercut any future land acquisition funding through the normal appropriations cycle. As I stated during the debate on the conference report of the farm bill in House—"It is not my intent that these funds supplant any funds committed to South Florida for the purpose of Everglades restoration."

In fact, the Florida delegation has sent several letters to the Interior Subcommittee stating that the Farm Bill money was a furthering of the federal commitment to restore the fragile Everglades ecosystem—not the end of this ongoing process.

Mr. Chairman, as part of the Everglades Forever Act passed by the Florida legislature, the State of Florida has invested over $850 million in Everglades and the agriculture industry has also pledged a commitment of up to $320 million. The Federal Government was the third part of the funding scheme for overall Everglades restoration—so we must retain that commitment.

I appreciate the committee's willingness to make Everglades restoration one of its highest priorities—however, I believe the lack of funding in this bill for land acquisition under the Land and Water Conservation Fund is inconsistent with this goal.

The Everglades ecosystem is a unique national treasure and its long term viability is critical to the water supply, quality of life, and economy for South Florida.

Therefore, today, it is important to remember that because South Florida is home to seven of the ten fastest-growing metropolitan areas in the country—Everglades restoration is clearly on a critical path.

And success will depend upon the federal government, the State of Florida, and all local, regional, and tribal interest working in tandem.

But to keep this process moving forward we must not neglect the federal role—so with the chairman's assurances that this issue will be addressed in conference it is my hope that the Everglades will continue to receive the land acquisition funds it needs in the upcoming fiscal year.

Mr. GOSS. Mr. Chairman, based on the assurance of the gentleman from Ohio [Mr. REGULA] and the dialog and the colloquy we have had, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there any objection to the request of the gentleman of Florida?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Florida [Mr. GOSS] is withdrawn.

AMENDMED OFFERED BY MR. RICHARDSON

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

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: On page 10, Under the item "UNITED STATES FISH AND WILDLIFE SERVICE", under the item "RESOURCE MANAGEMENT", after the second dollar amount insert "(increased by $5,000,000)".

On page 58, Under the item "DEPARTMENT OF ENERGY", under the item "FOSSIL ENERGY RESEARCH AND DEVELOPMENT", after the first dollar amount insert "(reduced by $5,000,000)".

Mr. RICHARDSON. (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. RICHARDSON. Mr. Chairman, my amendment simply increases funding for the operations and maintenance of the National Wildlife Refuge System by $5 million. Let me say that my amendment is supported by the National Wildlife Federation, Trout Unlimited, the Wilderness Society, the Izaak Walton League, Defenders of Wildlife, the Freshwater Institute, the Wildlife Society, National Audubon Society, Wildlife Refuge Association, a variety of other hunting groups.

Mr. Chairman, the refuge system is the only system of national lands managed primarily for wildlife, including migratory waterfowl, songbirds and endangered species. It also provides unique opportunities for compatible wildlife oriented recreation including hunting, fishing, wildlife education and observation. In fact, 30 million people visit refuges, 5.7 million anglers use 250 refuges, and 1.3 million hunters use 270 refuges.

Mr. Chairman, I am taking a total of $5 million from the coal-fired plant. There have been a number of amendments here that went after some of the coal-fired and other fossil fuels. Mine simply takes 5 million, which is 5 million more than the administration requested.

The refuge system has for years suffered from inadequate funding and staffing to manage its exceptional resources.

□ 1845

In 1993 the Interior Department Inspector General documented a $323 million backlog in refuge maintenance projects. A growing number of refuges have been placed in custodial status. Furthermore, the report concluded that refuges were not maintained at a level sufficient to meet their goals. Many refuges today suffer with inadequate water supplies, insufficient staff and funding to implement plans to recover endangered species, restore habitat, or conduct even rudimentary inventories of their wildlife populations. The lack of adequate funding also threatens refuge recreation and interpretive programs. Inadequate operations and maintenance funds for national wildlife refuges have also resulted in reduced wildlife populations and fewer associated recreational opportunities.

Mr. Chairman, let me just state once again, my amendment adds only $5 million to the operations and maintenance of the National Wildlife Refuge System and takes this from fossil energy, $5 million that comes from an increase of $5 million from the administration request.

I want to commend the gentleman from Ohio, [Mr. REGULA] for the funding he has initiated on several of these programs, but I do think that we should go with the administration request. The refuges need the money. Environmental groups, hunting, fishing groups are for this amendment. They have sent a letter to all Members: Defenders of Wildlife, Fresh Water Institute, the Wilderness Society, Trout Unlimited, the National Wildlife Federation. Mr. Chairman, this is an important priority to give $5 million to the National Wildlife Refuge System.

Again, to my colleagues from the fossil energy areas, we are only taking $5 million over the administration request. Again, I believe this is a good amendment, an environmentalist amendment, a hunting and fishing amendment. But it deals constructively, in my judgment, with some responsible appropriations that the gentleman from Ohio has made in several of these instances. I do want to commend him. The numbers are a lot better, but I think with this amendment we can improve things. I would hope the gentleman would be supportive of this amendment.

Mr. Chairman, I insert the following for the RECORD:

LEAGUE OF CONSERVATION VOTERS,
June 19, 1996.

U.S. House of Representatives,
Washington, DC.

Re: FY Interior Appropriations—Support Environmental Protections.

DEAR REPRESENTATIVE: The League of Conservation Voters (LCV) is the bi-partisan political arm of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

Over the next few days the House will be voting on the FY 1997 Interior Appropriations Bill. During consideration of this bill several amendments will be offered relating to the protection of the nation's environment and valuable natural resources. LCV urges you to support the following amendments:

Representatives Porter (R-IL) and Furse (D-OR) will offer an amendment to repeal Section 2001 of Public Law 104–19. This amendment repeals the so-called salvage logging rider included in the 1995 Rescissions bill which suspended all federal environmental and natural resource law for old growth timber sales in Washington, Oregon, and Northern California and salvage logging being conducted on Forest Service and BLM lands nationwide.

Representative Dicks (D-WA) will offer an amendment to strike the provision prohibiting the implementation of critical habitat designation under the federal ESA for the endangered marbled murrelet on private lands in the northern coastal area of California. If critical habitat in this California area does not continue to be designated, there is a strong likelihood of marbled murrelet extinction in northern California. Critical habitat designation on private land does NOT stop all activities, as such designation only impacts federal, not private, actions.

Representatives Kennedy (D-MA), Porter (R-IL), Miller (R-FL), Minge (D-MN), Royce (R-CA), Klug (R-WI), and Hostettler (R-IN) will offer an amendment to reduce wasteful funding for logging road construction in the National Forest System by eliminating funding for new Forest Service logging roads in Fiscal Year 1997. This amendment will save $48 million by eliminating funding for 550 miles of new timber roads.

Representative Skaggs (D-CO) will offer an amendment to restore $8 million to energy conservation for the Federal Energy Management Program and the high results building research programs which were cut disproportionally to the other severe cuts in the overall energy conservation budget. These programs save taxpayers billion of dollars in economic returns and energy savings while preventing tens of thousands of tons of air pollution.

Representatives Farr (D-CA) and Walker (R-PA) are each expected to offer amendments which would use the Department of Energy's Fossil Fuel Research and Development program as an offset. Rep. Farr will offer an amendment to increase the Land and Water Conservation Fund account by $134.6 million, and Rep. Walker will offer an amendment to provide an additional $62 million to the National Park Service's operating budget. While the conservation community supports each amendment, the Farr amendment is of higher priority because restoring funding to the Land and Water Conservation Fund would provide additional funds for all land management agencies, and renew the National Park Service's state assistance program. If the Farr amendment is defeated, LCV recommends approval of the Walker amendment which would improve funding for the national parks.

Representative Miller (D-CA) will offer an amendment to provide $10 million to restore the Park Service's Urban Parks and Recreation Program which was zeroed out in the Interior Bill.

Representative Richardson (D-NM) will offer an amendment to increase funding for the operations and maintenance of the National Wildlife Refuge System by $5 million, to be offset by a decrease of $5 million in the Advanced Pulverized Coal-fired Power Plant.

Representative Yates (D-IL) will offer an amendment to correct an environmentally damaging provision in the telecommunications Act of 1996 that could lead to a proliferation of huge antenna towers in our parks, wildlife refuges, and forests. This amendment would ensure that no such facility is approved without public notice and comment and a determination of consistency with other statutes governing the unit.

Representative Faleomavaega (D-AS) will offer an amendment to strike section 317 of the Interior Appropriations bill. That section declares to be legal a Forest Service permit for the construction of a third telescope in the critical habitat of the Mt. Graham Red Squirrel, despite three court rulings that it violates the ESA and NEPA. He may also move to bar funds for Forest Service participation in the construction and operation of the third telescope.

LCV urges you to support these amendments to improve environmental protection and energy conservation. LCV's Political Advisory Committee will consider including votes on these amendments in compiling LCV's 1996 Scorecard.

Thank you for your consideration of this issue. If you need more information please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
President.

COOPERATIVE ALLIANCE
FOR REFUGE ENHANCEMENT,
June 19, 1996.

DEAR REPRESENTATIVE: We are writing to urge you to support an amendment to be offered to the FY1997 Interior Appropriations bill by Representative Bill Richardson to increase funding for the operations and maintenance of the National Wildlife Refuge System. The operating budget for the Refuge System represents a tiny fraction of federal spending but management and protection of this system is one of the nation's most important wildlife conservation programs.

Our diverse group formed last year out of strong support for the National Wildlife Refuge System. The 92 million-acre Refuge System is the only federal public lands system dedicated primarily to the conservation of fish and wildlife. Throughout most of its 93-year history, the Refuge System has been central to our nation's efforts to conserve migratory birds, endangered species, and other wildlife. National wildlife refuges also provide exceptional opportunities for environmental education and wildlife-oriented recreation, such as wildlife observation, hunting, and fishing.

We are deeply concerned, however, for the integrity of the National Refuge System. Chronic underfunding in past years has led to degradation of refuge habitats and wildlife populations and put at risk popular wildlife-oriented recreation programs. Some refuges now report that as much as 95 percent or more of their funding goes to salaries, utilities and other fixed costs. Some have even indicated that their FY95 funding levels are less than fixed costs. Exotic species, inadequate water supplies, and other problems plague many refuges, undermining their ability to meet their wildlife objectives. Management programs to help recover endangered, threatened, and candidate species, restore habitats and address resource threats are left unaccomplished on an increasing number of stations.

In September, 1993, the Department of the Interior's Inspector General issued a report that documented a $323 million backlog in maintenance projects (Maintenance of Wildlife Refuges, Report No. 93–I–1477). Inspectors found that the Service was not maintaining any of the refuges that it examined "in a manner that would effectively enhance and protect wildlife and provide a safe and aesthetic experience for the public." The report concluded that "refuges were not maintained at a level sufficient to meet [their] goals because Service funding requests for refuge maintenance have not been adequate to meet even the minimal needs of sustaining the refuges."

The funding increase proposed by Rep. Richardson's amendment would begin to restore integrity to the National Wildlife Refuge System. Such an increase could allow for long-overdue habitat restoration, facilities repair, and wildlife protection and management and is essential to sustain and improve the quality of environmental education and wildlife-oriented recreation programs.

Sincerely,

James Wyerman, Defenders of Wildlife; Robert Putz, Freshwater Institute; Ronald Scott, Izaak Walton League of America; Evan Hirsche, National Audubon Society; Douglas Inkley, National Wildlife Federation; David Tobin, National Wildlife Refuge Association; Rollin Sparrowe, Wildlife Management Institute; Jim Waltman, The Wilderness Society; Thomas Franklin, The Wildlife Society; Steve Moyer, Trout Unlimited.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the gentleman's concepts are well-meaning, but I simply have to point out that this would take this account $4 million over what the President has asked for, and he has not been shy in his requests. This would come out of our Fossil Energy Program. We have already cut $63 million from the 1996 levels. I think in the two votes we have had on the Fossil Energy Program, it is clear that the

majority of this House feels we should maintain that program to protect our energy resources, to protect clean air, to protect jobs, to protect our energy independence.

While Fish and Wildlife obviously would spend it, let me point out that we gave this program, fish and wildlife resource management, $20 million more in this bill than we had in 1996. It is a 4-percent increase in the bill, while at the same time we were cutting fossil energy research by 14 percent. I do not think it is logical at this juncture to take another cut on fossil energy, which has already had a 14-percent cut, to add it to an agency that has had a 4-percent increase. It is a matter of balance. It is a matter of trying to achieve equity among the many responsibilities of the agencies funded in this bill.

For these reasons, Mr. Chairman, I would have to object strenuously to this amendment. Certainly I would think we would not want to go over the President's requests. We were within $1 million of that in the amount we put in the bill, and it is presently part of the proposal that is before us. I would hope that the Members would vote against this if we do have a rollcall vote.

Ms. MCCARTHY. Mr. Chairman, I rise today in support of the amendment by my colleague from New Mexico to provide additional funding for the operations of the National Park Service.

One of the parks operated by the National Park Service, the home of former President Harry S. Truman, is located in my district in Independence, Missouri. Earlier this week I had the distinction of joining with Independence Mayor Ron Stewart, local preservationists, and National Park Service officials to announce that Harry Truman's neighborhood is one of the nation's 11 Most Endangered Historic Places.

Hundreds of thousands of tourists visit the Harry S. Truman Historic District each year to experience a living history lesson unlike any other. It is one example of our vital national treasures which must be preserved. Unfortunately, like the Truman Historic District, many of these treasures are endangered due to new development, and decades of deterioration and neglect.

The National Park Service is vital to the protection of preservation of historic landmarks like the Truman Home. The additional money provided by this amendment is necessary for the Park Service to perform its many operations. I urge my colleagues to support the National Park Service, and to vote for the Richardson amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RICHARDSON. Mr. Chairman, on that I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 455, further proceedings on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] will be postponed.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer amendment No. 33.

The CHAIRMAN. The Clerk will designate the amendment.

The Clerk read as follows:

Amendment No. 33 offered by Mr. VENTO: In the item relating to the DEPARTMENT OF THE INTERIOR—National Park Service—Operation of the National Park System, insert "(increased by $23,480,000)" after the third dollar amount.

In the item relating to RELATED AGENCIES—Department of Agriculture—Forest Service—Reconstruction and Construction, insert "(reduced by $28,050,000)" after the first dollar amount.

Mr. VENTO. Mr. Chairman, this is a good amendment, an amendment that talks about our fundamental priorities in this Congress in terms of the way we fund various activities, and enable and empower people to have the opportunity to use our resources.

In the bill before the House presented after a lot of work, I guess, by the appropriation committees, I know a lot of work, I think fundamentally that the priorities are out of balance. Many of us are very concerned about our forests and the rate of cutting. We had quite a debate in this last year on salvage harvest and the concerns that grew out of that in terms of the indiscriminate harvest of millions of board feet from our national forests without regard to the various laws that protect the species.

In this bill today, though, Mr. Chairman, we continue a subsidy of over $160 million in terms of the Forest Service appropriations, and the fact is that this appropriation largely goes to subsidize the construction of timber roads. In fact, my colleague, the gentleman from Florida [Mr. GOSS], had offered an amendment, which he subsequently withdrew, which others from Florida spoke about and began the discussion of the subsidization of timber harvest on our national forests.

This, of course, does not just involve the construction of the roads, is also involves what we call the restoration of roads. That is actually road closing. So the Forest Service, as an agency, in fact, runs a road system through our forests, which is actually much greater in many respects than our interstate system. We operate a great road system that is produced there largely on a subsidized basis by, in fact, the Forest Service itself, in fact, 370,000 miles of road within our National Forests.

The fact is when we get CBO to start scoring this, they do not even look at some of the facts in terms of the subsidies, because much of it, the advocates of forest road construction have been very clever in terms of their timber interests groups and others in this Congress and in this Government, in the way the budget scores this in terms of allocating these roads back to multiple use. Somehow these roads that are being constructed through these forests, roads to nowhere, as was pointed out, somehow have some great uses for recreation and other purposes.

The forest road construction in this bill is actually $164.1 million. This goes on year after year, the spending of this money, similar amounts, to subsidize the harvest, and very often I think in some cases the indiscriminate harvest, based on legislation that is now in place with regard to the forest salvage rider that was added to some appropriation and rescission bills last year.

What this amendment does is try to say straighten out those priorities, straighten out those priorities to meet the needs of the people of this country first, meet the needs that exist in the people's parks, the national park system. In this bill that is before us, they underfund the Park Service by $24 million less than what was asked by the administration.

What the Vento amendment does not take out all of the subsidy for the timber roads, timber companies, and the credits they use. We are saying to the timber interests is to stand on your own 2 feet. Take the receipts that you get from the forest that you harvest and in fact apply those, apply them as credits. If the timber harvest does not pay, if it does not pay enough, maybe we ought not to be adding that subsidy to them to the extent that we are in order to harvest this timber.

We do not take all the money out of there, we just say that we are going to meet the needs of the Park Service. The Park Service today has at least a $4 billion backlog, a $4 billion, with a "b", backlog of unmet maintenance needs.

This spring, as all of us look forward to enjoying our national parks again in 1996, we are faced with some pretty bad news, bad news about the closing and limits in terms of how we are going to be able to use the parks, because the parks did not have the resources to maintain some of the facilities they embrace and to keep them open to the general public for this particular recreational season, for this summer season. We are going to face increasing problems of limited park uses.

I realize that all of us support the parks, but the fact is that parks do not just need our enthusiasm and our lip service, they need real dollars. The Committee on Appropriations historically has done a very good job in terms of trying to respond to that. But in this case they fall $24 million short with a backlog of $4 billion in repair and maintenance. We are not going to catch up with that by spending money excessively in terms of our natural forests. This is a question of priorities. The Vento amendment transfers $24 million from the Forest Service account to the Park Service account to

provide adequate funding for the park operations, based on the plan that was put before us by the administration.

My amendment does not change the total funding of the Interior appropriation bill. It simply changes the allocation of funds within the bill. My amendment is about setting priorities.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, my amendment is about setting priorities. Should be timber industry or the National Park Service get the preference when we allocate scarce Federal dollars. That is what this is about. The timber sales actually cost the Government money, forcing the American taxpayer to subsidize the timber interests. That is continuing business as usual with regard to this funding measure.

Timber purchasers can build roads in natural forests for logging purposes and then can receive purchaser credits. Often they do, so the Federal Government never receives anything back, so often the timber sales yield so low a bid in terms of dollars that the Government does no receive money. In fact, they have to put more money into harvesting the forest, to clearcutting the trees, than in fact we get back. So the taxpayer not only loses these wonderful verdant green forests, but we also lose our green dollars from our pocketbook, the taxpayers' dollars that have to go in there to subsidize this activity.

All we are saying is that the dollars in the appropriations, the Interior appropriation, ought to have a priority on the people's business, in the people's parks, in our national park system, which I think everyone would agree we would like to give more money to but we cannot do it because we are in a tough budget situation.

But we can do it here by facing up to these special interests and by providing the money to the Park Service first, and let the special interests try to do it on the basis of the free enterprise system. They like to give speeches about it. They like the part about making money and getting Federal Government subsidies. They just do not like the idea of taking risks.

It is time they start taking risks. It is time they start paying their own way in terms of these programs that we have, especially as they affect our natural resources. They are not just taking our dollars, they are not just cutting our forests, they are taking away America's legacy. They are allowing the despoiling of our national park system, the cultural natural resources, and they are cutting down the national forests in this Nation.

Mr. Chairman, I ask for a "yes" vote on the Vento amendment. Let us protect our national parks first.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us look at the facts on this. We heard a lot about the problems in the parks. I would point out that the Inspector General in his audit report documented item after item after item, and that is before our watch. What causes these problems? The failure to administer these programs carefully; the fact that money was spent helping out private property owners and concessionaires. Here it is. What we are trying to do in this bill is to ensure that we manage these parks well. I said at the outset, we want to bring the same kind of cost-effective management to our services that we ask the private sector to do.

Let me point out also that at this point we have just $2 million additional for this program, the Forest Service roads, whereas we have $55 million more in the Park Service. So we have recognized that. We have earmarked money for programs in the Park Service. It gets one of the larger increases in the bill, given the allocation that we had available.

Let me also mention a couple of other things. That is that all this money on the Forest Service roads is for reconstruction; not new roads, just reconstructing the roads that are there. Why is that important? Any of the Members that have worked on a driveway or any kind of road that is not paved discover that if you do not take care of it, you get erosion. Pretty soon we get stream impact from the washing that goes on in these roads if they are not reconstructed. So environmentally, it is very important that these roads be constructed properly to prevent the impact on the streams and the adjacent areas.

Second, and I have made this point in the general debate, our forests provide enormous recreation opportunities. They are multipurpose to the hunter, the fisherman, the camper, the Boy Scout, the bird watchers. All kinds of groups use our forests. In fact, the national forests have twice the visitor days of the national parks. How do they get there? How is the sportsman who wants to enjoy the outdoor delights of the forests in America to get there? They have to have a road, a reasonably safe road to utilize these resources.

To say OK, this does not make sense because of below-cost sales, ignores that fact that there is enormous value to society, to people, to have these roads available for all of the recreational resources. There were over 300 million visitors last year in the national forests. I think to make this kind of a switch does not recognize the needs of those visitors, does not recognize the polluting impact of failure to reconstruct these roads.

Again, we were very frugal in what we gave the road program as compared to what we gave the park program. I think it would be a big mistake in terms of priorities to adopt this amendment. I urge the Members to vote no.

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Mr. PALLONE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Vento amendment which I understand would basically increase the National Park Service operations enough to bring the funding up to the President's request for fiscal year 1997, basically to stress that the Park Service operation funds, more funding essentially is needed for both operating national parks as well as to construct and maintain Park Service facilities that are used by many Americans.

In my own district the demand for outdoor opportunities and recreation services continues to grow, and yet funding for the Park Service is shrinking, which does not make any sense to me. I have in my own district the Sandy Hook unit of Gateway National Recreation Area, which is basically used by millions of people in the highly urbanized New York-New Jersey metropolitan area.

If I could just use that as an example, there are many needs right now at Sandy Hook that are not being met, not only in terms of facilities but even in terms of basic access to Sandy Hook. Just continued access to the park and sufficient water availability for fire fighting needs, for example, are a problem.

I did want to thank the chairman, the gentleman from Ohio [Mr. REGULA], because there is report language in the bill acknowledging the problem at Sandy Hook and recognizing that there is an access problem, and I do appreciate Chairman REGULA including that. But I have to say that I do think we need more money for the Park Service.

The Vento amendment would increase funding for the overall benefit of the American public and it takes it, I know, by reducing funding for construction of timber roads. But I do think that we need to recognize—and that is what the gentleman from Minnesota [Mr. VENTO] does—the fact that there is a need for more operational funds as well as for construction of facilities and other opportunities throughout the country.

I also wanted to say, I know we passed it by, but I did want to also support the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] with regard to the National Wildlife Refuge system. Again if I could use New Jersey as an example, we are faced with very serious environmental problems, many of which are the result of human accelerated environmental changes, especially due to the high population density in my State.

Whether it is coastal waters, migratory birds, fish or other wildlife resources under Federal trusteeship, it is only because of the national wildlife system that we have about five areas now in New Jersey that are protected. I was able to get a few years ago an extension of the service for another 2,000 acres of sensitive wetlands, but again there are a lot of unmet needs in my district as well as throughout the State. Until we are able to get some additional funding to the Fish and Wildlife service for acquisition, these needs are not going to be met.

I realize that we are dealing with budget priorities and we are trying to reduce the deficit, but I do think that this is one area where most Americans and certainly those in my home State feel that the priorities should be to provide additional funding rather than the level of cutbacks that we have seen in the last few years.

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

Mr. PALLONE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding, and I want to thank the gentleman for his support.

I would just point out that the nearly $50 million in this appropriation of some $160 million dollars for Forest Service construction is for road credits. That would construct approximately 550 miles of new roads. The fact is that I am not surprised that the Forest Service needs reconstruction of roads. They have 379,000 miles of Forest Service roads. That is eight times the number of mileage in the entire interstate highway system, eight times the amount of roads.

So the fact that we have all of these roads and that they are somehow associated with recreation and they are there for some other purpose I think is ludicrous on the face of it. These are not there for any other reason. If my colleagues have ever flown over any area where these roads are located, it is to harvest the timber. That is why these roads are put in. They are there almost exclusively for that purpose. There may be some other tangential use that goes on with it but it is to support it on that basis.

I am not cutting all the dollars in this item. I am saying the first priority ought not to be to these roads but to our Nation's national parks. That is what this amendment is about. If you are for the national parks, vote for the Vento amendment.

If you are not for it, if you are for harvesting more of the forests and doing it at the expense of the taxpayer, eliminating future generations' legacy of forests and spending taxpayers' dollars to do it, then you can vote against it. But I think it is the wrong vote, and I think it is the wrong priority for this Congress.

Can the Forest Service or the Park Service use a better accounting system? Yes, and they have put it in place, but that is not what this issue is about. It is about the priorities, whether it is for the parks or for the special interest timber interests.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, over the years I served with the gentleman from Minnesota [Mr. VENTO] in the Interior Committee and worked with the gentleman there, I have tried diligently to teach forestry to him and I have not had much success. We are good friends and I appreciate his interest in this area and before I leave Congress it is a goal of mine to make clear to him what this program is all about. There is no subsidy in the forest road system.

First of all, the timber is sold by the national forests on a bid basis. The bid has two components. First of all, I bid what I am going to buy if I am a bidder for that timber that is put on sale by the Forest Service. Part of my bid includes the fact that I would be given credit for building a road to the Forest Service's specification, because the Forest Service in many cases plans to use that for recreation and other purposes. They may want it built to a much higher standard than you need to harvest the timber. They may plan to use it as their trail program. A great portion of the trails either for walking or horseback riding in our national forests comes from roads that were built to harvest timber and then kept and maintained for the purposes of recreation. So I get that credit.

If the Forest Service did not give that credit to the person bidding, then the bid would be lower, therefore, it would be the same thing. The Forest Service would have to build it themselves at the cost that they are giving me credit for, or they would give me credit and I would build it. So it is a wash. There is no subsidy. There is a wash to the program when you are bidding timber.

Unfortunately, what the gentleman from Minnesota [Mr. VENTO] is talking about, and he is confusing it to some extent, if you are taking $24 million in new money and transferring it over to the park, it does not come from the Forest Credit Program for road credit. What it comes from is the program to upgrade existing roads. They have over 1,700 miles of old roads that are already built that they are going to try to raise standards on.

This is an anti-environmental vote if Members vote with the gentleman from Minnesota [Mr. VENTO] because part of this money that he is going to be taking is being used to upgrade the environmental standards of that road. They are going to reseed, try to cut sedimentation. Some of the money is going to be spent to upgrade the roads for recreational purposes, perhaps to raise weight limits on bridges and other areas to allow recreational vehicles to be involved. You are jeopardizing public safety and the environment by transferring the money over to the Park Service.

As the chairman of the Interior Appropriations Committee pointed out, there has been close to $55 million put into park maintenance. To many people in the United States, they really do not know the difference between national parks and national forests when it comes to recreation because they may go to a national forest and camp or fish or carry out all the same things they would do, hike, as they would do in a national park. If we cut the money for maintaining their recreational roads which the gentleman from Minnesota [Mr. VENTO] is suggesting into the national forest and give it to the national park, what have we accomplished? If more people are going to the forest, the people need that road improvement in the forest just as much as they would need maintenance in the national park. And so we are not making a statement for the recreational user by taking money out of a forest where they now recreate and putting it into a park maybe that has less recreational use.

Finally, I would like to point out, all this talk about subsidy, about losing money in national forests, the GAO—and the gentleman I think misquoted them a moment ago—pointed out, it documents that in fiscal year 1992 through 1994, we took in almost $3 billion. We spent just a little over $1.25 billion in administration costs and sale preparation for timber. So there was a substantial profit made by the U.S. Government.

It is dictated to use that profit several ways. First of all, $1.3 billion of it goes to the national forest fund. Almost $1 billion of it goes to the States where it is used for schools and government, State roads or county roads, given the case. $134 million goes in to maintain roads and trails for recreation. And then we have almost three-quarters of a billion dollars of it by law goes into reforest. Not all of that is reforesting areas that are cut. It may be reforesting areas that have burned, reforesting areas that have gone down with wind damage or disease.

We also show that for other erosion, brush removal, other things, we have $1.34 million that go into the Forest Service use of maintaining the forest. The taxpayer would have to pay that out of his pocket if it was not coming from the sale of timber.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. TAYLOR] has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. TAYLOR of North Carolina was allowed to proceed for 1 additional minute.)

Mr. TAYLOR of North Carolina. Mr. Chairman, to summarize I would say that to say that we are losing money by our timber harvest is not true. The homebuilders, the realtors, people who rely on the forest products to build homes know that it is not true and they know it is important for them to have a home.

This vote that the gentleman from Minnesota [Mr. VENTO] suggests is against public safety, as well as against the environment.

Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. VENTO. I want to just turn to page 50 of the bill that the gentleman is commenting on and I want to point out it says on line 16 that not to exceed $50 million to remain available until expended may be obligated for the construction of forest roads by timber purchasers.

That is the $50 million that I am talking about. The issue of reconstruction and so forth is ahead of that. I am not suggesting in the amendment that I have that it ought to be taken all from that or all from the other area. I agree with the gentleman that there is a need to maintain roads, but I am just saying that it is a question of priority. There is $50 million in here for the construction of new roads, not just the credit program that the gentleman is talking about.

Mr. TAYLOR of North Carolina. Is the gentleman talking about $50 million for credit or $50 million for timber roads?

Mr. VENTO. It is provided that $50 million out of the $164 million is an obligation of direct spending, direct subsidy by this Congress to those timber interests.

Mr. HANSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think this is a classic case of what we do around here when all else fails, throw money at it. The fact is that the overall spending for our national parks has increased substantially over inflation in recent years. In fact, in the last 7 years alone, funding for national parks has increased by 69 percent. This bill continues that trend and authorizes an additional $50 million for park operating accounts. However, there are some concerns with allocating it. I do not see any reason just to throw money down a black hole because that seems to be the way we have done business around here for the past 40 years. We have tried to come up with a better way to manage the parks. H.R. 260, the bill of the gentleman from Colorado, Mr. HEFLEY, supported by myself, by former Chairman VENTO and MILLER was one that was shot down here. Some people tried to say it was a park closing bill, which is the greatest misnomer I have ever heard in my life. That contained in it some of the management procedures that were necessary to take care of it.

We are also working on a fee bill, which will allow the park superintendent to have in his own ability to spend the money himself without having to come back here or talk to somebody in Washington.

We are working on lot of things to increase the park. We have talked about the idea of having a professional in the park director's position, so a man who has been in park work who understands the problems can take care of it. All of those things respond to this. Why take another $50 million and throw it at the park? We have tried that before and it has not worked.

In other words, Congress could easily provide $25 million, $50 million or $100 million in any funding agency and no expectation that campgrounds would be reopened and visitor services restored. In fact, the National Park Service has stated itself it needs $800 million in additional operating funds which, if you look at it, you have to have a little skepticism in your mind.

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Several years ago the National Park Service estimated it had a shortfall of over $500 million to repair employee housing. However, in testimony before the committee, the GAO said this: They could not find 1 in the 15 parks to justify their estimates for the housing shortfall, not one.

Mr. Chairman, I support, and I am sure most of us do, responsible increase for our parks and believe they are provided for in this bill. I support a fee increase. I support taking care of the parks. I do not support closing any parks, contrary to what has been stated around America by a few folks. But I do support taking care of these things, and I cannot see where this is going to help anything. I personally feel if we are going to do this right, we should go down the path we are going, a reasonable modest, approach, doing it with a fee bill, doing it with a management structure change which we are working on. I am trying to work in harmony with the minority on this. I do not think this does anything but take $50 million out of a much needed road project in the forests.

Mr. Chairman, I yield to my friend, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's willingness to work, and I have been pleased to work with him for many years. In this case, we are going to agree to disagree.

Mr. Chairman, my concern here is we have to make tough choices. This is a tough choice. This choice is whether we want to continue a $164 million for Forest Service construction, roads, and the other activities in this particular account, or we want to transfer some of that to the Park Service.

The gentleman has been a leader in pointing out the backlog in the Park Service. When I was chairman, the gentleman was pointing it out and many others. Four billion dollars, I said it is; there are many that would claim it is higher. But the Park Service, one of the major backlogs the have is the roads that people use to get in and out of the parks. So that is 100 percent for the people of this country, not just some sort of incidental use that might be used in rural Minnesota or out-State Utah.

My concern is the priorities here ought to be with the parks. I know the difference between a park and a forest. The gentleman from North Carolina [Mr. TAYLOR] suggests that most people do not. I think they do. I think they know the difference between a park and a forest. They know where you can cut timber and where you cannot and the nature of our parks. I just think that this is making a tough choice. Making a tough choice, that is what this is about. We are going to have to make these tough choices. We need to send a message to those that are cutting resources and taking resources out of forests that they are going to have to pay their own way, that we cannot keep them on this base of $164 million. This is going into the forest largely for the timber interests in this country.

Mr. HANSEN. Mr. Chairman, reclaiming my time, I agree with the gentleman that there have to be some tough choices. I have no problem with that. I submit to the House this is not the right choice. I think there are lot better ways to do it. I articulated three of them. If we had the time, I would like to get into this thing of road building. I think there is a lot better and easier way to do it. I urge a "no" vote.

The CHAIRMAN. The time of the gentleman from Utah [Mr. HANSEN] has expired.

(By unanimous consent, Mr. HANSEN was allowed to proceed for 1 additional minute.)

Mr. HANSEN. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman is trying to make believe that all recreation in this country in forests is done in the national parks. There is probably more recreation in forests than there is in national parks, and it is a multiple use. There is hunting, for instance, in the national forests, whereas in many parks there is no hunting. Most people are accessible to national forests far more than they are to national parks, and also many national parks have been put aside in limited type of recreational use.

If we cut recreational road money, which the gentleman is suggesting, for the forest, we will be denying people

access to the forest for recreation while purporting to help them out in the park where we already put $50 million for maintenance, is that not so?

Mr. HANSEN. Mr. Chairman, reclaiming my time, the gentleman makes an excellent point. If people would take the time to study it, they would see there is more recreation in the Bureau of Reclamation, there is more recreation in BLM and there is more recreation in the Forest Service than there is in parks, and now we are taking away from where people go and spend their time. I think that is an excellent point the gentleman has made.

Mr. TAYLOR of North Carolina. If the gentleman will continue to yield, if we are improving those roads in the forests against environmental hazards, reseeding and so forth, is it not better to spend that money in the national forest on environmental improvements than spend it in the parks where environment is not a concern?

Mr. HANSEN. Mr. Chairman, that is how I would look at it.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a colloquy with the gentleman from Ohio [Mr. REGULA] that we can deal with now in the interest of expediting things.

Santa Clara Day School in my district has received a grant from the BIA for facilities improvement and repairs. With these monies, Santa Clara would bring its elementary school, which was originally built in 1926, up to modern code. Although the school has already altered its plans to cut construction costs, Santa Clara will fall $1.2 million short of the monies needed to complete construction in accordance with BIA education standards.

I realize the chairman has done the best that he can on Indian construction funding in this bill, and I would ask that the BIA give consideration to Santa Clara with any discretionary funds available.

Mr. Chairman, I would be pleased to yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding to me, and I sympathize with the situation of the Santa Clara Day School. I, like the gentleman from New Mexico, would also hope that the BIA would give consideration to the school situation with any discretionary funds within school construction that may come available.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to use this chart to illustrate how Forest Service timber sales have gone down. In 1990, we were almost at 10 billion board feet. In 1995, we were down here to less than 4 billion board feet. The reason for the roads and the money we put in is for reconstruction, not for contract sales, and the money that the gentleman is taking out for his amendment comes out of reconstruction. Why reconstruct these roads? It avoids siltation in streams. It avoids other environmental problems and, most importantly, it gives access to the recreational user. I reiterate the Forest Service has double the visitor days of the Park Service. These visitors are people who go out to hunt, to fish, to camp, the low-cost type of recreation. It is important that they have a decent road to get access to these facilities. Our forests offer a wonderful recreation asset and, therefore, I think it is important that we have roads.

We did not put a lot of money in. We added, I think it was, $2 million, and we added $55 million to the parks. It is an equitable balance and for that reason, I would oppose the amendment.

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

Mr. REGULA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding, and I could not agree more with the idea. I would like to close some of the roads. I think that is really where we ought to be putting some dollars, because I do not think in the long run you can keep 379,000 miles of road open and maintained properly, because they do, in fact, disturb the watersheds of all of these areas and they are unnatural and there are a lot of problems with them.

I understand the restoration to maintain the roads. We ought to be closing the roads. Restoration, not just the reconstruction. The problem with all of that is these roads were put in place and to an extent not 379,000 for recreation. There may be some for recreation, nothing to that. The other aspect is, it just is an indication of past problems where we did not require those that were harvesting the timber to pay for an adequate closure of those roads and for the maintenance of them in the future. So we are faced with the problem of what historically has been the policy here.

My concern here, of course, is that there is in this bill, appears to be, $50 million for new road construction. It says of the $164 million that $50 million is for new road construction, and that is the basis. Of course, I am not taking all the dollars out of here. I would point out that yes, the Forest Service is used for recreation, but I think obviously our parks are also used for that. It is not a question just of numbers here. I think it is a question of what our priorities are and who ought to pay, more out of the credits, more out of the timber.

Mr. Chairman, the saw timber is going down because they have eliminated the forests in this Nation. They have eliminated them. They started out in our area in Ohio and Minnesota and cut all the white pine and moved all the way west, and guess what, we are running out of it now. That is why those numbers are down, because we do not have those forests left that were eliminated 100 years ago. They have not come back.

Mr. REGULA. Reclaiming my time, if I am to believe the Forest Service, the sustained yield is greater than the cut, and therefore we are growing more board feet every year than we are cutting. The reason these numbers are going down is that we are recognizing the value of the forest for recreation, a high priority. There has been less pressure to cut timber. Just as recent as 1990, we were up almost to 12 million board feet, now we are down to 4. But these roads are there and we have to take care of them. The gentleman's amendment takes the money out of the reconstruction account.

Mr. VENTO. Mr. Chairman, if the gentleman would yield further, he is saying this bill does not mandate the harvest, as some of the bills in the 1980's mandated the harvest of an amount that was over and above the professionals. That is a positive aspect of this bill. But I obviously contend in my amendment the priorities are correct.

Mr. REGULA. Reclaiming my time, I would hope that Members would oppose the amendment.

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

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I rise and reluctantly oppose this amendment. The reason I am opposing it is that this cut of forest road money will result, by an estimate from the Forest Service, in a billion board feet reduction in the timber harvest program, our timber sale program. We only have 4.9. It is dramatically lower than it was historically.

So if we take this money out of the roads, there is a corresponding reduction in timber sales. When you have that corresponding reduction in timber sales, it reduces the revenues to the Government and to local communities.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. REGULA] has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. REGULA was allowed to proceed for 1 additional minute.)

Mr. REGULA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, if this would result in a reduction of a billion feet of harvest, that means in essence we are subsidizing. If we were not putting the money in, that means those sales would not be sustained by their own credits, by their own revenue. That means that we are then subsidizing one-fourth of the timber in this bill. If the Forest Service numbers are correct, that is what that literally

means, is that we are subsidizing it, because you cannot harvest it in the absence of the dollars of the Committee on Appropriations.

So that I think is a pretty good message to the timber industry that we expect them to carry their own weight, we do not expect taxpayers, if we do not have break-even sales. I think with timber prices up and other factors, we ought to get off the subsidy in terms of these roads. We ought to at least make these programs pay for themselves. I do not think it is the recreation user that is the problem here.

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

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, one point I will make is you have to judge the sales on a sales-by-sales basis. In most of the sales we are making money, and without the roads, you cannot do the sales. So I do not see where there is a subsidy at all.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, again I would like to point out in the area of subsidy, if you order a table to Minnesota, the gentleman did, or if you bought it at an auction, and at that auction they said, all right, you are getting the table for $100 and we will ship it, or you can pay at $90 and we will pay the shipping cost of $10. It is the same thing when we are talking about giving credits for timber roads, there is no subsidy.

We get the highest bid for the timber. If the credit was not given for the road, then the timber bid would be lower to include the road. The Forest Service wants the road built to their specifications, and that is why they give a credit for it. So there is no subsidy to the timber industry. It is a credit that is given when the road is built.

Now, let me go on to the second thing where you can see by this chart the enormous drop in forest products. In fact, the Sierra Club, which the gentleman speaks out for many times, wants no cutting in our national forests. Now, if we cut, if we stop all cutting in our national forests, and we have almost done that because we are down to about 20 percent of our national forests now that can be considered for harvest, that is an antienvironmental position. I have not yet been able to persuade my friends on the right of that, all of them.

But take this podium, it is made out of wood. We can make it out of wood or plastic or metal. If we make it out of the renewable resource of wood, it is much easier to make, takes less energy to make, it is easily recyclable. If we make it out of plastic, then we have to fight to get the oil out of the Middle East. We have to spill it two or three times on the way. It is more toxic in the manufacturing process and it is harder to recycle. That is saying nothing against plastic, because plastics are going to be needed. I am just saying if you start limiting your options, the same thing with metal, it takes 8 times more energy to produce a table with metal than it does with wood. It is much harder to recycle.

Mr. Chairman, we are at a section of choices. If we follow the leadership of these folks who want all timber harvests stopped in the national forest and certainly if we do away with credits for roads, if we do away with any types of work with the Forest Service, because that is where a large portion of the timber is in the forest, which is different from the national parks part, then we are going to create far more environmental problems than we have solved in that manner.

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Second, I would just say one other thing. If you look at our chart to the left, today we get three-quarters of a billion dollars of our reforestation, which contributes enormously to forest health, from the timber funds, the $3 billion that we take in saving timber. Our States and local communities get almost $1 billion to operate their schools primarily and for their local uses that would have to be made up by the American taxpayer. We have $134 million in erosion control and other programs that would have to come out of the taxpayers' pocket, and many other parts of improvements in our forest that come from the $3 billion we take in from the timber sale program, plus we provide lumber for houses that would have to come from sensitive areas like the rain forest and other parts of the world.

We are provided with one of the best managed forests in the world and we have the best technical science in the world. So if we stop harvesting the national forest, we are going to have a forest health problem and going to have an economic and environmental disaster because of the jobs lost and because of the damage we do to the environment, having to use substitute finite products rather than renewable products.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding and his continued effort to get me to see things his way. As a biologist, I try to get the gentleman to see things my way as well.

I believe that these programs ought to stand on their own. The fact is you go to that auction house, you do not start off with the Government giving you an extra $164 million in order to build the roads.

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, what you are saying is the roads are built to government specifications. They either give you the credit for building the roads, or your bid is going to be lower because you are only going to pay a certain amount for that product.

Mr. VENTO. Mr. Chairman, if the gentleman will yield further, first of all, they may be built to government specifications, but there is a variety of reasons for that in terms of what happens with the rain and what happens with the erosion and other factors.

The other issue is we do not pay for the restoration, the closure of the road. We do not pay for the maintenance of the road with that timber harvest. Why are we putting money here if these activities do not pay for themselves? Is it not time to make tough choices?

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, does the gentleman recognize that a great portion of the recreation that people go to fish, hunt, camp or picnic, they go to those areas on roads built under the program, as well as a great portion of our trails?

Mr. VENTO. I do not think 379,000 miles of it.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me try to persuade my friend from Minnesota one more time. I think the focus of this debate has been on timber harvesting and timber harvesting road construction. I think the gentleman should understand that roads in the national forests are used by millions of Americans. They allow them access to over 121,000 miles of hiking trials, 96 wild and scenic rivers, 120 scenic byways, 397 designated scenic wilderness areas, over 18,000 recreational facilities, including boat ramps, campgrounds, and picnic areas. That is the use of roads in national forests.

They provide not only access for recreation, but for wildlife and fisheries projects, for fire protection, and for monitoring water quality. People have to get into these forests and understand what the water quality is. They provide for many other aspects of ecosystem management. For timber harvesting, certainly, but roads are really a necessary tool for environmental management in the national forests.

As with regard to the amount of roads we are building versus those we are eliminating, in 1994 the Forest Service permanently closed, ripped up, restored, almost 2,300 miles among needed roads to productive forest land, as I said, in 1994, but they built only 519 miles. So we have a net loss of roads of 1,780 miles in 1994. That happened also in 1995 and 1996.

Mr. VENTO. Mr. Chairman, if the gentleman will yield, they only have 378,000 miles of road left. We are very concerned about it.

Mr. NETHERCUTT. Mr. Chairman, reclaiming my time, I understand that. But there is a reason we have those roads. It is not just to rape the land and hurt the forest; it is to get people into the recreation areas and the places they are entitled to be in this area. What we are doing is increasing the road construction a very, very little amount for 1997.

I really think it is shortsighted to just say all roads are bad and we have to eliminate roads and put the money someplace else. I think it makes sense to do this.

Mr. VENTO. If the gentleman will yield further, my amendment cuts $28 million out of this account of $164 million. I would just read from page 74 of your committee report. "The committee recommends $97 million for road construction areas, $2 million above the 1996 act. This includes $59 million for timber roads and $26 million for recreation."

So apparently you recognize the difference in this report. You can see the disparity. It is not as though there is a denial of the facts. In other words, you do articulate that. And $12 million for general purpose roads. So the bulk of this money, $50 million set aside again for road credits, timber harvest gives us $164 million total. It is clear that is articulated. This is for the subsidy in terms of what goes on in terms of timber harvest. That is the point here.

Mr. NETHERCUTT. Mr. Chairman, reclaiming my time, I understand the gentleman's point. Really, one cannot just specify only timber roads as being bad. I think there are road systems in this great land of ours that are very valuable to the use of Americans, whether it is timber harvesting, recreation or other reasons. It is a good thing we are fixing some of these roads, they are in disrepair. We are trying to use this money for proper, not improper, purposes, and we ought to reject this amendment. I urge my colleagues to do so.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Vento amendment. The fact of the matter is, we are sitting here with somewhere in excess of 350,000 to 370,000 miles of roads in our forests, and we claim that we have closed 2,300, and we have built 500 miles in the last year. And 600 years from now perhaps we will have closed those roads. All of those roads should not be closed, but let us not pretend by a huge amount of money currently being spent is being spent on road closure, and let us not pretend that all of this money all of a sudden is here for the purposes of recreation.

In fact, there is a line item within the bill that provides $26 million for recreation roads. Not all of the roads that are built in the forest are necessary for hunting and fishing, because in fact if you come with me to the Sierras, if you four-wheel across the Sierras, you have roads that are 50 or 60 yards from one another. Not all these roads are in fact necessary.

But what we have is a situation where if you want to buy timber from the Federal Government, the Government says, "Come in and get it; we will build you the roads or give you a credit for building the roads." That program is costing us $109 million a year.

Now, if you are a private landowner and you have 500 acres or 1,000 acres or whatever to sell of timber, the person who buys the timber comes in and builds the road. The gentleman from North Carolina might be right that they deduct that from the price of the timber, so that is the real value of the timber.

We are like the auction house that says, "You can either pay $100 or $90. Do you want us to ship it or not?" We say, "Pay us $90 and we will pay to ship it." That is what is not fair about this.

What you do not have is you do not have reflection of the real value of timber, because you have the Federal Government subsidizing the activity to extract it. Even if we provide a credit or we build the road, the fact is that 20 and 30 years later we are maintaining those roads. So the cost of that timber far exceeds and continues far beyond the harvest of that timber.

So that is why we find ourselves stuck with more than $1 billion to log these forests over the last several years than the timber sales brought in. And what does that mean? That means that as this committee struggled to meet the demands of the National Park System in this country, they fell $23 million short. As they struggled to repair the elevator in the Washington Monument, as they struggled to do health and safety repair work at some of our parks, as they tried to provide a transportation system and all that, they still fell $23 million short.

Let us not pretend that there is an equivalency here about the maintenance and the care of these national parks and these forest roads. There simply is not. We had that fight last session when we had a park commission bill on this floor. I was a supporter of that. That was one of the worst bipartisan drubbings we had. Why? Because the American public sent a message to every member of this Congress, except me, I guess, and a few others, that somehow they did not even want to consider the closure or the reconstitution of those parks and monuments. What they want us to do is have them open and available and put forth in first class shape.

We cannot report to the American public this summer that that is the condition of our national parks. In California and elsewhere, we have campgrounds that are closed, we have campgrounds that are not accessible, we have repairs that are not made, we have bridges that are not safe, and we have trails that are unsafe for families to walk in those national parks.

That is not to pit the national parks against the national forests, because that is not fair, because in many areas they serve essentially the same purpose. But the suggestion that somehow all of this money is really there so that we can keep the national forest open for hunting, fishing and recreation, just is not the case.

The fact of the matter is, what we have here is a very substantial subsidy that does not exist in the private sector in the timber world. It does not exist in terms of providing us a true reflection of the real cost of these timber sales, and that is why the GAO and others have come to us time and time again and talked about the loss of revenues for the taxpayers in the presentation of this.

We can better use that money in an area of much higher priority for the people of this Nation, and that is to present to them their parks in the seasons that they use them in first class shape for the use by them and their families.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman made a statement that we take in $1 billion less than it costs in the Forest Service in our timber program. Is the gentleman familiar with the GAO report that the gentleman from Illinois [Mr. YATES] requested that said we take in roughly $3 billion, and it costs $1.25 billion to prepare the sale and administer the forest, which gives us a $2.7 billion profit? So, $1 billion goes to State governments, and $1 billion then goes for forest health, reforestation, erosion, and so forth.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, those payments to the State government under our budgeting procedures are not considered a cost to the program. I appreciate that. If you say that is not a cost and you take it off the books, then you are running a surplus.

Mr. TAYLOR of North Carolina. The cost is $1.25 billion according to GAO.

Mr. MILLER of California. That is not an allocated cost.

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

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding, because

it is the same GAO study on page 1 that suggests that we collect $3 billion, we distribute $2.7 billion under law, or 90 percent of it goes back out, but it costs $1.3 billion for administering it. So the end result is that we have an outlay of $4 billion that takes place and an influx of $3 billion. So it costs us $1 billion in the 2 years to administer the programs from 1992 to 1994. You have a $1 billion net loss. This is part of it right here.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, the point is we can continue that loss or we can make up a shortfall. This deals with the national parks, this deals with the presentation of these national parks, this deals with the experience that our constituents and their families expect when they go to those parks.

In our Committee on Natural Resources we constantly listen to the concerns about the backlogs in maintenance and effort, and people constantly are coming to our committee and passing authorizations for this program and handing it off to you and the Committee on Appropriations. That is why there is a shortfall. But nobody considered that when they asked us to pass those bills and expand those parks and participate in that.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

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

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, a couple of things. I would like to give the gentleman a gentle reminder that for 40 out of the last 41 years, the budget has been controlled by his party, and if there is a $4 billion backlog, I believe that that accrued during the time that his party was in charge.

The second point I would make is that the president of his party requested $366 million for repairs and reconstruction of the parks. We put in $369 million. In other words, we put in $3 million more than the president requested. Why? Because we believe, and we agree with the gentleman, repairs and maintenance of the parks, all the functions of these agencies, is vitally important. We have tried to take care of that and address that problem. I just want to get the facts out on this.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, it is not about denying those facts. That is a historical record. As we see on this floor, we have had historically very strong bipartisan support for roads in the forest. That is how the parks have suffered.

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Because as your committee has had its allocation and it has had to divvy it up, the forest interests have been here with their special interest hands out and they have garnered most of the money, and the parks have fallen further and further behind, and we have listened to this in our committees.

It is not a question of which party is in power or not, it is a question of whether we will meet our obligation to the parks. And try as the gentleman might, we were still unable to meet our obligations in terms of the construction requests necessary for the maintenance of these parks. And I do not fault the gentleman, but I think it is a question, as we started out this afternoon, and it seems like 3 days ago that we started talking about setting priorities. We are suggesting this is a higher priority to the American public than the continuation of these roads in the forests would be to in fact provide for the proper maintenance of roads and other facilities inside of the national parks.

I thank the gentleman not only for his comments but for all his hard work and for making all these horrible and terrible and tough decisions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VENTO. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 455, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. VENTO] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of California: In the item relating to the DEPARTMENT OF THE INTERIOR-National Park Service-National Recreation and Preservation, insert "(increased by $10,000,000)" after the dollar amount.

In the item relating to DEPARTMENT OF ENERGY-Fossil Energy Research and Development, insert "(reduced by $10,000,000)" after the dollar amount.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

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

Mr. MILLER of California. Mr. Chairman, reserving the right to object, can we do 15 minutes? I may not use it, but I do not have any idea. I had other requests for time and I do not know if Members will be here or not.

Mr. REGULA. Mr. Chairman, I withdraw my unanimous-consent request and make a unanimous-consent request that all debate on this amendment and all amendments thereto close in 15 minutes and that the time be equally divided.

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

There was not objection.

The CHAIRMAN. The gentleman from California [Mr. MILLER] will be recognized for 7½ minutes and the gentleman from Ohio [Mr. REGULA] will be recognized for 7½ minutes.

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

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the gentleman for his consideration.

For the second time in a row, the committee has recommended zero funding of the urban parks and rehabilitation program. As a result, once again we are seeing a long backlog of restoring the deteriorating urban recreation facilities and that backlog will continue to grow.

In 1995, there were almost 200 applications filed for this inexpensive but important program. Failure to provide any funding for the urban parks program is unacceptable at a time when after-school recreational opportunities for millions of children have disappeared from our cities and suburban communities. We know the hours of 3 to 6 p.m. now are some of the most dangerous times not only for our children, but for our neighborhoods and for our families. The prime hours for gang activities, crime and violence are when children are without school, parental supervision, or constructive opportunities.

A Carnegie task force report entitled "A Matter of Time" found that, other than infancy, the period of early adolescence is the most critically important time for the development because so much physical, social, emotional, and moral development is compressed into such a short period of time with our adolescents.

The National Urban League just recently reported that the hours from 3 to 6 p.m. is the peak time for violent youth crime and sexual activity among adolescents. Parents throughout this Nation are rightly concerned that during these critical hours of each day while these parents are working, and working out of necessity, their children have nowhere to play, nowhere to receive instruction, nowhere to learn proper values and behavior.

All of us can hearken back in my generation to the time when we had after-school recreation programs,

where we had city recreation programs, where we would go to the ball field or go to the arts center and do these programs. We could all hearken back to people who helped us, coaches and mentors and people who talked to us about life, talked to us about sportsmanship, talked to us about cooperation. The facilities to provide that in many of our urban areas has fallen into disrepair.

What this program is is a program of partnership where the cities put up 30 percent of the money and make application to the Federal Government to reclaim, to reconstruct, to repair many of the recreational facilities that are in their communities. The communities that have made application are from the entire spectrum across the landscape. They are small towns, they are small cities, they are large urban areas, they are parts of counties that are seeking this kind of effort.

This effort, when we presented it 2 years ago to the Congress, was approved overwhelmingly. It was approved overwhelmingly on a bipartisan basis. It was approved because it had the interest of the private sector, it had the support of major league baseball, it had the support of the MBA, it had the support of the sporting goods manufacturers, and it had the support of law enforcement agencies. It had the support of many of the agencies, of nonprofits, Boys Clubs and Girls Clubs, the Girl Scouts and Boy Scouts, other agencies that provide these services, Big Brothers and Big Sisters to the young people of this country.

We see these crisis hours in our community growing. We see them growing in concerns among parents, parents who unfortunately, because of economic need, are not able to be home in their communities after hours. They are not able to be there to supervise their children.

They are looking for alternatives. We see national summit after national summit. We have seen discussions between the President and young people, between congressional leaders and young people, and always we get back to the fact there is not much to do. When we couple that with what we now see in the crime statistics, this program is a small but important and effective effort to try and to change the destiny of these young people and to reclaim these facilities. That is why this program has received such overwhelming support.

This is not just about big recreational facilities in a few big cities. These cities run from Hialeah, FL; Peoria, IL; Kokomo, IN; Lynn, MA; Grand Rapids, MI; Kalamazoo, MI; Poughkeepsie, NY; Marietta, OH; Chattanooga, TN; Bellingham, WA, and when I have the handout, the list goes on and on and on.

What are these cities asking for? They are asking for this Federal Government to serve a partner and a catalyst because, in fact, this is the money around which an additional effort can be organized to try to reclaim our communities and our neighborhoods.

This is part of the war on crime. This is part of the war on drugs. This is a part of the socialization of our young people. This is a part of getting our young people to appreciate teamwork, participation, and constructive engagement with others. This is a part of transmitting values from adult populations to an adolescent population. This is a part of one generation, an older group of people, mentoring and coaching a younger group of people, about building teams, about building communities, about building volunteer spirit.

These are grants. These grants do not keep these facilities open. These grants allow us to reclaim them, the disuse, the lack of repair and turn them into a catalyst for community action, for community organization and for youth activities.

So I would hope that what we are asking is that we would take $10 million out of the fossil fuel accounts, and many Members who voted against those early amendments have suggested to me that they will vote to support this amendment. This in only 4 percent of that account, but the multiplier effect of these projects that have been submitted from every State across the Nation, the multiplier effect far exceeds, far exceeds that small amount of money and its contribution to the fossil fuel accounts.

We have heard the arguments about the fossil fuel account. We are at a time when that industry clearly has the ability to shoulder an additional burden. Make no misunderstanding about it, this is an American priority. This is about our streets, our neighborhoods, our children and our families. This is about where we live, it is about where our constituents live.

A woman said to me the other day in a town hall meeting, I am so afraid of my neighborhood, an elderly woman. She said, Because they are home, but their parents are not home. There is no nowhere for these children to go. That is when the trouble starts.

That is what the urban parks and recreation program is about. That is what was recognized by the private sector, who joined in their support, and by the sports organizations and by the police organizations as they joined in their support for this effort, as well as many of the oldest nonprofit service organizations that have supported our children throughout the history of this Nation.

Mr. Chairman, I would urge my colleagues to support this amendment.

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

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

Mr. Chairman, those are nice sounding words. I was interested when the gentleman said he had overwhelming support. His overwhelming support does not include his President. In the President's budget he made absolutely no request for money for this program. His overwhelming support did not include the former chairman of this subcommittee, the gentleman from Illinois [Mr. YATES].

In 1995, the last time Mr. YATES served as chairman, there was no money put in this program, because even he recognized that these parks are a local responsibility. Our responsibilities are with the national parks. And with 369 units, we have our hands full.

Let me point out that the State parks, the local parks, the tennis courts, the swimming pools are a local responsibility.

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

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, our recollection is that the gentleman from Illinois [Mr. YATES] put money into the bill but it was rescinded by the new Congress. I think that is the history here.

Mr. REGULA. Mr. Chairman, reclaiming my time, I believe the gentleman is correct, we did rescind the fiscal year 1995 funds, but in 1990 and 1993 the gentleman from Illinois [Mr. YATES] had zero funding.

Mr. DICKS. But, Mr. Chairman, if the gentleman would continue to yield, Mr. YATES has been a strong supporter of this.

Mr. REGULA. I understand that, but the point I am making is that while he was a strong supporter in recognizing the priorities in several of those years, he decided that we did not have adequate money and that we should first of all take care of our national parks, and that is the point I would make. And, again, the President did not put it in his budget.

These are local responsibilities. It is nice to do if we have plenty of money. We do not have plenty of money, and I do not think that we should trade the fact that under the fossil research program we can protect our jobs, energy dependent jobs and that we can protect the clean air programs that result from that. We can protect our energy independence.

We should not trade that off for local tennis courts, and that is exactly what this amendment does. It says let us take money out of a program that has already had a 14-percent cut and add it to taking care of local responsibilities. Nice to do, nobody quarrels with that, but it is not the responsibility in this bill to meet those needs.

Therefore, Mr. Chairman, I would strongly oppose this amendment because I think that we need to maintain our fossil energy research program. I

think that we need to let the local communities understand that it is their responsibility to build the tennis courts, to build the swimming pools, to do the local parks. I hope that my colleagues will vote against this amendment.

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

Mr. MILLER of California. Mr. Chairman, I yield myself the balance of my time, and in 30 seconds I would say that I always knew the gentleman from Ohio was never a rubber stamp for our President, but let me just say that in this budget we do an awful lot for local communities, because the forest monies we talked about earlier go to schools and public maintenance out west.

We may not want to talk about that in the rest of the country, but the fact of the matter is this entire budget deals with local governments and we can choose. This is a priority. The gentleman may not like this priority, but this is a priority of the American people because this is about their neighborhoods and about crime.

All of the evidence is starting to emerge that these are facilities that our neighborhoods need. That is why this program is included in the crime bill, too. The gentleman might have voted against that, but the fact of the matter is that is what the police chiefs and others have said they wanted in their arsenal to fight crime and to work with young people. I would hope the gentleman would take this and support this amendment.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume, and I would just point out that this is an authorizing problem and I think the authorizing committee should deal with it. We have a responsibility to deal with the national parks and we have a responsibility to deal with the needs of fossil energy research. We have done that to the best of our ability in a very balanced way.

□ 2000

I think this amendment, while it is a nice thing to do, is not an appropriate response given the priorities that we have had, judgments we have had to make in this bill. I hope my colleagues would oppose this along with these other amendments because we have a balance. Let us not change that. It is not in the best interests of the people of this Nation to do so.

Ms. DELAURO. Mr. Chairman, I rise in support of the Miller amendment which will reduce Federal assistance for the fossil energy industry to help fund parks in urban areas through the National Park Service's National Recreation and Preservation Program.

As the representative of an urban area in Connecticut, there are few greater needs then maintaining and improving parks. Parks benefit everyone in the community, but most of all, it benefits our children. Ours is a time that forces young people to confront adult problems at earlier ages. That's why it's so important that we give our children park space to have fund and enjoy childhood in a safe, clean, and secure setting.

Many, many Connecticut parents in my congressional district have expressed to me the No. 1 challenge they face is having someplace where their kids can go after school. Parents need to know that their kids have someplace safe to go to. They need to know that their children are not out somewhere getting into trouble. Parks offer children the opportunity to have good clean fun and they give parents the peace of mind that their kids are okay.

But this bill contains no funding for urban parks. Zero. Nothing. What message are we sending to the hardworking parents in this country when we deny them this one small opportunity to do something positive about one of their greatest fears?

The Miller amendment is a responsible effort to respond to the concerns of America's hard-pressed parents. For the modest funding level of $10 million, we will provide communities the opportunity to help families cope with the day-to-day pressures that besiege them.

Mr. Speaker, many families in this country are working harder and harder to make less and less. Barely getting by has replaced the American dream as the daily preoccupation. A two-income household was a rarity just a generation ago, and now it is the norm. These families have to keep up with the pressures of the job and raising the kids. It's about time they got a break.

Investing in parks is but a small step to give them that break. Let's provide our communities with safe and clean parks for the kids of our urban families to go. And let's give America's parents a little peace of mind.

I urge my colleagues to vote for the Miller amendment.

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the Miller amendment to restore funding for the urban park program. It helps us achieve two goals. First, we can help revitalize and strengthen economically distressed communities making them more pleasant places to live. At the same time, we can reduce urban crime by giving our city youth alternatives to crime, drugs, and gangs.

When Phoenix basketball courts and other recreation facilities are kept open in the summer months until 2 a.m., police calls reporting juvenile crime drop by as much as 55 percent. When the gyms start closing early in the fall, the crime rate goes up again. Midnight recreation programs range from basketball to swimming and have over 170,000 participants, costing an average of 60 cents per youth.

In Fort Myers, FL, juvenile arrests have dropped by 28 percent since 1990 when the city began STARS—Success Through Academics and Recreational Support for young adolescents.

In my own district in Philadelphia, police launched a program to help neighborhood volunteers clean up vacant lots and plant gardens, and burglaries and thefts in the precinct dropped by an astounding 90 percent from 40 crimes per month to an average of 4 per month. The small investment that Mr. MILLER has requested—$10 million—can bring such dividends, bringing green to neighborhoods and reducing crime.

I urge my colleagues to vote "yes" on the Miller amendment.

Mr. OLVER. Mr. Chairman, I rise in support of the Miller amendment to restore funding for the Park Service's National Recreation and Preservation Program.

This program offers urban families brief refuge from the scenic pollution of urban blight, temporary refuge from the degradation of joblessness, and temporary refuge from the fear of stray bullets.

To many of the millions residing in urban centers, Yellowstone is a million miles away—the Grand Canyon—a place they once saw in a film strip in elementary school. But the urban park, the ideal of visionaries like Edward Olmstead, is a place where urban dwellers can find some open space to throw a frisbee, ride a bike, or just feed the pigeons.

Some of our urban parks even offer pools for families to get away from their non-air-conditioned apartments and cool off a bit. They're the places where the likes of a future Michael Jordan or Marcus Camby learn to play basketball. Where the Mo Vaughns hit their first home runs.

The funding in this amendment provides grants for renovation of urban recreation centers. Many of these facilities are in such poor shape that they endanger kids' safety and health.

These grants help repair, reconstruct, and rehabilitate these facilities so that they can remain open to the public.

In the past these grants have provided recreation for the disabled, repaired swimming pools, resurfaced tennis and basketball courts, purchased picnic tables, created arts and crafts areas, fitness trails, and bocci courts for seniors.

I urge you to support the Miller amendment. If you choose to vote against urban parks, and cite the quest for a balanced budget as your reason, just keep in mind the vote last week when this body gave the Defense Department $11 billion more than requested.

If you choose to vote against this amendment, you will certainly know why the swimming pool won't be open this year—and why the water fountain will remain out of order.

Support the Miller amendment.

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

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

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 455, further proceedings on the amendment offered by the gentleman from California [Mr. MILLER] will be postponed.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to clarify a point in the report language of the bill.

The report language on the Codes and Standards program would require the

Department of Energy to achieve consensus between interested parties before proceeding with any rulemaking, including those mandated by the Energy Policy Act of 1992.

As Members know, DOE has worked long and hard with manufacturers this year to rethink and revamp its process for promulgating rules to allow much greater industry input into rulemaking. The process improvement efforts will soon come to fruition.

I am concerned that a strict interpretation of consensus conveys to any company, organization or interested individual the right to veto any proposed standard, even if DOE has gone the extra mile to address industry concerns or even if there is a broad industry acceptance of the proposal.

Mr. Chairman, what does consensus mean in this context?

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

Mr. WALSH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, consensus in this case means that all participating parties need to be involved in the rulemaking process. We are trying to hold the department's feet to the fire to follow through on its process improvement efforts and then to conscientiously avoid repeating mistakes it has made in the past.

Some of these have included not paying enough attention to ways in which the burden on manufacturers can be eased, failing to incorporate real world market information into their economic analysis and taking inordinately long amounts of time to issue standards.

Our goal is to make sure that DOE solicits and seeks to address the concerns of manufacturers which then have to live with these standards while successfully complying with the law.

Mr. WALSH. Mr. Chairman, can we clarify the language in conference to reflect the requirement for consensus is not just a rephrasing of the moratorium that we had last year but a standard of rigor which will be expected of DOE in future rulemakings?

Mr. REGULA. Mr. Chairman, if the gentleman will continue to yield, I look forward to working with the gentleman to achieve clarification of this report language in conference with the Senate.

Mr. WALSH. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MR. RICHARDSON

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

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON:

On page 15

Under the item "NATIONAL PARK SERVICE", under the item "OPERATION OF THE NATIONAL PARK SYSTEM", after the 3d dollar amount insert "(increased by $15,579,000)".

On page 50

In the item relating to RELATED AGENCIES—Department of Agriculture—Forest Service—Reconstruction and Construction, insert "(reduced by $20,000,000)" after the first dollar amount.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

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

Mr. OBEY. Reserving the right to object, Mr. Chairman, what is the request?

Mr. REGULA. Mr. Chairman, will the gentleman yield.

Mr. OBEY. I yield to the gentleman from Ohio?

Mr. REGULA. Mr. Chairman, that the debate be limited to 10 minutes.

Mr. OBEY. Mr. Chairman, I am reluctant to object, but given the fact that this involves taking money out of roads, I do object.

The CHAIRMAN. Objection is heard.

Mr. RICHARDSON. Mr. Chairman, my amendment increases funding by $15 million for our national parks. It basically makes it the same level as what the Clinton administration requested for the national parks. Let me just state that I am taking these funds from Forest Service roads and not from fossil energy research, as was stated or printed in some document.

Mr. Chairman, when is an increase not an increase? When you add up the funds being appropriated to directly support our national parks. The Committee on Appropriations has made it a point to trumpet that there is a 3-percent across-the-board increase for parks. Members should be aware that providing only a 3-percent increase will mean our national parks will have less money in which to operate in fiscal year 1997 than they had in fiscal year 1996. Why? Because the 3 percent does not even cover such basic operational costs as the pay and retirement cost increases, inflation, and uncontrollables.

In addition, the bill cuts back on the amounts the National Park Service requested for resource stewardship, visitor services, maintenance, and park support, leaving the individual parks to pick up the costs that would otherwise be covered by these programs.

When it comes to our national parks, we can and should do more. The Richardson amendment funds the additional $15.5 million the administration requested in operational increases for individual national parks. Again, what my amendment does is simply raises the amount $15 million to conform with what the Clinton administration requested for this fiscal year.

These are the nuts and bolts funds for our national parks and not the bells and whistles.

The Richardson amendment is only a small down payment on what is needed for our national parks. The amendment funds the rangers, the interpreters, the camp grounds, and the trails. The Committee on Appropriations may say that we cannot afford this, but I find it interesting that they found the money to earmark from park funds $650,000 for Lackawanna County, PA, $200,000 for a study of the Robert Russa Morton High School in Virginia, and $100,000 for a German-American cultural center. Americans expect our national parks to be a funding priority.

I think funding our national parks is a higher priority than spending over $164 million to build more Forest Service roads. Again, I am not decimating the road programs for forests. It is a $15 million decrease that would be moved to the national parks.

There are already a quarter of a million miles of forest roads. We can and should take a small portion of these funds to make sure that our national parks are better cared for.

Mr. Chairman, over the last year in the authorizing committee and in the appropriating committees and in the media and in the public there has been a debate about our national parks. No. 1, everybody agrees that they are important and that they are national treasures. But everybody agrees that they are not being funded properly, that there is crime in some areas, that there is not enough money for law enforcement in our parks. We do not have enough for park housing, for Rangers to maintain many of these jewels. Without necessarily going into the debate we had on a bill that was called the park closure bill, apart from that, I think the very least we should do is fund the parks to what the administration requested.

This is not going to be enough. There are already proposals on the table to raise money for the parks through increased fees. There is also a proposal, a creative proposal the National Park Foundation has initiated which would fund from partnerships between the public and private sector some of the parks. But in the meantime, it just strikes me that we should move these funds from Forest Service roads. There is already a lot of timber harvesting going on. We have got a whole system of roads being built.

The budget is a healthy one for Forest Service roads. Let us just move the $15 million. We are not talking about changing a lot of operations that are existing, move them into the parks. Our parks need the money. We keep having these debates that we are not funding the parks properly.

What my amendment is simply doing, again, it is funding the national parks at the level requested by the

Clinton administration. It is not enough, obviously. We have had stories everywhere where in each State, in each region of the country that somehow our parks are not getting the right funding.

There is not enough money for maintenance. The parks are overcrowded. We have got 260 million Americans visiting the parks again. Let us support the Richardson amendment which just beings the money for the Clinton administration request. It is not coming out of fossil energy as was originally printed.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have heard this song before. It sounds very attractive. We are going to take the money out of the roads, put it in the parks. We talked about 260 million visitors in the parks. Let me point out, once again, that the Forest Service gets twice, double, twice the visitor days of the Park Service. So if we are talking about providing recreation for the people of the United States, it is vitally important that we have adequate, safe roads so they have access to these recreational opportunities.

I think that it is not a good use of the resources available to us to decimate the road program in order to put more money in the parks.

Let me point out we have put an additional $55 million in the parks. This money that is being subjected to being moved is for reconstruction of roads. Why reconstruction? Because if we do not reconstruct these roads, you get a washing effect, gullies that end up silting up the streams. It has an adverse environmental impact on the streams, on the fishing, on the recreational opportunities. I think it is just a poor use of our resources to make this kind of a transfer.

I have to say that we in the subcommittee listened carefully to the priorities of the various agencies. The Members collectively made judgments as to what represented a fair balance among the various needs that confronted us. We gave the parks a lot more money because there is heavy usage.

But also, we gave money, provided money to reconstruct these roads that are absolutely essential to the recreation opportunities of millions and millions of Americans. I think it would be a mistake in judgment now at this point somehow to reduce the environmental protection of our streams that results from reconstructing the roads and also limiting the recreational opportunities of the 300 million people that visit the national forests.

I hope that my colleagues would vote "no" on this amendment. Let us keep this delicately crafted balance that we have between the Forest Service and the parks and between the parks and Fish and Wildlife and the other agencies.

Mr. VENTO. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, this is a good amendment that my colleague, the gentleman from New Mexico [Mr. RICHARDSON] has offered. Even if you took both the Vento amendment and this amendment, you would still have $12 million in road construction and maintenance money for the Forest Service in this budget. The fact is that this then would meet the request of the administration in terms of construction and would meet the request of the administration in terms of operation.

If you want to argue, if you want to meet the needs of the Park Service, I think the people's parks should have a priority over these subsidies that we are providing in terms of the timber harvest, in terms of that they are only doing restoration work. In fact we ought to have no money in this bill for new road construction. We should insist that the Forest Service sales actually pay for themselves, that the bid prices ought to be adequate.

If someone is cutting timber on private land, they do not get a Government subsidy to build roads to that particular timber. They have to pay for it out of the receipts that they get in terms of the timber. Why should we treat our national forests any different than that? We should in other words be dealing with it on the basis of dollars and cents. The fact is that there are innumerable types of assistance and subsidy in terms of management of those forests.

The dollars for recreation are separate dollars in this Forest Service budget for recreation roads, for administrative roads. We are talking about the pure subsidy that goes to the timber, to the sales, to the timber harvests that are given in credits. The fact is we have 379,000 miles of road in the forests.

□ 2015

That is not for recreation; that is for harvesting the timber, and the fact is that those roads represent a tremendous liability. They are destroying our watersheds in these national forests. They obviously represent a great threat to the quality. We ought to be spending the dollars, we need to spend money because past congresses insisted on constructing these roads, not taking care of them, and then requiring restoration dollars in addition to that that we have to pay for it today.

That is why we have got nearly 400,000 miles of these roads, because nobody paid attention to what is going on. It was just put in the roads, cut the timber and not worry about it, and that is the same attitude that is persisting in spending these types of dollars. We have got to hold these timber companies and the way that they treat these forests accountable, and we are not doing that. We are just saying to do it on a basis.

We do not cut all the money out of here for roads and construction. In fact, we leave $125 million, and, as my colleagues know, many would argue it all ought to come out. But we got to send a message here. We got to send a message that the people's parks come first, that they come first in terms of the construction and maintenance needs that they have, that they come first in terms of operation. If we do not pay for operation, for the interpreters, for the Park Service people, we cannot keep them safe.

We had a terrible incident that occurred here in terms of the Blue Ridge Parkway on the Appalachian Trail, where a constituent or person from my State was victimized, and others, and so I think we have got to make more certain that these areas are as safe as possible. We have got to have these dollars in place, and we do not have them today.

We do not have them today, and we can do it. We can do it by changing and sending a message and letting these timber industry folks pay for their own roads by funding the operation of the parks, by funding the construction of the needs we have. We simply have to address this.

We need to send a message tonight by voting for the Richardson amendment and voting for the Vento amendment.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my colleagues, I hope we could be clear about what we are talking about in this situation, both with this amendment and also with the earlier amendment by the gentleman from Minnesota [Mr. VENTO], because by transferring money from the Forest Service construction and reconstruction account into the Park Service we are effectively, and perhaps this is an unintended consequence, turning our Federal forest lands into Federal park lands, and in our part of the world we do not need more park land. We have hundreds and hundreds of thousands of acres that are permanently preserved in the Federal and State park system of the California north coast. We have literally thousands of acres that are permanently preserved and are off limits from any timber harvesting of any kind.

So we like to believe that our Federal forest lands in northern California are important, important for providing a resource and a timber commodity that is used by virtually every American, and certainly important in terms of providing jobs in our home districts.

Now let me just tell my colleagues a little bit about timber jobs, since we so easily shift the focus in our debate on this floor from jobs to other issues. But in terms of what we are talking about in terms of jobs, between 1989 and 1994 we have had 223 mills closed, timber

mills in the Pacific Northwest. Forty-two of those mills are in my district and that of my neighbor to the east, the gentleman from California [Mr. HERGER]. That means that we have lost nearly 20,000 jobs in our timber industry, and that does not count the indirect jobs, the service and support jobs, that we have also lost. And colleagues, this is catastrophic for us that represent these communities, a point we were trying to make earlier today in the debate on the Dicks amendment. Since 1994, these communities have been decimated.

Now I also want to point out to my colleagues that during the years since the listing of the spotted owl in the Clinton-Gore option, the so-called northwest forest plan, these entire communities have been devastated, and we have yet to demonstrate, and I defy anybody here tonight, we have yet to demonstrate that any of the pain and suffering has been necessary or has had any measurable benefit for the spotted owl. Here is why I am particularly concerned and why I say that this transfer would have the effect of turning these productive forest lands into Federal park land.

This is all part of a recent extremist trend in the so-called mainstream environmental movement in this country. Just a few months ago the Sierra Club, by a vote of 2 to 1 of its membership, voted to ban all logging on Federal forest lands. So I ask how long until the extremists openly call for a total ban on timber harvesting on Federal forest lands? That is why we are worried when there is an attempt to transfer money out of the construction and reconstruction accounts of the Forest Service.

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

Mr. RIGGS. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I just want to point out to the gentleman from California [Mr. RIGGS] that we are not giving the Park Service money to purchase new parks. What we are doing is simply funding existing parks. I just want to make that absolutely clear.

And we are not talking about decimating the Forest Service system. We are talking about $15 million. It simply moves the Park Service request to what the administration, the Clinton administration, requested. But it is for funding of individual parks, not purchasing new parks.

Mr. RIGGS. Mr. Chairman, let me ask the gentleman, does he support the position that was recently taken by the Sierra Club?

Mr. RICHARDSON. No, I do not.

Mr. RIGGS. In favor of an outright ban on all logging on Federal forest lands——

Mr. RICHARDSON. No, I do not.

Mr. RIGGS. A position so extreme, that says we should not even harvest a dead, dying, or diseased tree?

Mr. RICHARDSON. Not at all. I have substantial timber harvesting in my State. No, I do not support that.

Mr. RIGGS. Mr. Chairman, I am going to conclude by saying I am very concerned about these amendments because again I think they reflect an environmental policy direction in the Federal Government that is a very real threat to our way of life in northern California. I hope my colleague can understand because this is very sincere, and it is from the heart, why those of us believe that this administration, backed by its democratic allies in the Congress, is still waging a war on the West, and we want it to stop. It has been too much.

The survival of our way of life depends on developing sound environmental laws that are based on sound science and protect private property rights, and I personally am going to continue to fight for those kind of changes. I am going to oppose this amendment and the amendment by the gentleman from Minnesota [Mr. VENTO].

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

Mr. RIGGS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to assure the gentleman that, first of all, I do not look for a banning of all timber harvest, and this is based more on economics than it is based on anything else. The fact is that I understand the gentleman's need for jobs and employment in this area, but I think, as my colleagues know, the jobs and dollars that are spent in the Park Service also produce jobs. The dollars spent in the Park Service also produce economic activity. It is a question of what these dollars subsidize.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. RICHARDSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 455, further proceedings on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] will be postponed.

If there are no other amendments to title I, the Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $179,000,000, to remain available until September 30, 1998: *Provided*, That unobligated and unexpended balances remaining in this account at the end of fiscal year 1996 shall be merged with and made a part of the fiscal year 1997 Forest and Rangeland Research appropriation.

Mr. SCHAEFER. Mr. Chairman, I ask unanimous consent to make a point of order on page 61 of title II.

The CHAIRMAN. Is there objection to entertaining a point of order on page 61?

Mr. OBEY. Mr. Chairman, what was the unanimous-consent request?

The CHAIRMAN. The gentleman from Colorado asked unanimous consent to transact a point of order on page 61 of the bill.

Mr. DICKS. Reserving the right to object, Mr. Chairman, could the gentleman from Colorado tell us what the point of order is?

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

Mr. DICKS. I yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Chairman, yes, I would be very pleased to.

Page 61, beginning on line 2 and ending on page 61 line 11, based on the ground that such provision would constitute legislation in an appropriation bill in violation of rule XXI, clause 2, of the rules of the House.

Mr. DICKS. Mr. Chairman, we are not there yet.

The CHAIRMAN. Does the gentleman from Washington still reserve his right to object?

Mr. DICKS. This has not been cleared with us. I would have to object at this point.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, $148,884,000 to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest and Rangeland Research," "State and Private Forestry," "National Forest System," "Wildland Fire Management," "Reconstruction and Construction," and "Land Acquisition," $1,259,057,000 to remain available for obligation until September 30, 1998, and including 50 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1996, shall be merged with and made a part of the fiscal year 1997 National Forest System appropriation, and shall remain available for obligation until September 30, 1998: *Provided further*, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. CHAIRMAN, it is my understanding that we have rolled these votes. We now have found, and it is my understanding that we would vote these amendments before we go further into title II.

Is that correct?

The CHAIRMAN. The gentleman is correct.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 455, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The earlier amendment offered by the gentleman from New Mexico [Mr. RICHARDSON], amendment No. 33 offered by the gentleman from Minnesota [Mr. VENTO], amendment No. 21 offered by the gentleman from California [Mr. MILLER], and the later amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. RICHARDSON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] on which further proceedings were postponed and on which noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 200, noes 220, not voting 14, as follows:

[Roll No. 254]

AYES—200

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Burr
Camp
Cardin
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cummings
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Inglis
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnston
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klug
LaFalce
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martini
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Peterson (MN)
Petri
Porter
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Walker
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Williams
Wilson
Woolsey
Yates
Zimmer

NOES—220

Abercrombie
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Borski
Boucher
Browder
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Everett
Ewing
Fowler
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greene (UT)
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Martinez
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Vucanovich
Walsh
Wamp
Watts (OK)
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—14

Brownback
Clinger
Emerson
Fields (TX)
Gallegly
Lantos
Lincoln
McDade
Payne (VA)
Pelosi
Peterson (FL)
Ramstad
Tauzin
Torricelli

□ 2046

Mr. HAMILTON changed his vote from "aye" to "no."

Messrs. PETRI, BENTSEN, GENE GREEN of Texas, MANZULLO, SMITH of Michigan, BILBRAY, BARTLETT of Maryland, INGLIS of South Carolina, TAYLOR of Mississippi, CONDIT, and ORTIZ changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VENTO

The CHAIRMAN pro tempore (Mr. DIAZ-BALART). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. VENTO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 242, not voting 14, as follows:

[Roll No. 255]

AYES—178

Ackerman
Andrews
Baldacci
Barrett (WI)
Bartlett
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chabot
Chapman
Chrysler
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford

Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hefley
Hilliard
Hinchey
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
LaFalce
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martini
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Porter
Portman
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Souder
Spratt
Stark
Stokes
Studds
Talent
Tejeda
Thompson
Thurman
Towns
Upton
Velazquez
Vento
Visclosky
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

NOES—242

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bevill
Bliley
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Christensen
Clayton
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Ensign
Everett
Ewing
Fawell
Fazio
Foley
Fowler
Franks (CT)
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martinez
Mascara
Matsui
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Poshard
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Volkmer
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—14

Brownback
Clinger
Emerson
Fields (TX)
Gallegly
Lantos
Lincoln
McDade
Payne (VA)
Peterson (FL)
Ramstad
Tauzin
Torres
Torricelli

□ 2054

Mr. FOLEY, Mrs. CLAYTON, and Mr. ROSE changed their vote from "aye" to "no."

Mr. COYNE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. MILLER OF CALIFORNIA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. MILLER] on which further proceedings were postponed and on which the "noes" prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 223, not voting 12, as follows:

[Roll No. 256]

AYES—199

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chabot
Chapman
Chrysler
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cummings
Cunningham
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoke
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
LaFalce
LaHood
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Petri
Porter
Quinn
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Tanner
Taylor (MS)
Tejeda
Thompson
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Walker
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weller
Whitfield
Wilson
Woolsey
Wynn
Yates
Zimmer

NOES—223

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Everett
Fowler
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Gordon
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kelly
Kim
King
Klink
Klug
Knollenberg
Kolbe
Largent

Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Mascara
McCollum
McCrery
McHale
McHugh
McIntosh
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Regula
Riggs
Roberts
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Volkmer
Vucanovich
Walsh
Watts (OK)
Weldon (PA)
White
Wicker
Williams
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—12

Brownback
Clinger
Emerson
Fields (TX)
Gallegly
Lantos
Lincoln
McDade
Peterson (FL)
Ramstad
Tauzin
Torricelli

□ 2103

Mr. McKEON and Mr. WAMP changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RICHARDSON

The CHAIRMAN pro tempore (Mr. DIAZ-BALART). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 218, not voting 13, as follows:

[Roll No. 257]

AYES—203

Ackerman
Allard
Andrews
Baesler
Baldacci
Barrett (WI)
Bartlett
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Chabot
Chapman
Chrysler
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cummings
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Duncan
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Gutierrez
Harman
Hastings (FL)
Hefley
Hinchey
Horn
Hoyer
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
LaFalce
LaHood
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martini
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Petri
Pomeroy
Porter
Portman
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Rohrabacher
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Souder
Spratt
Stark
Stokes
Studds
Talent
Tejeda
Thompson
Thurman
Torkildsen
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Woolsey
Wynn
Yates
Zimmer

NOES—218

Abercrombie
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bevill
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Everett
Fazio
Fowler
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Pickett
Pombo
Poshard
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Roemer
Rogers
Roth
Roukema
Royce
Salmon
Scarborough
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—13

Brownback
Clinger
Emerson
Fields (TX)
Gallegly
Lantos
Lincoln
McDade
Peterson (FL)
Ramstad
Tauzin
Torres
Torricelli

□ 2111

Mrs. ROUKEMA changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DIAZ-BALART, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that Committee, having had under consideration the bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, on June 19, 1996, I was unavoidably detained and missed rollcall votes 254, 255, 256, and 257 during consideration of H.R. 3662, a bill making appropriations for fiscal year 1997 for the Department of Interior and related agencies.

Had I been present, I would have voted "no" on rollcall 254, "no" on rollcall 255, "no" on rollcall 256, "no" on rollcall 257.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3666, VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

Mr. QUILLEN, from the Committee on Rules, submitted a privileged report (Rept. No. 104–630) on the resolution (H.

Res. 456) providing for consideration of the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 2115

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 455 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3662.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes, with Mr. DIAZ-BALART, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] had been disposed of and the bill had been read through page 48, line 19.

The Clerk will read.

The Clerk read as follows:

WILDLIFE FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, $411,485,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities are transferred to and merged with this appropriation and subject to the same terms and conditions: *Provided further*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

RECONSTRUCTION AND CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $164,100,000, to remain available until expended for construction, reconstruction and acquisition of buildings and other facilities, and for construction, reconstruction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: *Provided further*, That funds appropriated under this head for the construction of the Wayne National Forest Supervisor's Office may be granted to the Ohio State Highway Patrol, Ohio State Department of Transportation, as the Federal share of the cost of construction of a new facility to be jointly occupied by the Forest Service and the Ohio State Highway Patrol: *Provided further*, That an agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That funding for specific land acquisitions are subject to the approval of the House and Senate Committees on Appropriations.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 159 passenger motor vehicles of which 14 will be used primarily for law enforcement purposes and of which 149 shall be for replacement; acquisition of 10 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office, or to implement any reorganization, "reinvention" or other type of organizational restructuring of the Forest Service without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be advanced to the Wildland Fire Management appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report 103–551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of the law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, funds up to $1,000,000 for matching funds shall be available for the National Forest Foundation.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $358,754,000, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1996, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury. Funds are hereby rescinded in the amount of $2,500,000 from unobligated balances under this head.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $143,786,000, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1997.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $499,680,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1997 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That $125,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs as follows: $100,000,000 for weatherization assistance grants and $25,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearing and Appeals, $2,725,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $220,000,000, to remain available until expended, of which $220,000,000 shall be repaid from the "SPR Operating Fund" from amounts made available from the sale of oil from the Reserve: *Provided*, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell in fiscal year 1997 $220,000,000 worth of oil from the Strategic Petroleum Reserve: *Provided further*, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the "SPR Operating Fund", and shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations of the Strategic Petroleum Reserve.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1997 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $66,120,000 to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees

and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,779,561,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $353,125,000 for contract medical care shall remain available for obligation until September 30, 1998: *Provided further*, That of the funds provided, not less than $11,306,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1998: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $227,701,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That funds received from any source, including tribal contractors and compactors for previously transferred functions which tribal contractors and compactors no longer wish to retain, for services, goods, or training and technical assistance, shall be retained by the Indian Health Service and shall remain available until expended by the Indian Health Service: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $52,500,000.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $20,345,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of

Public Law 99-498, as amended (20 U.S.C. 56, part A), $5,500,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $317,188,000, of which not to exceed $31,664,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,250,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $39,954,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $7,000,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $53,899,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $5,942,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $10,875,000.

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $9,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $82,734,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,760,000, to remain available until expended, to the National Endowment for the Arts: *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $92,994,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $11,500,000, to remain available until expended, of which $7,500,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $21,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $867,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), $2,500,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher position.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C 71-71i), including services as authorized by 5 U.S.C. 3109, $5,390,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $125,000.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $29,707,000, of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibitions program shall remain available until expended.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that title II of the bill may be considered read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order at this time?

POINT OF ORDER

Mr. SCHAEFER. Mr. Chairman, I rise to a point of order on title II.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. SCHAEFER. Mr. Chairman, I make a point of order against the provisos beginning at page 61, line 2, and ending at page 61, line 11, based on the ground that such provisions would constitute legislation in an appropriations bill in violation of rule XXI, clause 2, of the rules of the House.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, the majority, the chairman and vice chairman concede this point of order.

Mr. DICKS. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order having been conceded, it is sustained.

Are there any amendments to title II at this time?

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. KENNEDY of Massachusetts: In the item relating to "Forest Service—Reconstruction and Construction"—

(1) after the first dollar amount, insert the following: "(reduced by $12,000,000)"; and

(2) after the second dollar amount, insert the following: "(reduced by $30,000,000)".

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes, the time to be equally divided.

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise to offer this bipartisan amendment to the Interior appropriations bill with my colleagues the gentleman from Illinois, JOHN PORTER, the gentleman from Florida, DAN MILLER, the gentleman from Minnesota, DAVID MINGE, the gentleman from California, ED ROYCE, the gentleman from Wisconsin, SCOTT KLUG, and the gentleman from Indiana, JOHN HOSTETTLER.

This is a very bipartisan amendment. I want to pay particular thanks to the gentleman from Illinois [Mr. PORTER] as well as the gentleman from Wisconsin [Mr. KLUG] for their efforts. Mr. KLUG worked very hard on this amendment in years past, as well as Mr. PORTER, and I appreciate their efforts.

One would be surprised to know that there is money in this bill that will go to the Forest Service, but will travel right from the pocket of the taxpayer directly into the pockets of the most profitable timber companies, such as Weyerhaeuser, Georgia Pacific, and International Paper, in the form of federally subsidized timber roads in our National Forest System.

One would think if we are going to allow private timber companies to come in and remove the Federal assets from our forests for their own profit, at the very least these companies would have to pay for their roads that are needed to be made to get to that timber.

The American taxpayer has already paid for 379,000 miles of roads that crisscross our national forests, which is more than eight times the size of our U.S. Interstate Highway System. Enough is enough. We do not need any new taxpayer-subsidized logging roads. If the new roads for logging purposes are warranted, practical, and profitable, why should not the corporate giants build their own roads?

Our amendment would eliminate Federal funds for the Forest Service for the construction of only new timber logging roads in fiscal year 1997. There have been other amendments that have been offered. This is a very specific amendment that only goes for the building of new roads, and the money will be, in fact, rescinded.

Thirty million dollars from this would be cut by the amendment for the purchaser credit program, $12 million from the reconstruction and construction budget of the Forest Service that is used for building new roads and for the administrative costs associated with those new roads.

The amendment only cuts funds from the budget that would be used to build 550 miles of new roads, and we do not touch the funds that would be used for the repair of roads or the existing infrastructure. Nothing in this amendment would keep private companies from building their own roads.

Some may say that this amendment will cause the price of lumber to increase, leading to higher home prices. The fact is that the interest rates alone affect home prices much more than the price of lumber. Only less than 5 percent of the cost of building a home actually goes to the cost of lumber. So anyone who argues that this is going to push up the price of lumber is not following how homes are built.

Our approach is very simple: Let the market dictate. If the roads must be built and should be built, let the companies that want to build the roads go ahead and build them. Why should the American taxpayer have to reach into their back pocket and subsidize roads that are going to be utilized by private companies for the purposes of going and cutting our finest trees, and in many cases cutting them up, mulching them into fiber board, and selling them to somebody else, where we have to buy them back at inflated prices?

The truth of the matter is if we are to stand up, and I appreciate so many of the Members from the Republican side who have joined with me in the offering of this amendment, because I know that just as you are opposed to so much welfare, that you are opposed to welfare on both sides of the equation, and in fact do not believe in so many of your cases that we ought to be providing subsidies to corporations as well. Many Members of the Republican side have been suggesting that in recent months, and we very much appreciate the help and support that they could give us on this amendment.

Finally, I would just like to add how much I appreciate the fact that, again, Mr. PORTER, Mr. KLUG, and so many other fine Republicans like DAN MILLER and ED ROYCE and JOHN HOSTETTLER have joined with us in this amendment. This will be the first time that we really have a chance to defeat the lumber lobby in the Congress of the United States and stand up for the ordinary people who are paying the taxes. This will not cut roads, it will simply make sure that the roads that are going to be cut by the Forest Service are going to be paid for by the corporations that use them for their own purposes.

Let us be honest with the American people and say where we need to build roads to rebuild the old road system, we will pay for it. Where we need to build roads for recreational purposes, we will pay for it. But if the purpose of the road is to be built so that lumber companies can go in and identify trees that they themselves want to chop down, let those lumber companies themselves pick up the tab.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if I had a chance to ask the gentleman a question, I am not sure if he is familiar with President

Clinton's Option 9. Option 9 is for the Pacific Northwest. It is going to be very difficult for the President to carry out his Option 9 without the funds for roads, especially new roads, to meet the commitment to the people of the Pacific Northwest.

Second, Mr. Chairman, this I think is probably the fourth time this evening that we have tried to debunk this myth that is being predicated that there is a subsidy for road building. The timber that is sold in the national forest is sold on a bid. It is not on a negotiated basis; it is sold to the highest bidder in a bid process. The Forest Service usually puts a floor in; that is, a figure below which they will not go.

The bid includes the fact that the Forest Service will give credit for roads to be built for timber harvest, because they want those roads build for specific purposes beyond timber harvest. They want them built for recreational purposes, they want them built for fire protection, they want them built for a variety of reasons.

If a company on a private tract of land wanted to build roads for private timber, they could probably build those roads at a fraction of the cost that the Government wants their roads built, because the Government wants a multiple use in their forest. So they dictate how the roads will be built for the broader use. It adds value to the forest land for recreational purposes and other purposes.

If the credit is not given, then the company bidding will simply lower its bid, all companies bidding will lower their bid to take into consideration the cost of that road, because it is a special road that the Government wants built.

So there is no subsidy, there is no savings. You pay in the front or you pay in the back. You pay the same thing. It is a myth to say that anyone is being subsidized because implicit in the bid itself, when a person bids for that timber, he will bid that price, knowing that he is going to get credit for the road construction. If he were not getting credit for the road construction, he would give a lower price for the timber so that he would be able to cover the Government's road construction, because it is a specifically built road to Government standards for use far beyond timber.

Mr. Chairman, I hope we can put that myth to bed, and then maybe we can get on with real debate on this subject.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I appreciate my good friend yielding. Is it not a fact that a lot of the timber that we are attempting to harvest on Federal forest lands declines in merchantable value, or loses its monetary value altogether because of our inability to get these sales out, because of our inability to harvest these dead, dying and diseased trees in particular?

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, certainly in the area of salvage that is true, because the appeal process is getting so long now many companies will not give a high bid for government timber because the process is so lengthy.

Mr. RIGGS. Mr. Chairman, if the gentleman will continue to yield, is it not a fact that some of our friends concerned about so-called below costs sales and concerned about taxpayer subsidies are the same people who are opposed to allowing any kind of expedited logging on our forest lands, including the salvage harvesting of dead, dying and diseased trees?

Mr. TAYLOR of North Carolina. Exactly. The Sierra Club came out recently with a vote two to one against any cutting on government forest lands altogether.

Mr. RIGGS. Did I understand correctly the Sierra Club, the most moderate mainstream environmental organization, the one that enjoys the most moderate mainstream image of all environmental organizations, voted recently two to one to completely ban all logging on Federal forest lands?

Mr. TAYLOR of North Carolina. Exactly. The implications of that is going to be severe, not only economically, because of the thousands of jobs and tens of thousands of jobs to be lost, but environmentally. Because as we pointed out again and again, we use wood products for many things. That table in front of you is an example. If we do not make it out of wood, we make it out of a finite product, usually plastic or metal. Both are finite and harsher on the environment. We also need the plastics for other uses.

We need the renewable resource of wood. Throughout eastern America, the Appalachian hardwood in the Forest Service, I would say 50 percent of the timber, the Appalachian hardwoods that are going to be collected in the future, is going to come from Forest Service lands, supports the furniture industry that not only supplies homes across this Nation, but is a substantial export market for us, value added.

The other factor I would like to point out in the total object we are talking about is all the folks who want to stop harvest in the forest do not tell us what is going to happen to replace all those forest products that the people need and a growing population needs, much less the jobs that will be abolished.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Kennedy-Porter amendment and would suggest that the arguments being made by the other side apparently, after only a brief display, are obviously trying to create a strawman. They do not want to talk about the issue in terms of what is in this amendment. This amendment does not ban harvesting on the national forests. That is not what this amendment does. This amendment takes out some $50 million in terms of subsidy for new road construction for those sales.

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What we are saying is that this ought to make economic sense. I might say it would be a good idea if it made environmental sense as well. It would be a good idea if it made scientific sense, I would suggest, too. And first and foremost, perhaps it would be a good idea if it made ethical sense, that it was the right thing to do in terms of what we do in terms of policy.

So I think the gentleman from Massachusetts, [Mr. KENNEDY], is coming from an economic basis here, but I think in the end it makes a lot of scientific and environmental sense. We have rejected amendments to take and transfer this money out, and this is the consequence that my friend, Mr. KENNEDY, is trying to show, what happens to these forests and what is happening with these roads. Because when they are constructed and we end up with nearly 400,000 miles of roads, they are just left in a bad condition.

This slumping, this taking of the soil that is washing into the streams is destroying the fisheries, destroying the watersheds, leaving behind literally tens of billions of dollars of damage in this country, in our landscape, that we have a responsibility for as stewards, that is left in disrepair.

What is the suggestion of this committee? What is the suggestion on this floor? To construct more new roads. Are we closing down some? Yes, but not nearly enough. Are we containing them at the level that is necessary? Not nearly well enough. And that has been bad policy that has been handed to us today to make a decision.

The decision ought to be to take the money and save this money for the taxpayer and to save this legacy for future generations.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman's yielding and his comments. I want to clear up a couple of the inaccuracies that were suggested by the two earlier speakers.

First and foremost, there is $2 million that was requested by the Forest Service to go into our forests to clean up the areas that need to be cleaned up. We have not touched that money. The money that was requested specifically by the Forest Service to meet the concerns of the gentleman from California, [Mr. RIGGS], is left in the budget.

This deals with the fact that in 1995 a GAO report showed that the timber

sale program lost an estimated $330 million a year for 3 years for a total of over a billion dollars to the American taxpayer between 1992 and 1994. This is what we are talking about, is whether or not the roads, when they go in, that we can say that we are going to sell as many board feet of timber if we cut the subsidy.

Well, obviously, that is probably true. I will grant my colleagues that. But the truth of the matter is, we are going to save the American taxpayer millions and millions of dollars at the same time. If what we are really about is simply to subsidize timber sales, then why not just write the timber companies a check and to heck cutting down the trees. Keep the trees.

But that is not what we are really wanting to do. What we want to do is hide the fact that underneath this program is a tremendous subsidy that goes to these companies and ends up with the kinds of damage done that that picture demonstrates.

Mr. VENTO. Mr. Chairman, reclaiming my time, I think the gentleman is right. If there were not a subsidy, we would not have the $164 million in the bill that we have before us. It is just economic sense. If these forests cannot pay for themselves, if these forests do not pay to cut these trees down, and I tell my colleagues, our forestry practices are a disaster because of incidents like this.

Go out and fly over the 400,000 miles of roads that they have constructed that are in disrepair and will never be taken care of. At the rate we are going, we are just destroying the environment, is what we are doing, and it does not make economic sense. We would not have to have this money in the bill.

Our forestry practices have resulted in just the prime cuts going. So the areas that remain, yes, they are below cost, because the prime areas have been cut out. It takes money, obviously, to restore these areas today. That is what is going on, is the type of cuts, and what is left simply does not make sense in terms of the economics. That is why we will have to have more and more money each year to deal with this particular problem.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

I must, unfortunately, oppose the Kennedy amendment. In my judgment, there is a correlation between how much money we spend in roads and how much timber harvesting we are able to do. If we cut the timber road purchaser credit program by 60 percent, we are going to drastically reduce timber harvesting in the States that use the timber purchaser credit program. We are also going to cut back the other construction program.

Now, I agree with the gentleman from Minnesota, but if we cut the money for roads, then we are also cutting road maintenance and we are cutting recreational roads. These things all are affected.

These roads are used for multiple purposes. The Forest Service provides more recreational opportunities than our entire National Park System, and we have to have roads to get into these recreational areas.

So we cannot walk away from the truth here. The truth is, if we are going to cut the road program by 25 percent, total, then we are going to dramatically reduce the level of timber harvesting.

Mr. Chairman, I must tell my friend from Massachusetts that there is no subsidy here that I know about, because what happens is, we have two different programs. In some areas, the Forest Service builds the roads, and when they do that, people bid on this timber and they will bid a certain level. In some cases, the timber operator builds the roads, and in that case, he bids less for the timber. That is called purchaser credit.

There are two different systems, but both of them are based on the economics of how much this timber is worth.

Now, I must remind everyone that we have cut timber harvesting in this country by over 50 percent, and in the Pacific Northwest, we have reduced it by 85 percent. This has had a dramatic negative effect on the economies of many areas. To come in now and again cut these timber roads, many of which are used for maintenance and recreation and other purposes, simply is going to cause additional problems.

In fact, most of the money in the President's program for watershed restoration is to take out roads. A lot of this money is used to take out existing roads.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, let us point out the fact that there have been a couple of statements that are simply not true. This amendment does not cut recreational roads, number one.

When the gentleman talks about the fact that timber sales might go down, the truth is that less than 10 or 12 percent of the total amount of timber that is cut in this country comes from the national forest.

No. 2, the private sales in this country have skyrocketed, so we are not talking about damage done to the lumber industry. What we are talking about is the subsidy program which the GAO——

Mr. DICKS. Mr. Chairman, reclaiming my time.

Mr. KENNEDY of Massachusetts. Well, if the gentleman would just allow me to finish, then he can take back, so I will learn something here, because I am sure I will from the gentleman.

The GAO says that we are going to lose $330 million on this program this year. That is how much they claim is going to be lost.

Mr. DICKS. Reclaiming my time, Mr. Chairman, the people from the Forest Service do not agree with the GAO calculations. And, again, one of the reasons that we are not getting as much return out of our timber harvest is because we have put on all kinds of additional environmental restraints and restrictions in order to protect and do ESA's and do EIS's and all the other things that we have to do to protect the environment. The gentleman agrees that those are important priorities that we ought to do.

Mr. Chairman, again, I want to say it one more time. If we cut the roads program, we are going to then reduce timber harvesting from what the committee approved, 4.9, down about 1.7 less. It would be down to about 3.2. And we have carpenters and all kinds of people out there who depend on the timber coming off the Federal forest lands.

As I told the gentleman and my good friend, we have already cut the timber harvesting program in this country by approximately 50 percent. I think going any further than that is a very serious mistake, and I would urge the House to reject the amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, the only point again I would like to make is that, yes, there are going to be reductions in the number of board feet. Where we go about 4 percent of the total board feet last year out of the timber program that comes out of the national forest program, some of that 4 percent that we get out of the total sales from the national forest program will go down a small percentage. It is a tiny, tiny percentage from the overall number of board feet cut.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, let me say one other thing here. At he request of our former chairman, the gentleman from Illinois [Mr. YATES], the General Accounting Office recently completed a report detailing the allocation of Forest Service timber sale receipts to various funds and accounts and comparing total receipts to outlays for timber sale preparation and administration.

The report covers fiscal years 1992 through 1994. That is 3 years during which timber sales ere at a postwar low. Nevertheless, the report shows nearly $3 billion in timber sale receipts against $1.3 billion in preparation and administration outlays. Therefore, we are covering the cost by approximately $1.7 billion.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman would once again yield, I would just like to point

out that that report goes on to say, if the gentleman would read the next page, that those numbers do not take into account the cost of building the roadbed into the forest, which is 70 percent of the cost; it does not take into account something else, too, and it is a phony baloney report.

Mr. HANSEN. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, let me point out that I have been on the committee that handles these things for 16 years. I am chairman of the Subcommittee on Forest Service, Public Lands and National Parks. If anyone would care to come to our meetings, we hold hearings on these things on a very regular basis. In fact, there is one tomorrow at 10 o'clock. We have gone over this issue ad nauseam. How much it costs, below-lost timber. It goes on and on and on.

Here is the myth that seems to float around here right now, and it goes this way: Cutting all funds for construction of new forest roads will save the Federal Government $95 million per year or $495 million over 5 years. They tie this argument to the claim that the Forest Service timber sale loses money.

I can tell my colleagues after 16 years on that committee that is completely and unequivocally false.

Withholding these road funds for fiscal year 1997 will preclude needed environmental improvements to the existing road system and will cause the termination of most timber sales on the national forest.

And today, just today, we went over these facts. Listen to these figures, please, resulting in a net loss of approximately $600 million in annual timber sales.

Now, a lot of folks have been wondering, why do we have so many fires around the area? We have fires all over the West and other areas. One of the reasons we are hearing this is because they cannot get to them. It is very romantic to see them jumping out of Cessna 210s and things such as that, but, in reality, how they fight these fires is these guys take these trucks and go up these roads. These roads we are not taking care of. These roads we are not going to build. So this is one of the reasons we find ourselves in that situation.

Eliminating the funding for the Forest Service would virtually half the Forest Service's timber sales program, which is needed to, one, accomplish forest management activities; two, provide an important share of the Nation's wood products. And my friends may have noticed how timber is going up over the years. When I built a home 20, 30 years ago, a 2-by-4 was 87 cents. It is now $4. One of the reasons directly tied to that is because of that.

And being in the construction business myself for many years, I can tell my colleagues that, contrary to what my good friend said, timber is a big part of building homes.

Many accounting firms are looking at this at this particular time, and we have had them before the committee. And what have they testified to? They say one of the reasons the cost of housing is going up is because we are not doing this.

My good friend from Massachusetts made an interesting statement not too long ago. He said, we are going to take care of this timber lobby. That is not the person we are going to hurt. I will tell him who we are going to hurt. If we go back to our districts and look in the faces and eyes of these people with modest incomes who like to hunt and fish and camp and be out in the outdoors and enjoy it, those are the people we are going to hurt.

We are not hurting the lumber industry at all. They are moving out of these areas, and wisely so, because they can do it cheaper. If Members want a great experience, they should go down with the gentleman from California, WALLY HERGER, and look at some of this that is owned by private industry, where they are flourishing and doing very well, and then look what the Federal Government is doing. Old growth forest and fires.

And now we are even kicking the cattle off the ranch because we do not want those to take care of the grass. Funny enough, in Canada they send them up there, paying them $5 a head to eat that grass so it does not burn.

□ 2145

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

Mr. HANSEN. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, the gentleman seems to have a good handle on this issue. Let me ask him this. I am concerned about small communities like I have in my area, I have a lot of national forests in my community, like Phillips, WI that is totally in a national forest. They do not have any power of taxation. What happens when they need some new streets like they do?

Mr. HANSEN. Mr. Chairman, I would like to give the gentleman a classic example. Anybody in here ever heard of Escalante, UT? Escalante, UT has Escalante sawmills in it; 268 people have jobs there. Guess what? The extreme groups came in and they challenged every one of the contracts. No, they will not let them do it. Two hundred sixty-eight people do not have jobs anymore. You want to buy a town? You can buy one. It is called Escalante, UT, because they all went out because people were challenging the road building.

Also Kaibab Industries in Arizona has a place in Utah. They are pretty well out. That is what happens in these little communities when we follow amendments like the one from our good friend from Massachusetts.

Mr. ROTH. Mr. Chairman, if the gentleman will continue to yield, I am interested in what is going to happen if this amendment would pass. What is going to happen to this small community that is within this national forest? They are not going to get a new street. They do not have any power of taxation.

Mr. HANSEN. Mr. Chairman, let me tell my colleagues, of my 16 years in that committee, do you know who uses these roads, it is not these guys. A lot of this was pointed out by the gentleman from Washington. This build them themselves in many instances. Who uses the road is the person who likes to recreate, the person of modest means. That is the person who is going to be hurt.

In answer to your question, those little communities are the ones that suffer. The little communities that are all through the 48 lower States and the other 2, they are the people that will suffer. I think this is a misguided amendment. I have great respect for the gentleman from Massachusetts.

the CHAIRMAN. The time of the gentleman from Utah [Mr. HANSEN] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. HANSEN was allowed to proceed for 1 additional minute.)

Mr. HANSEN. I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out the fact that you had cited this as though all 379,000 miles worth of roads, all the new roads that the repairs that are going to go into 1,850 miles worth of roads, the new roads that are going to be built for recreational purposes, all seem to account for nothing. All of the cuts that you and the gentleman from Washington [Mr. DICKS] are predicting come out of these 550 miles worth of new roads. You have a lot of roads to go out and cut a lot of timber, which is only harvested 4 percent of the total take in this country. So how you can blame this tiny little cut of $50 million for all these terrible things that are going to happen, I think is irresponsible.

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

Mr. HANSEN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think the gentleman from Massachusetts thinks this is a defense bill. Fifty million in the interior bill is a big deal. It is about one-third of the timber program, timber road program. So this is a big amendment, worse than any of the ones we have seen today.

Mr. HANSEN. Well stated.

Mr. ROYCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment, and there are several points I want to make. The first on purchaser road credits, they are not necessary for timber harvesting. Logging occurs on land managed by the Bureau of Land Management under their lump sales program, which does not involve purchaser road credits.

States also manage their timber sale programs much more effectively. According to the General Accounting Office, States fund their programs with a percentage of timber sales receipts which provides a built-in incentive to promote cost efficiency.

The General Accounting Office also states that while the States' planning processes are fairly straightforward, the Federal agencies' processes are much more lengthy and expensive.

I would lastly also like to note that the House budget resolution that we recently passed calls for market-based decisionmaking in public land management in the area of multiple activities, including the timber road programs. In my view, those of us who supported our budget resolution should also support this amendment.

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

Mr. ROYCE. I yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Chairman, I think my colleague, Mr. ROYCE, has put this in perspective. There has been a lot of emotion on both sides of this issue tonight. I think in the end it really boils down to hard, cold numbers.

Let me go back to the point the gentleman from Massachusetts made earlier in terms of the General Accounting Office study. The General Accounting Office, which essentially is charged by Congress with doing fiscal analysis, came back and said we have lost nearly $1 billion over 3 years in below-cost timber sales. Of that, $245 million was the cost of new road construction.

Again, this amendment does not say you cannot harvest and that timber companies cannot cut down trees. It simply says if they want to do it, they can pay for it.

Let us put in perspective exactly how much mileage we are talking about. There are already 379,000 miles of roads in the National Forest Service which is eight times bigger than the national highway system. We have already built roads from one corner to the next.

It seems to me it should be a fundamental Republican principle that at the very least you break even. What an extraordinarily novel idea, if you actually make money when you sell a Federal resource.

Let me again congratulate my colleague from Illinois [Mr. PORTER], the gentlemen from California, [Mr. ROYCE], and the gentleman from Massachusetts, [Mr. KENNEDY], for trying to bring some common sense and, more than anything else, economic sense to this issue which says, if you are going to do harvesting, go ahead and do it. Let the private companies pay for it. And when you harvest the timber, let us make a buck at it.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would have to say that we have spent the last year and a half discussing timber, cattle grazing, mining. And the difficulty I have with all of this is that I never find a time when those who are interested in these industries are willing to give at all in solving some of our budgetary problems in this country. No, we have to continue to subsidize the timber industry. We have to continue to subsidize the cattle ranchers. We cannot change that. We have to continue to subsidize mining interests in our country. There is never any give to solve our country's problems. I wish I could say that there was.

Here we are asking simply to cut $50 million to build 550 miles of new road on top of 379,000 miles of existing road, as Mr. KLUG just said, eight times, eight times longer than the interstate highway system. And we are saying, why not forgo this, why do we not just do this for a year. There are plenty of roads out there that are already in existence. Yet, no, no, we cannot do that. We are already subsidizing them and we have to continue to do it.

I believe very strongly that it is time we look at all of these kinds of subsidies and we say, hey, the Federal taxpayers do not have an obligation to the U.S. timber industry. They do not have an obligation to cattle ranchers to subsidize, nor do they have an obligation to the mining industry.

We have a mining law that has been in existence since 1872, subsidizing an industry. Let us have a time when the interests who come up here and say, yes, we have to balance the budget, but we have got to do it on everybody else's interests but ours, we are going to protect ours ad infinitum. I think it is time that contributions be made.

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

Mr. PORTER. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, let me just say that after having hearings on each one of those issues you mentioned, we are trying to come up with a grazing bill that pays more. We have had more hearings that say that they are not being subsidized in both timber, mining and grazing than we have otherwise. I do not know where the gentleman comes up with those figures, because they are surely not the figures we get in front of the committee. That is the line of extreme environmentalists. We do not get that. We sit there for hour after hour after hour going through this. I would like to know where these figures come that you are talking about. I have never seen them, and I have been on that committee for 16 long years.

Mr. PORTER. Mr. Chairman, does the gentleman mean that we are not subsidizing these industries?

Mr. HANSEN. Mr. Chairman, I do not think we are at all. In fact, the facts we have, we are making money on this timber industry to the tune of $600 million this year.

Mr. PORTER. I find the gentleman's arguments incredible, frankly.

Mr. HANSEN. Well, come to the committee then.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, let me explain to the gentleman from Illinois, I hold him in high regard, obviously, he is chairman of one of the subcommittees on which I serve on the Committee on Appropriations, but I have to point out in all fairness that the gentleman makes no bones about his environmental bent. He is an opponent of timber salvage harvesting, the idea of harvesting even a dead, dying or diseased tree.

I just want to bring a little bit more factual light to bear on this particular debate. We have had reference made here on this floor tonight to the GAO study. This diagram refers to the GAO study. It talks about the distribution of timber sale receipts for the Federal fiscal years 1992 through 1994. Initial distribution of timber sale receipts which totaled $2.995 billion goes into six funds or accounts.

One is the national forest fund. We will talk more about that in a moment. Second is for reforestation, $736 million. Third, preparation of salvage sales, again, many of the Members making this argument tonight are opposed to the idea of salvaging even dead, dying and diseased trees on national forest lands, even though we have had scientific testimony that it is good for fire suppression purposes and the health of the forest.

One hundred thirty-four million dollars for brush removal and erosion control. Last, the credits that the gentleman from Washington referred to for purchaser built roads, $221 million and 5 million for interest and penalties assessed.

This is the interesting figure over here, and it should concern the gentleman from Illinois, [Mr. PORTER], chairman of the Subcommittee on Labor, Health and Human Services, and Education, because of the $1.34 billion that goes into the national forest fund, $886 million is going to States in which those forests are located. Those are payments in lieu of taxes. Those are going primarily for local public education in those States. Another $134 million is going to roads and trails and $22 million to the Forest Service for road building purposes.

But here is the bottom line; here is the net figure. Defy this number, defy

this number. Remaining funds to the Department of Treasury. Could that be any more clear? Two hundred ninety-seven million dollars going to the Department of Treasury. It is a net, it is a net revenue generator to the Federal treasury.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, I know that paper came out of the GAO report. There is a $1.3 billion cost in addition, so that the net cost to the Federal Government is almost $1 billion. This is the revenue, where it goes.

There is only $300 million going to the Federal Government, but you do not take into consideration on the next page from that chart which shows that $1.3 billion cost. The GAO says there is a net cost of timber sales, not net revenues.

Mr. RIGGS. You are saying there is $1.3 billion in addition to this?

Mr. MILLER of Florida. Of cost to the Federal Government to run the program. Look at the next page of the report.

Mr. RIGGS. This comes right out of the GAO report. As we talked about earlier, I also want to point out that one of the reasons that we have so-called below cost sales is because we do not salvage or harvest these trees in a timely manner. They begin to lose a lot of their monetary value. This is merchantable timber, but if we do not harvest it when it has a monetary value, then of course we are not getting the best return on that particular timber.

One other thing I want to say. I want to ask my colleagues about this. I see that the forest health bill in the other body is now held up over the debate about whether or not we would permit forest health type selective harvesting on Federal forest lands in so-called roadless areas. This amendment prevents us from building any new roads in Federal forest lands. So it is part and parcel of the movement again to turn Federal forest lands into national parklands.

The point I want to make in conclusion, Mr. MILLER and others, you have joined together in your pork busters coalition or the green scissors coalition, do you support the position of the Sierra Club, which is part of the green scissors coalition, which has come out by a vote of 2 to 1 of its membership in favor of a complete ban on all logging on Federal forest lands, an extreme position to put it mildly, a position that says we are not even going to harvest a dead, dying or diseased tree. Does the gentleman from Florida support that position?

Mr. MILLER of Florida. Mr. Chairman, I support Mr. TAYLOR. and his amendment on salvaging timber. That is not the issue we are talking about. The issue we are talking about here is costing the Federal taxpayers money.

Mr. RIGGS. Mr. Chairman, the gentleman is aligned in the green scissors coalition with the Sierra Club which has now taken the position of favoring a complete ban on all foresting on Federal forest lands.

Mr. MILLER of Florida. Mr. Chairman, did the gentleman know that Citizens Against Government Waste favors this amendment. This is not strictly a green scissors vote. It is a green scissor vote and it is a fiscally conservative vote, too.

Mr. RIGGS. I will simply point out that my colleagues, I know they are sincere about this, my colleagues who are behind this, they have not come to those of us who represent these congressional districts to discuss this. You might talk to inside the beltway groups, whether it be Citizens Against Government Waste or the Sierra Club, but you do not come to us and say, tell us about the impacts of doing this, as high-minded and well-intentioned as this might be, Tell us about the economic consequences.

The CHAIRMAN. The time of the gentleman from California [Mr. RIGGS] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. RIGGS was allowed to proceed for 2 additional minutes.)

Mr. RIGGS. You do not come to us. Instead you rise on the floor in a very high-minded fashion, but you do not consult those of us who represent these districts which are disproportionately impacted by these well-intentioned amendments on the House floor.

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

Mr. RIGGS. I yield to the gentleman from Washington.

□ 2200

Mr. DICKS. Now, one of the things that is confusing here: the study that was done by the gentleman from Illinois [Mr. YATES] shows that in the National Forest Fund over that 3-year period we get 1.3 billion. That is, I think that is, the gentleman's figure there on the far right. But then the law requires us to do some things that I would consider kind of good government things with that money if we sent back 25 percent of it to the States. That is 886.7 million.

We then provide roads and trail funds, 134.2 million, and the Forest Service for road building purposes, 22.9. The remaining funds went to the Treasury, 297.7. So those cannot be considered; I mean I do not think those should be considered cost to the programs. Those were Congress' decision to take care of the communities, the counties, where this timber harvesting was done. That is where the vast amount of that money went. And if we look at it from that perspective, we even have a bigger return than the 297.7 in the Treasury. We have a return that looks to me roughly about 1.3 billion.

Mr. RIGGS. Mr. Chairman, reclaiming my time, would the gentleman say that figure one more time?

Mr. DICKS. 1.3 billion.

Mr. RIGGS. Would that be roughly equal to the 1.3 billion that the gentleman from Florida just claimed was the actual outlay by Federal taxpayers for this program?

Mr. DICKS. I think what we have here is about 1.3 in outlays and 1.7 in total dollars that come in above that, so it will be a total of 3 billion.

We have a major return on investment here that was documented by the GAO. The problem is people want to twist these figures and not look at where this money goes. The money went to good government purposes, not the cost of the program.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me yield first to my colleague, the gentleman from Massachusetts [Mr. KENNEDY], and then I wish to yield to the gentleman from New York [Mr. BOEHLERT].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I think there has been a lot of confusion about how to read these charts and these numbers. The truth of the matter is that the total timber sales receipts were $2.995 billion. They went to the purposes on the chart which the gentleman had showed us in the well. But what he does not show us is that in addition to the timber sales receipts there is another 1.2 billion that went into the fund from the general fund of the United States of America. So that is why, when we add the two together and—excuse me—it is my time here.

Mr. Chairman, if the gentleman from Florida would continue to yield, the truth is that if we add both figures together, we come up with the total amount of revenues that come into the forest system. At that point, then discount the costs that are mandated by the Congress for various actions that we deem as appropriate for the Forest Service to take, and they are substantial, and as the gentleman from Washington [Mr. DICKS] has already indicated, there are things that all of us have signed off on. Then what is done, if we look at the cost of how much we put into the forest versus how much we subtract out of the forest as a result of selling the trees, and it comes out according to—and listen, this thing is on the same page of the GAO account. Here is the cost structure, and here is how much it costs the taxpayer. And according to this report, it costs the taxpayer, 1992, $339.6 million; in 1993, $377.2 million; in 1994, $278.6 million, for a grand 3-year total of $995 million, and that is the true story.

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

Mr. MILLER of Florida. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I would like to follow up on what my colleague from Massachusetts said. He is right on track and because he is right on track there are a number of organizations that have followed this very closely. These are fiscal watchdog groups, and they support this amendment.

I might point out it is Taxpayers for Common Sense, Citizens Against Government Waste, Taxpayer Assets Program. They are all in favor of this amendment, as too are all of the significant environmental groups like the Wilderness Society and the Natural Resources Defense Council. For good reason, they are all concerned with the responsible management of public lands.

As we work to cut unnecessary spending and balance the budget, it makes good sense to cut those programs that target assistance to large corporations and harm the environment.

That's the opportunity that we have before us today through support of this amendment. Road building is one of the most fiscally and environmentally irresponsible components of the Forest Service's timber sale program.

The Forest Service is supposed to serve the interests of the entire general public that appreciates and values our National Forests, yet 95 percent of the roads constructed under the Forest Service program are used for logging, not recreational or other general purposes. Taxpayers must therefore pay twice—once for road subsidies and again for the environmental damage that results.

Taxpayers have already subsidized a network of forest roads eight times the size of the interstate highway system. This amendment simply prevents the expenditure of taxpayer dollars to build new forest service roads. Funding for maintenance and rehabilitation of the existing 1,850 miles of logging road for use in the fiscal year 1997 timber harvest program will not be affected by this amendment. Nor will the ability of private companies to build new roads with their own money.

An amendment as sensible as this has garnered the support of both fiscal watchdog groups, such as Taxpayers for Common Sense, Taxpayer Assets Program, and Citizens Against Government Waste, and of environmental groups, such as the Wilderness Society and the Natural Resources Defense Council, for good reason. They are all concerned with the responsible management of public lands.

Support U.S. taxpayers and the environment. Support the Kennedy-Porter-Miller-Minge-Royce-Klug-Hostettler amendment.

Mr. MILLER of Florida. Mr. Chairman, I rise today in support of this amendment to cut spending the for Forest Service road construction. This amendment represents exactly what the American people sent us here to do. It is a bipartisan amendment to eliminate wasteful spending. Before we appropriate taxpayer dollars, we must ask the question: Is this the proper function of Federal Government? And should working Americans be forced to spend their hard-earned dollars on this program?

I do not believe that Government needs to provide subsidies to the logging companies. Logging is an important industry, I realize, but it does not need a subsidy. We do not subsidize aluminum companies or concrete companies or brick companies, and yet we have adequate supplies for home construction from those industries. If logging in the national forest makes national economic sense, then let us let market economics establish that. There is the real debate, where logging in many parts of our national forest is economically rational. We can settle that argument very easily by stopping the market-distorting Federal subsidy.

The gentleman from Massachusetts [Mr. KENNEDY] read from the GAO report. It is a $995 million loss for 3 years.

Now we can come up with, oh, this expert said this and this expert said that. That is the reason we have the General Accounting Office, to come up with an arbitrary unbiased statement of what the real costs are. It is costing the American taxpayers.

This is a simple amendment to save $30 million, and we need to send a message to the Forest Service. The Forest Service, and there is a report recently, just as matter of fact today that a letter was sent from the General Accounting Office, saying the books of the Forest Service are a mess. They cannot even tell us, the Forest Service, what it is actually costing. So we have to send a message to get their books in order.

This is a good amendment. It is a fiscally conservative amendment. It cuts spending. It does not shift it to another area. It does not ban logging in the national forest. It is just saving the taxpayers money, and that is what we are here for.

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

Mr. MILLER of Florida. I yield to the gentleman from California.

Mr. RIGGS. I notice that our friend, the gentleman from New York [Mr. BOEHLERT], when he was talking about the environmental organizations that have endorsed my colleague's amendment skipped right over the Sierra Club, and yet I am looking at an article, a very recent newspaper article, says the Sierra Club, by voting for the first time in its 104-year history supports an end to commercial logging in national forests. Does the gentleman agree with that position?

Mr. MILLER of Florida. That is not the question here. The question is saving the taxpayers money.

Mr. HOSTETTLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to start out by saying I am not opposed to logging on public lands. I am not opposed to timber salvage. I think forestry-related industries are very important to our national and local economies.

But as much as I am for these things, I am against corporate welfare. Mr. Chairman this country is still in the midst of a fiscal crisis. With more than $5 trillion in national debt, we, the elected representatives of this country, are charged with making the choices in priority that will bring the budget into balance. I know very well that these choices are not always popular. But Mr. Chairman, we simply must take stands if we are going to balance the budget—and we must, balance the budget.

This amendment which I am helping offer is a simple solution to a somewhat convoluted Federal program. The amendment strikes $12 million in administrative funding and $30 million in purchaser credits through which the Forest Service subsidizes timber companies as they log on public lands. The subsidy, which of course really comes from the taxpayer, reimburses the companies after they build the necessary roads to harvest timber in national forests.

Now, when a company harvests on privately owned land—they pay for the roads themselves, they pay for the land—and then they sell the product. Well, they get to sell the product they harvest on public land—and they do make a bid for the rights to harvest—but they get all of this help—$30 million of free lumber in 1997, to build the access roads. This is pure corporate welfare.

These roads are not recreational or fire roads, because there are separate line items for these types of roads. And these are not existing roads—as the funding to maintain those is intentionally left alone by the amendment.

Perhaps most importantly, there is nothing in this amendment which would prohibit private companies from paying for their own roads should they wish. Some oppose this amendment by saying that if the amendment becomes law, companies may decide it is not fiscally prudent to build such roads. If this happens, I would ask on behalf of the taxpayers in my district, if the companies don't think it makes sense, why should the Federal Government be doing it?

I help offer this amendment because we need to be diligent in rooting out this kind of spending, if we are to give the taxpayers of this country what, at the very minimum we should give them—a balanced budget. A vote for the amendment is a vote of fiscal responsibility, toward a balanced budget and against corporate welfare.

Mr. BUNN of Oregon. Mr. Chairman, I move to strike requisite number of words.

Mr. Chairman, this has been an interesting debate. I listened as the gentleman from Massachusetts [Mr. KENNEDY] said that only 4 percent of the timber is off the Federal lands, and maybe that does not have a very big impact to Massachusetts, but in Detroit, OR, in Mill City, OR, and Idanha, OR, communities that I represent that are surrounded by Federal forest land, it makes a real big impact, and when they are trying to keep their schools open and they are trying to keep their businesses open, it does have a huge impact on those people.

Earlier we saw a picture of a forest road that had erosion problems, and I think that that is significant, and one of the things that is significant about that is we have changed the method of building the roads, we have increased the cost to prevent the erosion that was pictured there, and, as my colleagues know, if it is simply a question of getting the timber out, timber companies can get in and haul logs out for a fraction of the cost that we demand that they pay, but because we want those roads to be there for years, because we want those roads to be available for camping and hunting and fishing, and I have gone into the national forest, and I have gone hunting and I have gone camping, and I have gone fishing on those lands, on those roads that were paid for with the logging moneys. Those are multiple use, and there may be money in the budget that is designed for recreation, but the money that we require the logging companies to pay to build these roads is also being used for those multiple uses. It is also being used for fire fighting, pulling the logs out.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BUNN of Oregon. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, as my colleagues know, it is interesting to hear the gentleman talk about, and I think eloquently, about the fact that he is concerned about the people in his district and how they are going to be affected by a budget cut which is costing the taxpayer money by providing corporate subsidies to the lumber industry, and all I am pointing out to my colleagues is that we have heard an awful lot of rhetoric in this Chamber about how we ought to be getting rid of the budget deficit.

Now, when they do that, when they cut the health care and the Medicare and Medicaid fund, when they cut the education fund, and when they cut the research and development fund, that comes out of my district, and the people of my district, the poor kids and the working class families in my district get hurt, and all of a sudden when the shoe comes on their foot, all of a sudden, oh, no, no, no. We got to protect that.

All I am trying to point out is what hurts us. It also ought to be shared with people in other parts of the country.

Mr. BUNN of Oregon. Reclaiming my time, Mr. Chairman, we do feel those same cuts to health care, and we do feel the same cuts the gentleman from Massachusetts is talking about, but the thing that he is not talking about is that road is far more than hauling a log to the mill. That road is for fire protection. That road is for hunting and fishing and recreation, and that is not a cost.

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

Mr. BUNN of Oregon. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to say to the gentleman again I appreciate what the gentleman has said here. The bottom line here is the Kennedy amendment will cut timber harvesting on a Federal forest from 4.9 to 3.2 or 1.7 million reduction, and that means a loss of revenue, a loss of jobs, and a very significant impact. And the gentleman simply does not have it understood that there is no subsidy here.

I mean we tried to explain it to him over and over again, but there is no subsidy. People bid on these contracts, they bid on these contracts, and in purchaser credits they bid lower because they have to build the roads.

In the other case they bid more, bid more for the timber, because the Government pays for the roads, and the GAO report says that overall, when we net it all out, we still made $300 million even though we spent $900 million in payments back to the counties when we spent it in two or three other categories that should not be considered cost of producing the timber.

□ 2215

This was done because we decided that they deserved part of the receipts. We could have put them all in the Treasury. If they all went in the Treasury it would be over 23 to 1 in a positive cash flow. So I appreciate the gentleman yielding, and I would urge us to get on and let us vote on the amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BUNN of Oregon. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the point is, we are subsidizing, according to the GAO, $330 billion to this industry. I feel sorry for the people who potentially lose their jobs as a result, but the truth of the matter is if we want a balanced budget, it has to be shared equally by a lot of people. Cutting this corporate subsidy I think is a step in the right direction.

Mr. BUNN of Oregon. Mr. Chairman, as a member of the committee, I would like to remind the gentleman from Massachusetts that we have made significant cuts in our committee to make sure we do our part to balance the budget, and the GAO does nothing to recognize the subsidy that the timber industry does for recreational industries.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to try this one more time. I beg the indulgence and patience of my colleagues. If we reduce the number of timber sales on Federal forestlands, we reduce the number of timber sales receipts. That is pretty easy to follow. If we reduce the number of timber sales receipts, we reduce funding for reforestation, salvage, road building purposes, and we reduce the timber yield taxes, which, as the gentleman from Washington just pointed out, go to local counties to help compensate, to help mitigate for the fact that so much of their tax base and land mass is in Federal ownership.

That is where the corporate subsidies are coming into play. That is money that is coming from the successful purchases of these timber sales. If we did not have private parties bidding on these sales and purchasing this timber, much of this money would have to be paid for by the taxpayer out of general revenues. That is the point we have been trying to stress all night when we say this is not a net loss program to the taxpayer. It does not involve a taxpayer subsidy.

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

Mr. POMBO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to correct something I said. I wanted to say, and I want to make clear, it is 1.7 billion board feet reduction from 4.9 to 3.2. It will cost us hundreds of millions of dollars in revenue. It is 1.7 million if we do not have these roads. We have to have the road structure in order to do these things.

Mr. POMBO. Reclaiming my time, Mr. Chairman, I would say, to clarify what the gentleman is saying, he is saying if we reduce the number of sales that we are going to have less money coming in?

Mr. RIGGS. That is correct.

Mr. POMBO. It is going to cost the Government more money to run the program because they are not having any money coming in?

Mr. RIGGS. That is absolutely correct.

Mr. POMBO. The gentleman is telling me that all of the money that goes to the schools and fire suppression and everything else is still going to be paid for by the taxpayer?

Mr. RIGGS. That is correct.

Mr. POMBO. The money that is coming in from private industry, that is creating thousands of jobs, regardless of the efforts of some of my friends on the other side of the aisle, they still have some timber jobs, that if that money does not come in, that the taxpayer is actually going to get hit worse because there is no more private industry?

Mr. RIGGS. Yes, the gentleman is correct, if the gentleman will continue to yield. If we do not permit any new roads into roadless areas, if we do not permit new sales, then obviously timber sale receipts are going to decline and the distribution of those receipts, much of which goes for many important purposes, not least of which, again, is timber yield taxes to local counties, revenue is going to decline and some of it, not all of it, but some of it obviously will have to be made up by the taxpayers out of general revenues.

Mr. DICKS. Mr. Chairman, if the gentleman will yield further, I would say that at the end of the day we put $300 million in the Treasury. I think that is remarkable. I appreciate the gentleman yielding.

Mr. POMBO. Reclaiming my time, Mr. Chairman, I would like to yield to the gentleman from Massachusetts [Mr. KENNEDY], but I would first like to ask him a question.

If many people have fought very hard to preserve these areas for future generations, in that it is extremely important that we preserve our natural heritage and that we preserve those areas for future generations, but if we do not have any access points into these areas, if we do not have any roads into those areas, how are future generations going to get in to see them?

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I would point out to the gentleman, Mr. Chairman, that right now he has have 379,000 miles.

Mr. POMBO. Reclaiming my time, Mr. Chairman, I am talking about the roads that the gentleman is specifically saying that we will not build.

Mr. KENNEDY of Massachusetts. if the gentleman will yield, what I am trying to suggest is that in existence today in the national forest system are 379,000 miles of roads.

Mr. POMBO. Mr. Chairman, I am not talking about the roads that are built already. I am not talking about the roads in existence, not the roads that we have already built. We are talking about the roads that the gentleman wants to stop us from building. How are we going to get into those areas for the public to enjoy them?

Mr. KENNEDY of Massachusetts. If the gentleman will yield, this amendment allows, when private companies want to build a road to go harvest lumber, they can go right ahead. They can go right ahead.

Mr. POMBO. Reclaiming my time, Mr. Chairman, the gentleman is saying that he does not want them to do this.

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

Mr. POMBO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, let me just say this: The gentleman is cutting the timber purchaser credit program by 60 percent.

Mr. KENNEDY of Massachusetts. Baloney.

Mr. DICKS. He is taking that out of the program.

The CHAIRMAN. The time of the gentleman from California [Mr. POMBO] has expired.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. POMBO] be allowed to proceed for 2 additional minutes.

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

Mr. KOLBE. Mr. chairman, I object.

Mr. DICKS. Did somebody object?

The CHAIRMAN. Objection is heard.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. POMBO] be allowed to proceed for 1 additional minute.

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

There was no objection.

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

Mr. POMBO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would just say, the fact is the program the gentleman is cutting by $30 million is the program called timber purchaser credits, where the timber companies build the roads and then they bid less for the timber to compensate themselves for the roads that have been constructed, so I would say the gentleman is cutting that program by 60 percent. That is hardly a de minimis act. He ought to be adding money to the program, not cutting it.

Mr. POMBO. Reclaiming my time, in conclusion, Mr. Chairman, I would just like to say that this is nothing more than furthering the agenda of locking up our public lands, locking them up to using them for any resources extraction, as well as locking them up so that the American public does not have an opportunity to enjoy our public lands. That is all it is. It is furthering an extremist agenda.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me.

We have heard an awful lot of talk and yakking this evening about this issue. What I would like to point out is that in any way we add up the numbers, when the GAO finished dealing with all of the numbers, they recognized that there were hundreds of millions of dollars' worth of losses in timber sales that are going to companies that are making very fine profits.

We are in a situation where only 4 percent of the lumber that is harvested in the United States of America comes out of our national forests. We have 379,000 miles of existing roads. In this appropriations bill, there is another 1,400 miles of additional roads that they want to fix up. We did not touch them. They want more money to build up roads for recreational purposes. We said fine. All we did was target specifically the new roads that are going to lose money for the American taxpayer. That is all this amendment does.

Mr. Chairman, I would just point out if we go through the $2.9 billion in receipts, $1.3 billion for general appropriations and timber sales, $736 million for reforestation of timber sales, $555 million for timber salvage sales, $134 million for timber brush removal and erosion, $221 million for purchaser road credits, we are already up to the $2.9 billion dollars.

It does not in fact account for the $886.7 million to the State program, it does not take into account the fund for $134 million to build roads and trails, and it does not take into account the $22.9 million, and that then adds up to the $297.7 million in losses.

That is a lot to take in, but the GAO report does not lie. This report tells it like it is. The American taxpayer loses $300 million a year as a result of these tax subsidies that go to these companies, plain and simple. We can dress it up any way we want, but the monkey still dances to the way the music plays, and that tells us that we lose $300 million.

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

Mr. SANDERS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, this is where the gentleman is wrong. Let us say, instead of taking that money and putting it to the national forest fund which takes care of the payment to counties, let us say we put all of that money into the Treasury and then appropriated it for those specific purposes. Then the gentleman would say that the amount going into the Treasury, instead of being $300 million, would be roughly $1.3 billion, and then that would have been the return compared to the cost of the program. The rest of it went to legitimate government purposes. The fact that we took it out of the program and took care of

those purposes without sending it to the Treasury is where I think the gentleman confuses himself. Those are legitimate government purposes.

Mr KENNEDY. Mr. Chairman, if the gentleman will yield further, the fact is there are legitimate government purposes, for which this body has already passed laws, that says certain sales percentages are going to be distributed to the localities.

Mr. DICKS. Then do not treat that as a cost of the program.

Mr. KENNEDY of Massachusetts. It is a cost of the program. The truth of the matter is you might have differences, you might want to cut out certain costs. Those you might want to do. If you want to cut out the money going to cities and towns, go right ahead and do that. Right now that is not possible. What is possible is to get rid of the subsidy program that goes to these companies, and that is what this amendment tries to do, plain and simple.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 455, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

Mr CRANE. Mr. Chairman, I move to strike the last word for the purpose of a colloquy with the vice chairman of the Subcommittee on Interior of the Committee on Appropriations, the gentleman form Arizona [Mr. KOLBE].

Mr. Chairman, as the gentleman knows, I have traditionally offered amendments to this appropriations bill to eliminate funding for the National Endowment for the Arts. I was considering offering an amendment again this year. However, I understand that the Committee on Appropriations set the funding level for the NEA in this bill at $99.5 million for fiscal year 1997. This funding level conforms to the understanding that was reached last year with the chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON], and your chairman, the gentleman from Ohio [Mr. REGULA], as well as the chairman of the Subcommittee on Interior, regarding future funding levels for the NEA.

Under that agreement, the House would fund the NEA at $99.5 million for fiscal years 1996 and 1997, and then zero out funding for the NEA in fiscal year 1998. I have spoken to Chairman LIVINGSTON and he has indicated that he is committed to last year's agreement, and that it would be his intention next year to report out an Interior appropriations bill which would contain zero funding for the NEA in fiscal year 1998. I simply want to inquire of the gentleman whether this would be his intention as well as that of the chairman of the committee.

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

Mr. CRANE. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, speaking on behalf of the chairman of the subcommittee, as well as myself and, I think, the other members or many members of the subcommittee, that certainly is the intention.

Mr. CRANE. If that is the case, Mr. Chairman, I will not offer my amendment this year. Instead, I will simply commend the gentleman from Arizona and my colleague, the gentleman from Ohio [Mr. REGULA], for his hard work on this bill, and for standing by last year's NEA agreement.

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

Mr. CRANE. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding. I just wish to observe that the agreement being referenced in the gentleman's colloquy was an agreement between the minority and the majority, and the majority and the majority, but not anybody in the minority of the minority, and therefore we did not want it to appear to have been an agreement encompassing the views of the entire body.

Mr. HERGER. Mr. Chairman, I move to strike the last word.

I would like to engage my colleague, the gentleman from Arizona [Mr. KOLBE], in a colloquy.

□ 2230

Mr. Chairman, recently concluded scientific studies of forests within the Sierra Nevada mountains of California indicate that timber harvests, when accompanied by forest thinning, biomass removal and other natural fuels prescriptions, can reduce fire risk and aid overall forest health conditions. These same studies indicate that natural fuels prescriptions are essential to the success of larger fire management strategies, such as developing systems of defensible fuels profile zones. Coordinated efforts of this kind, particularly when mechanical and natural fuel treatments are utilized, can also provide economic benefits to forest dependent communities in the form of merchantable fiber for mills, fuel for biomass cogeneration plants, and other valuable wood products.

Mr. Chairman, is it therefore the gentleman's expectation that funds allocated to H.R. 3662 for forest health and natural fuels treatment in region 5 of the Forest Service should be used, to the extent feasible, for those prescriptions which both achieve forest health objectives and provide useful wood products for forest dependent communities? And is it also the gentleman's expectation that these prescriptions be carried out in the most cost-effective manner possible and as part of larger developed management strategies like timber harvest and large scale fire management plans?

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

Mr. HERGER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I believe I can speak for the chairman of the subcommittee in saying that the gentleman is correct in his statement. The Forest Service should undertake fuels management actions which are done in conjunction with larger management strategies, integrated into national forest plans, and which include treatments such as timber harvest and large-scale fire management planning. The Forest Service needs to integrate its fire management and fuels management activities into a coordinated effort to maximize forest health benefits, economic benefits and overall cost effectiveness.

Mr. HERGER. I thank the gentleman.

AMENDMENT OFFERED BY MR. PARKER

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

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. PARKER: In the item relating to "DEPARTMENT OF ENERGY—ENERGY CONSERVATION"—

(1) after the second dollar amount, insert the following: "(increased by $18,204,000)"; and

(2) after the third dollar amount, insert the following: "(increased by $11,764,000)"; and

(3) after the fourth dollar amount, insert the following: "(increased by $6,440,000)".

Mr. PARKER. Mr. Chairman, the amendment that Mr. FOX of Pennsylvania and I are offering represents a simple case for restoring a degree of equity to the funding levels contained in the Energy Conservation Program at the Department of Energy.

The Energy Conservation Program is funded at $499 million fiscal year 1997. This represents a 7-percent reduction from fiscal year 1996 and a 39-percent reduction from fiscal year 1995. The Energy Conservation Program is divided into a number of functional sectors or subprograms with the funding levels for each one outlined by the Interior Subcommittee.

Neither Mr. FOX nor I are advocating a restoration of funding to prior year levels. We accept and support the original $499 million funding level recommended by the Appropriations Committee.

What we do not accept, and which we seek to address with this amendment is the breakdown of that overall funding level and the allocation of funds to the various sectors within the Energy Conservation Program that has been recommended by the committee.

One of the sectors within the Energy Conservation Program is the State and Community Grants Sector. This is composed primarily of the Weatherization Assistance Program and the State Energy Program.

The State Energy Program basically involves the Department of Energy providing grants to the State Energy Offices who then use these funds to implement State and Federal programs designed to save energy.

Under the Weatherization Assistance Program, the Department of Energy makes grants to the States which are then used to weatherize low-income housing to make them more energy efficient.

Both of these programs offer immediate energy saving potential. Both of them are designed to assist people at the grassroots. Both of these programs represent what I believe is a primary focus of this Congress—sending taxpayer dollars out of Washington and back to the people.

We can accomplish this by simply making further, and I might add, reasonable reductions in two other sectors of the Energy and Conservation Program. We can reduce the industry and transportation sectors by 8 percent below the fiscal year 1997 committee recommendation and move that money to the Weatherization and State Energy Programs.

The industry and transportation Sectors are primarily energy research programs that are largely comprised of partnerships between DOE and the private sector. For example DOE may partner with an automobile manufacturer to develop new electric car technology.

These too are worth endeavors. However, it is not fair to make the level of reductions in the people-oriented programs, like low-income weatherization assistance, in order to limit the reductions to these bureaucracy-oriented research programs.

Since fiscal year 1995, the State Energy Program and the Weatherization Assistance Program combined have taken a reduction of over 53 percent in their level of funding.

On the other hand, the Industry Sector has been reduced about 21 percent from its fiscal year 1995 level, and the Transportation Sector has been reduced 16.5 percent.

The bottom line is that we are seeking with this amendment to show a sense of fairness and to spread these reductions in funding across the spectrum of the programs within the Energy Conservation Program in a more equitable manner.

The $18 million that this amendment reallocates does not even approach the recommendation of the budget resolution for these two people programs nor does it establish actual equity between all of the energy conservation programs. However, it does move toward a fairer distribution of declining funds, it provides the State and Weatherization Programs with a funding level that allows for a degree of continuity in their programs, and it directly assists people—low-income people.

There is no justifiable reason that this amendment should not receive broad bipartisan support and I urge its adoption.

What we are simply saving is that this amendment moves money out of Washington and it sends it back to the States. With this amendment, you have a choice between supporting the Washington Department of Energy bureaucracy and voting "no" or supporting the only Department of Energy programs in this bill which go directly to our constituents by voting "yes."

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today as a cosponsor of this amendment with Congressman PARKER which would restore critical funding to the weatherization assistance and State energy conservation grant programs. I would like to commend Chairman REGULA and the committee for their outstanding work on this bill which they have again developed under some of the most stringent budgetary conditions in a long time.

Congressman PARKER and I are offering this amendment to increase funding for the important low-income weatherization assistance and State energy conservation grant programs. Our intention is to increase the level for weatherization to the fiscal year 1996 enacted level and the State Energy Conservation Program [SECP] to the fiscal year 1996 Senate appropriated level. In fiscal year 1996, weatherization assistance took a serious cut of approximately 50 percent—something we did not agree with.

Both the House Budget and Commerce Committees have supported full funding of these programs. There is no consensus to reduce funding for these programs and turn them over to the States. The States need the Federal support of these programs at least at the levels we are attempting to provide through our amendment.

The weatherization program is a cost-conscious, energy conservation program which makes renovations to low-income homes to increase energy efficiency and make health and safety improvements. These improvements make a significant difference in the home heating bills of thousands of families every year. For instance, in the cold climate region, a 1989 study found that first year net savings for natural gas consumption represent a 25 percent reduction in gas used for space heating and an 18 percent reduction in total gas usage. This program can be the difference in whether or not an elderly couple maintains their independence and are able to stay in their own home. Furthermore, regardless of how you feel about LIHEAP, the Weatherization Assistance Program reduces the dependence on LIHEAP funds.

The State Energy Conservation program permits a wide variety of targeted programs to be implemented at the State level, ranging from pollution prevention—such as recycling, small business energy and economic development programs, financing of energy efficiency projects, agricultural energy programs, energy emergency preparedness, etc. For example, these activities help every American by making schools and hospitals more energy efficient which allows more resources to go into education and medical care. A survey recently showed that for every Federal dollar invested, $19 in non-Federal governmental and private funds have been dedicated to these projects.

The gentleman from Mississippi and I are merely attempting to create a more equitable distribution of the budget cuts which have taken place over the last 2 years.

The State grant programs, which are people oriented programs have endured disproportionate cuts, as you can see from this chart. The other sectors are examples of Department of Energy bureaucracy-oriented programs and we feel that this amendment will restore equity to this section of the bill.

I urge Members to support our amendment and these important programs.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words, and in support of the amendment.

Mr. Chairman, it is a national disgrace that large numbers of people in this country, including many elderly people, go cold in the wintertime. That is not what this country is supposed to be about. It is especially stupid that we have a situation where people are living in extremely energy inefficient homes. They lack storm windows, they have cracks in their walls, and they have inadequate heating systems so that the little amount of money that they have that goes into heat ends up being used very inefficiently.

The weatherization program is an intelligent, cost-effective program. It saves money and it helps a lot of people. I commend the authors of the amendment.

Mr. STERNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of this amendment, offered by Mr. FOX, which will restore funding for the Weatherization Assistance Program.

The Weatherization Assistance Program provides assistance to families who are in the greatest need, particularly the elderly, those with disabilities, and families with children. The assistance provided to these families comes in the form of home insulation

improvement, repair and maintenance of heating and air conditioning units, and any number of other home repairs that keep families in their homes.

Mr. Chairman, one of the best ways to conserve energy is to repair damaged or aging roofs, windows, and insulation in any home. Too often, lower income families don't have the resources necessary to make these repairs. The Weatherization Assistance Program has proven effective in ensuring that resources are available, leading to more energy-efficient homes and lower utility bills for those who need it the most.

In 1995, my own State of Florida received close to $2 million, serving 976 homes. Those numbers were literally cut in half for 1996, serving 502 homes. The current 1997 proposals for the Weatherization Assistance Program are cut by an additional $12 million, eliminating service to an additional 50 homes. The amendment by Mr. FOX simply restores funding to last year's level, for a total of $112 million.

I strongly support Mr. FOX's amendment to restore funding to last year's level, and urge my colleagues to support this amendment as well.

Mr. LONGLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak briefly in support of the amendment offered by the gentleman from Mississippi [Mr. PARKER] and the gentleman from Pennsylvania [Mr. FOX].

Mr. Chairman, the Weatherization Assistance Program is used to increase the energy efficiency of residences occupied by low-income individuals. I know that there are a number of changes that many in this body would like to see made to these programs, but for whatever reason, those changes are not going to be occurring. On that basis, I think it is appropriate to seek some level of stability in funding for these programs so that to the extent that there are disagreements between the administration and the Congress, that those who are in need of this assistance are not caught in the crossfire. On that basis, I would support the amendment which will introduce consistency and stability in the funding of this very important program.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words and in opposition to the amendment.

Mr. Chairman, I know it is very seductive to take the money out of conservation and put it into weatherization. It has a great appeal. But just remember this. Energy conservation is for all the people. The Energy Conservation Research Program affects everyone, because it means that we save our energy resources so that they are there for future generations.

□ 2245

It means that we develop automobiles that will give us many more miles per gallon. Weatherization affects a very limited number of people and does not solve the problem. I think in terms of national policy, the conservation program has a far greater long-lasting impact, an important and valuable impact that will be beneficial to everyone as opposed to putting some more money on weatherization.

Keep in mind we have already cut substantially from the conservation program. We have funded weatherization, it is four times greater than it was in 1977. We have the State grants of $25 million, and we have tried to have a balance. We have tried to say let us do the research that will develop vehicles that will go many more miles per gallon, that will save energy, that means jobs for the future, that will mean the ability to export our products and compete in the world market, that will be beneficial to the entire economy in the United States, as opposed to weatherization, which has a limited impact.

We have done, I think, very well by weatherization in this bill, and we have tried to have a realistic balance between conservation, fossil energy research, and weatherization. I know it has a great appeal.

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

Mr. REGULA. I yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Chairman, One of the problems we had was the DOE made decisions, especially in the last few years, where they have maintained their bureaucracy here in Washington at the expense of programs that we were sending back home. They have drastically cut the amounts of money that would go to the States, especially from the weatherization side and also from our State energy officials, and those go directly to our constituents. That is the biggest problem we have got. The DOE, we are just talking about equity here. We are not talking about cutting out the programs that DOE has. We are just talking about being fair about it and having more go to the State, make up some of the difference as far as the losses that we have had because they have cut us so much more drastically than they have cut their own bureaucracy in Washington.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I would advise the gentleman that we have taken out the administrative costs so that the entire $100 million we provide in the bill actually goes out to the weatherization programs in the states. So we have tried to address the very thing that he is describing, and in that process, we have, I think, struck a reasonable balance between conserving energy, doing the research that is necessary to do so, doing the fossil programs and weatherization. So my objection here is that we have already tried to get something that reflects priorities of this Nation in a balanced way.

Mr. PARKER. Mr. Chairman, will the gentleman continue to yield?

Mr. REGULA. Certainly I yield to the gentleman from Mississippi.

Mr. PARKER. I appreciate what has been done in trying to strike that balance. I do not feel we have gone far enough and I think we have short-changed our States. We have short-changed our citizens out there, where in this part of the bill which deals with DOE, we have not sent enough back home. That is one of the purposes of this amendment, to I think rectify that situation.

Mr. REGULA. Reclaiming my time, I think we short-change our citizens if we do not continue developing conservation programs, because in the long haul, conservation of energy will be vitally important to this Nation because of our great dependency on energy for economic growth. We hear a lot of people talking about economic growth as the solution to our budget deficits, to the unemployment, to our trade balance. To get economic growth, we have to get energy and we have to use it in a very efficient way. That is the purpose of the conservation program.

Mr. PARKER. Mr. Chairman, if the gentleman will continue to yield, I agree totally with the gentleman about conservation programs and they need to be maintained. One of the problems is that from a percentage standpoint, we have cut these programs going to the States by over 50 percent, whereas on the amount that is staying in the bureaucracy in Washington, we have only cut it around an average of 25 to 30 percent. There needs to be some equity there and we are only making an 8-percent variation there from the standpoint of making that change.

Mr. REGULA. Let me reclaim my time, Mr. Chairman, and simply say that the energy conservation programs are not money going to the Washington bureaucracy. It is going out on matching programs with the private sector that develop, such as the auto industry, to develop fuel-efficient automobiles, which is a great plus for the entire population.

All I am simply saying, as I said earlier, is the conservation programs are beneficial to everybody. They are beneficial to economic growth and so on. Weatherization has a narrow, relatively narrow constituency and we feel that policywise we have struck a good balance in the bill.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the position taken by the distinguished chairman of the subcommittee. I have, of course, no objections whatsoever to the weatherization program. I wish we could strengthen it. But if I read the

figures correctly in this bill, what the committee has done is to reduce the energy research and development budget by 10 percent from last year and then by 25 percent from what the President requested, which means about a 35-percent reduction below the President's request, somewhere in that range. Am I correct on that point?

Mr. REGULA. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. BROWN of California. I think the chair of he subcommittee has correctly pointed out that the importance of the energy research and development program is that this is really an investment in the improved efficiency of our economy. This benefits everyone in this country, not the few, important as they may be, who cannot afford adequate weatherization of their homes or who need the additional protection to protect themselves from the extremes of either heat or cold. I want to do something for these people, but I am more interested in helping them and the rest of the people of this country to improve our ability to create jobs, to improve our economy, to be competitive in the world economy. I think this is what in the long run is going to benefit us more than anything else. So I strongly support the position of the committee. I really should not say strongly support. I think we have cut energy R&D too much already and the amendment of the gentleman would take that even further than it has.

I would be happy to yield to the gentleman from Mississippi.

Mr. PARKER. Just to put the figures into perspective, if we look at the three basic divisions that are in this bill, we are talking about State grants and weatherization, DOE, industrial programs in DOE transportation programs. The State grants and weatherization, what we are talking about here, the changes that would be made from 1995 to 1996, excuse me, from 1995 to 1997, it has been cut 46.31 percent. On the DOE industrial programs, it has been cut 26.81. On the transportation programs, 22.21. We are talking about equity here as far as when we are talking about the difference between 22 and 46 percent, that is a major difference, and we are talking about just making up some of the difference, that is all. It is not a major thing.

Mr. BROWN of California. Mr. Chairman, I appreciate the argument of equity that the gentleman makes, and in a perfect world I would probably go along with it, but this is not a perfect world. I have spent too many years trying to further the development of these very important research and development programs in energy to be comfortable seeing them cut by 30 to 35 percent, as they already are in this bill. So again I take the position of supporting.

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

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

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

In the administration's position, they say and I quote: Energy conservation programs not only work to improve society's energy efficiency, they also provide a successful means of pollution prevention.

As the gentleman pointed out, not only is it jobs, competitiveness, but we are all concerned about pollution. These conservation programs do a great deal in reducing pollution from our energy sources.

Mr. BROWN of California. Reclaiming my time, the gentleman is truly a great statesman, and I appreciate that.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I won't take the full 5 minutes, but I come down a little bit different than the gentleman from California on this, because I know from personal relations with many people in my district that the weatherization program has been a very good program, especially for those who cannot afford to fix up their own place. Different from Mississippi where he has the heat, we have got the cold.

When I look at this amendment, the areas that the gentleman from Mississippi is taking the money from is much needed. The weatherization program is much needed money. I see that we are forced into a choice that many of us would not like to have to make, solely because of the budget that has been driven in order to reduce funds, in order to give money to the wealthy. That is all it amounts to. These cuts are not necessary if we just forget the tax bill.

Let us just forget the tax bill, not have one. Then we can have the weatherization, can still reduce the deficits. The Blue Dog budget, the coalition budget provides it, and we can have the energy research programs that we need. But because you all want to have the big tax cut, we cannot do it. So we have to make a choice between making the poor hot in the summertime in the South where they cannot afford air conditioners, they cannot afford any fans, or in the North, where I am from, they can freeze in the winter. Between that, which I do not like, and cutting back on research and development in energy and conservation programs, which I agree with the chairman of the subcommittee, I agree with the gentleman from California, they are very much needed programs, they are the future.

But what you have done with your budget and with your proposed cuts in order to give taxes to the wealthy, you have forced us into this dilemma. I am just going to ask the gentleman on my right, please, let us just forget the tax bill and let us do a budget without the tax bill so that we can still reduce the deficits and we can still have a good weatherization program for the poor and we can still have sufficient funds for research and development.

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

Mr. VOLKMER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, there is nothing in this bill that cuts taxes.

Mr. VOLKMER. Reclaiming my time, I know that. I know it is in your budget. I know why you had to make these cuts.

Mr. REGULA. If the gentleman will continue to yield, we made these cuts because we do not want our children and grandchildren to pay for today's programs.

Mr. VOLKMER. The gentleman would not have to do that. If he would have taken the coalition or the Blue Dog budget, he would not have had to do that. We would not be here today making this decision on these type of amendments if you would just forget the tax cut, forget it. Why do you not just forget it? We would not have to make these terrible decisions between choices of very good programs just so you can give money in a tax cut bill.

Mr. REGULA. If the gentleman will yield, I think the gentleman is directing his statements to the Committee on Ways and Means and the Committee on the Budget.

Mr. VOLKMER. No, I am addressing my statement to all of the Members on that side because they almost all voted for that budget that calls for the tax cut in it. I say forget it.

Mr. REGULA. If the gentleman will continue to yield, I think that speech should be given on the budget.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I realize it is late and I am not going to take all of my time, and I am concerned about the recommendation to cut $411.8 million from the weatherization program for next year. Keep in mind, we have cut this program, the weatherization program, almost in half right now and we are asked to strike yet another blow to, I think, a program that is very, very important.

We have just had a very harsh winter. This is a program that is used essentially by the elderly and the disadvantaged, and I think we should try to continue at level funding, which is reasonable considering that we have drastically cut the funding in this year's program.

Mr. Chairman, I rise in strong support of this amendment. I am deeply concerned about the Appropriation Committee's recommendation to cut $11.8 million in weatherization funds for next year. This year, the weatherization program was cut almost in half and now, we are asked to strike another blow to this important program.

I would like to remind my colleagues of the particularly harsh winter we just suffered. Furthermore, let's not forget last year's summer which saw hundreds of our frail citizens die in their apartments while trying to escape the heat. The weatherization program is essential for preventing these tragedies by helping to keep our poor and elderly in a safe environment in the extreme heat of the summer and the bitter cold of the winter.

I understand the need to cut spending and balance the budget. And we all know that balancing the budget isn't easy as almost every program is going to take some cuts. However, I believe that the weatherization program has already taken more than its share of cuts, and further cuts will only serve to threaten the safety and welfare of our poor and elderly neighbors.

I urge passage of this amendment to fund the weatherization program at last year's level.

□ 2300

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. REGULA. Mr. Chairman, what we anticipate doing here is having a vote on the Kennedy amendment, and that will be the last vote of the evening. Then the Sanders amendment will be offered rolled over until tomorrow, along with the vote on this amendment. There will be one more vote, and then we will do colloquies. Once we vote on the Kennedy amendment, we will be done voting for tonight.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. PARKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PARKER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 455, further proceedings on the amendment offered by the gentleman from Mississippi [Mr. PARKER] will be postponed.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 210, not voting 14, as follows:

[Roll No. 258]

AYES—211

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bilirakis
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Chabot
Chrysler
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Davis
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Duncan
Durbin
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Goodling
Gordon
Goss
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Horn
Hostettler
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
LaFalce
LaHood
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran
Morella
Myrick
Nadler
Neal
Neumann
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Petri
Pomeroy
Porter
Portman
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Shaw
Shays
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stark
Stokes
Studds
Talent
Thompson
Thurman
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Walker
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Woolsey
Young (FL)
Zimmer

NOES—210

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bishop
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Chapman
Chenoweth
Christensen
Clayton
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehrlich
Ensign
Everett
Fazio
Flake
Fowler
Fox
Franks (CT)
Frisa
Frost
Funderburk
Gekas
Geren
Gillmor
Gingrich
Gonzalez
Goodlatte
Graham
Green (TX)
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hoke
Holden
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
Longley
Lucas
Mascara
McCarthy
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Pickett
Pombo
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Rogers
Roth
Scarborough
Schaefer
Seastrand
Serrano
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Volkmer
Vucanovich
Walsh
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Zeliff

NOT VOTING—14

Brownback
Cox
Emerson
Fields (TX)
Gallegly
Lantos
Lincoln
McDade
Peterson (FL)
Ramstad
Rose
Tauzin
Torricelli
Yates

□ 2318

Messrs. HEINEMAN, FLAKE, SCARBOROUGH, and McCOLLUM changed their vote from "aye" to "no."

Mr. JOHNSON of South Dakota and Mr. LINDER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to do two things. First, I would like to enter a colloquy with the gentleman from Ohio [Mr. REGULA], and then I am going to offer an amendment.

Mr. Chairman, I would like to enter into a colloquy with Mr. REGULA regarding an issue that is very important to the State of Vermont and others interested in conservation and sustainable agriculture. Unfortunately, this bill does not provide funding for the Marsh-Billing National Historic Park that is located in Woodstock, VT. The planned opening for this park is 1998, and the administration's budget included $340,000 in startup funding.

My understanding is that the gentleman would support funding for this historic park should the Senate include funds specifically for this purpose.

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

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we included $55 million in increases for the National Park Service specifically for operations and backlog maintenance. If our allocation had been greater, I would have recommended an additional $13 million for 39 specific park units recommended in the 1997 budget. These units, including Marsh-Billing, are either new parks or units that have experienced unusually high visitation or boundary extensions.

Should the Senate include funding for this unit, either with a specific earmark or by providing for the $13 million program, I will certainly give serious consideration to supporting the Senate position.

AMENDMENT OFFERED BY MR. SANDERS

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

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: In the item relating to "DEPARTMENT OF ENERGY—NAVAL PETROLEUM AND OIL SHALE RESERVES", after the dollar amount insert the following: "(reduced by $11,764,000)".

In the item relating to "DEPARTMENT OF ENERGY—ENERGY CONSERVATION", after each of the first, second, and third dollar amounts, insert the following: "(increased by $11,764,000)".

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARTON of Texas) having assumed the chair, Mr. BURTON of Indiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3662, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. REGULA. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 3662 in the Committee of the Whole, pursuant to House Resolution 455, one, the bill be considered as having been read; and, two, no amendment shall be in order except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Mr. SANDERS, regarding weatherization, 20 minutes; Mr. FOX of Pennsylvania regarding weatherization, 10 minutes; Mr. PARKER, regarding weatheri- zation, 10 minutes; Mr. FALEOMAVAEGA, regarding the red squirrel, 15 minutes; Mr. HOEKSTRA, regarding NEA, 10 minutes; Mr. SHADEGG regarding NEH, 30 minutes; Mr. KLUG or another Member regarding timber contracts, 10 minutes; Mr. DEFAZIO, regarding timber sourcing, 10 minutes; Mr. OLVER, regarding funding levels for codes and standards, 10 minutes; Mr. CONDIT, regarding the Endangered Species Act, 10 minutes; Mr. SANDERS, regarding PILT, 20 minutes; Ms. FURSE, Mr. PORTER, regarding timber salvage, 60 minutes; Mr. GUTKNECHT, regarding across-the-board cut, 20 minutes; Mrs. CHENOWETH, regarding grizzly bears, 10 minutes; and Mr. ISTOOK regarding BIA, 20 minutes.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I am informed by staff that the gentleman from Illinois [Mr. YATES] also had an amendment that he offered in committee which lost by one vote that relates to telecommunications. I do not know where on that list that amendment ought to be placed, but I would urge the gentleman to amend the motion to make certain that that is provided for for 5 minutes on each side.

Mr. REGULA. Mr. Speaker, if the gentleman will yield to the unanimous-consent request I would add an amendment by the gentleman from Illinois [Mr. YATES] on telecommunications for 10 minutes.

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

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

There was no objection.

REPORT ON H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT 1997.

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104-631) on the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

□ 2330

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARTON of Texas). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JUNETEENTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to rise today to celebrate a major holiday in the African-American community known as Juneteenth. The genesis of this holiday began on January 1, 1863, then President Abraham Lincoln issued the Emancipation Proclamation which freed the slaves. Unfortunately, because of the Civil War being waged along the borders dividing north and south, Lincoln's message of Emancipation was not received by all. Slaves in Oklahoma, Louisiana, Arkansas, and Texas continued their lives in bondage until April of 1865 when the Civil War ended and Union Army troops were sent throughout the south to enforce the freeing of black slaves. One hundred and twenty-one years ago today, Union Army troops led by Gen. Gordon Granger reached Galveston, TX and the news of the Emancipation Proclamation was given.

The memory of this event, affectionately nicknamed Juneteenth, is celebrated each year across the region and is now a State holiday in Texas. This Juneteenth celebration affords us a chance to acknowledge and remember the history of slavery in this country, and honor the many generations that suffered through this terrible era so that their children might live better, more dignified lives. But most importantly, June 19 is a celebration of liberty and opportunity; a time to recognize the many accomplishments and contributions historically made by Americans of African descent; and focus on the many challenges ahead so that we might continue to strive forward together, with the unity and brotherhood of all men and women in America today. Happy Juneteenth.

TRIBUTE TO SFC. DONALD H. DUGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, tonight I noticed in my clippings that the one businessman who was held hostage in Iran from Sherman Oaks, CA, Mr. Jerry Plotkin, died. He said, when Mayor Tom Bradley called Jerry Plotkin Day in Los Angeles, after his return from 444 days of captivity, that the treatment under the Ayathollah's henchmen in Tehran was horrible from the first day. He lost 40 pounds, began smoking again, and it obviously shortened his life. He died younger than I am.

I looked at that figure, the Election Day was on November 4. They had been in captivity for 444 days. It cost a good man his Presidency, Jimmy Carter, a moral man, a decent man, a man who always tried to tell the truth, unlike some leadership now.

I looked at that clipping about Jerry Plotkin's death and I said, as good a man as Jimmy Carter was personally, he deserved to lose. When the leader of the world's greatest free superpower cannot get American citizens, one businessman and 51 marines and other Government employees and high-ranking State Department people, when he cannot get them out of captivity, he deserves to go down to defeat.

This is not to say that Ronald Reagan turned some magic key and got the 52 hostages home from Iran. But the change of leadership at the top gave the Iranians an excuse to say the Carter years were over. Here is your hostages. We got a fresh start.

This thought hit me, Mr. Speaker. I am wearing the pin of the 1st Armored Division, the main division that is in Bosnia. It is now rumored, and Mr. Christopher and Mr. Perry come right out, our Secretaries of Defense and State, and said, we may have to leave them there longer. This thought hit me, that our men in Bosnia are a form of hostage.

If Mr. Clinton is reelected, they are obviously going to stay. If Mr. Dole is elected, just like Mr. Reagan in 1980, our men are going to come home, men and women from Bosnia.

They are no longer in an armored division. People who know what it takes to keep an armored division up to training speed are now pointing out that you take men out of their M-1 tanks and their Bradley's since last December with no training, it is not an armored division anymore. It is not a mechanized infantry division, it is a light infantry division.

There are 139 days until election night, when we wake up in the morning. If America wants its men and women home from Bosnia, then the best thing they can do is to defeat Bill Clinton and elect the 43rd President of the United States, Bob Dole.

Thinking about our men in Bosnia, I have been promising to do this for a widow, Miriam Dugan from Fort Hood, TX, for months now.

When her husband, who I think is a hero, SFC. Donald Dugan was killed February 3, going beyond his orders to try and defuse a land mine that was set at child-eye level and said to these children, stand back, and told his friends, we are here to make this place safe for Bosnian children, and he said to these children, mine-o, mine-o, boom boom, move back, and then died a few seconds later, this man, who was called McGyver after the TV adventuresome character, here is his picture from the Army Times, Mr. Speaker. If that is not the poster for a manly, tough special forces or armored division sergeant, I do not know what is.

I want to put in the RECORD his widow's letter to the Army Times, who said,

> I would like to thank everyone who has taken the time to express their sympathy for my husband's passing. My family and I hope that everyone who knew him remembers him the way he was and not how he has been represented.

She means by this administration, as though he did something wrong to keep Mr. Clinton's skirts clean.

She said,

> He is deeply missed and thought of often. Donald will always be close to the hearts of his family and his soldiers.

Earlier she said,

> He devoted 17 years serving his country in the U.S. Army. The Army was my husband's life. I am happy he was doing exactly what he enjoyed most when he passed away, working with and protecting his soldiers, his civilians and the children.

I put her statement into the RECORD.

DUGAN WIDOW REMEMBERS HUSBAND, TELLS HIS STORY

> I am writing this letter on behalf of my husband, SFC Donald H. Dugan, and my family.
>
> My husband was killed handling an explosive device while deployed in Bosnia.
>
> I would like to take this opportunity to let everyone know that he was not the type of person that the media has represented him to be. He was portrayed as careless for trying to disarm the explosive when specific guidance had been issued to leave explosives alone.
>
> He was not careless—he was caring. He was a very loving and devoted husband, father and military leader. My husband made the ultimate sacrifice. He gave his life to save others.
>
> Through the many cards and letters that I have received from soldiers who worked with my husband, I believe he attempted to disarm the device to protect children who were playing in the area.
>
> Since he is unable to tell his side of the story, I felt it was necessary to write this letter.
>
> No one will ever know the exact facts of what happened that day, but one fact is certain: he was well loved and respected by his soldiers, comrades, friends and family.
>
> Many unfavorable statements have been made about the circumstances surrounding the death of my husband in Bosnia. The people who made these statements did not know him or the type of man he was. Donald was a selfless man who thought of others' needs and welfare ahead of his own.
>
> He devoted 17 years serving his country in the U.S. Army. The Army was my husband's life, and I am happy that he was doing exactly what he enjoyed most when he passed away—working with and protecting soldiers and civilians. He truly believed in the mission in Bosnia and was happy to go.
>
> I would like to thank everyone who has taken the time to express their sympathy for my husband's passing. My family and I hope that everyone who knew him remembers him the way he was and not how he has been represented.
>
> He is deeply missed and thought of often. Donald will always be close to the hearts of his family and soldiers.

THE SHRINKING MIDDLE CLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, there is a rising tide of despair and growing resentment all across this Nation. The American dream is being snuffed out for more and more American families.

This is directly related to the decline of the middle class. The rich are getting richer, but the middle class is being assaulted today by the flight of family wage jobs overseas, by high taxes, by the disparity of income between the rich and the middle class. The middle class has shrunk, as many families no longer have the income to buy a home, save money for their children's education or prepare for their retirement.

The number of millionaires is dramatically increasing. That is great, unless at the same time more people fall out of the middle class to become the working poor, descending into poverty.

Many say that the Republican Party is the party of the rich. I say this Republican Congress is the party with the duty to resurrect the middle class.

My dad quit school and went to work at age 16 on his first job for $1 a day. That was the pay, $1 a day on his first job. Just 10 years later, he made enough working in a mill in Marysville to support a family, built his own house and, 2 years after that, to build his own small commercial fishing boat. And all that was paid for at that time.

Today with both husband and wife working, many families cannot get ahead. They are caught in a cycle of what we have to call the working poor. We must ask ourselves, what is happening to America? What is happening to the American dream? What is the cause? Is it the flood of immigrants who are desperate, who will work for anything, pennies, just to get to live in America? Is it the giant multinational cartels of this era? Is the Government wasteful and inefficient? Is it the former Congresses who voted us $5 trillion of debt? Is it the interest on that debt that now costs hundreds of billions of dollars each year just to pay the interest, hundreds of billions of dollars each year?

I believe this Congress has no more important duty than to find out what went wrong, to report to the American people exactly what went wrong and the steps American must take to fix it.

TRIBUTE TO MAYOR JAMES THOMAS WIGGINTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, I would like to inform the House of the passing of one of Tennessee's valuable leaders,

Mayor James Thomas Wigginton. Tommy Wigginton, mayor of Michie, TN died earlier this month at the age of 52.

Mayor Wigginton dedicated his life to the service of others. He was a man who portrayed undying Christian principles in everything he did, every day of his life. He was a blessing to his family, his friends, and every citizen of the community of Michie. Mayor Wigginton served the community as mayor, wholeheartedly, for the past 19 years. He was also a benevolent contributor to the lives of the residents of McNairy County, which has a population of more than 23,000 people. Mayor Wigginton played a key role in the education of McNairy County's school children, and he was the transportation supervisor for the McNairy County school system.

Superintendent of Schools Billy Joe Glover said of Wigginton: "Tommy was a valuable part of the department of education. He had really worked hard and had been concerned about drivers, buses, the children and the problems that related to all of them. He worked to do the right thing, the Christian thing in dealing with others. He was constantly concerned that everyone around him be treated fairly."

The residents of Tennessee and the community of Michie owe a great debt to Tommy Wigginton. He was a man who lived every day for the betterment of the community. Tommy was an excellent leader in many aspects of his life. He will be missed greatly by all of the people he affected while on this Earth.

I want to extend my sympathies to his wife, Elizabeth Ann, and his three sons: Tommy, Shea, and Jim, and let them know Tommy's contributions to his community are greatly appreciated.

Let us remember Mayor Wigginton, as a man of honor, honesty, and patriotism.

DONALD DUGAN'S WIDOW'S LETTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to yield some time to Mr. DORNAN of California because he was reading a letter of a widow of a great American and he was not through with it.

Mr. DORNAN. Mr. Speaker, I just found another paragraph in Miriam Dugan's letter, the widow of Donald Dugan, the handsome 35-year-old, 17-year Army sergeant who died in the presence of the children that he was trying to save from a land mine.

I just wanted to read the opening of her letter and the whole letter will appear in the RECORD for anybody interested who watches our proceedings on C–SPAN.

I am writing this letter on behalf of my husband, Specialist First Class Donald H. Dugan, and my family. My husband was killed disarming an explosive device while deployed in Bosnia. I would like to take this opportunity to let everyone know he was not the type of person that the media has represented him to be. He was portrayed as careless for trying to disarm the explosive when specific guidance had been issued to leave explosives alone. He was not careless.

Mr. KINGSTON. I hate to interrupt this great letter but are you saying to me that a war hero, right after Memorial Day, was depicted by the U.S. Army for being careless and irresponsible because he was trying to save children's lives?

Mr. DORNAN. It started the very week Don Dugan died, when I went to a big military dinner and a four-star general says to me, without knowing the facts and did not even know his name, Well, I hear he was way out in front of his troops and he was not doing what was right.

I looked at this four-star and I said, we are not developing a story here so that Clinton bears no blame for sending these people to Bosnia. I said, you better be careful here, general. To have a widow, through the Army Times, have to beg people, Mother of his four children, not to portray him in a bad light. She said, "He was not careless. He was caring. He was a loving and devoted husband, father and military leader. My husband made the ultimate sacrifice. He gave his life to save others."

She talks about the cards and letters she had received from his friends who I told you called him McGyver. Since when does a widow have to beg, do not think ill of my husband who had told his men the day before, the week before and that morning, we are here to save these children in Bosnia from blowing themselves to bits by these mines?

Mr. KINGSTON. This was a woman whose husband went because of the Commander in Chief sending them into harm's way.

Mr. DORNAN. His was one of the first vehicles to cross the Sava River. Get this peculiar thing, of being the first man, he was in A company, A troop of the first company of the first squadron of the first battalion of the first brigade of the First Armored division. He was one of the first to cross the bridge.

The media could highlight with a little brightened circle and say, here is Donald Dugan, one of the first men into Bosnia. He gives his life, and he has probably saved other lives because now everybody is backing off the explosives. There will be kids losing legs and arms and their lives with these land mines that all sides planted there.

To have the widow beg, through the Army Times, Please do not think ill of my husband, he was not careless, he was caring, is symbolic. That is why I say, all of our people in Bosnia on the ground are a form of hostage, relieving European men and women from being there, outside of the NATO mandate that they should take care of this on the ground.

Mr. KINGSTON. The gentleman from Arizona has joined us. I yield to Mr. HAYWORTH.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia. As always, I am heartened and, yes, frankly troubled by the statements of our good friend from California. For once again, our friend from California points up a disturbing pattern of denial on the part of this administration.

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As we said on the evening when we debated the whole notion of sending our troops there, this is not for fighting men and women to pull the zebra stripes of the referee in an athletic contest over their camouflage. Our fighting men and women are exactly that. They are not referees, nor are they social workers.

And far more disturbing, my colleagues, in addition to the disinformation, the denial, the disavowal of this man's sacrifice, now word comes that the President of the United States would like to extend this mission in Bosnia past the deadline of 1 year, perhaps to silence critics that said this could have been a political move, or perhaps fitting into a pattern of inconsistency that has beset the foreign policy of this administration, a foreign policy typified by the irrationality——

The SPEAKER pro tempore (Mr. BARTON of Texas). The time of the gentleman from Georgia [Mr. KINGSTON] has expired.

PARLIMENTARY INQUIRIES

Mr. HAYWORTH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HAYWORTH. Mr. Speaker, is it in order for this gentleman to make a unanimous-consent request that we continue to speak until 12 midnight?

Mr. DORNAN. Ask for 5 minutes.

The SPEAKER pro tempore. The gentleman from Arizona has the right under the rules to request a unanimous-consent request that he address the House for 5 minutes.

Mr. KINGSTON. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KINGSTON. Is it not true we are about to end the 5-minute session?

The SPEAKER pro tempore. If there are no other 5-minute requests under the Speaker's previous announced policy, the minority will be recognized for 7½ minutes.

Mr. KINGSTON. And is it not true, if the minority is not here, then we can request unanimous consent to use the balance of the time if the gentleman from Arizona [Mr. HAYWORTH] does not give a 5-minute request?

The SPEAKER pro tempore. The Chair does not know that the statement the gentleman from Georgia made is correct at this time.

Mr. HAYWORTH. I, rather than requesting——

Mr. KINGSTON. No, no.

Mr. HAYWORTH. Ladies and gentlemen, we are consulting on this.

The SPEAKER pro tempore. The gentleman's time has expired.

DISTURBING TRENDS OF THE CLINTON ADMINISTRATION

The SPEAKER pro-tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Arizona [Mr. HAYWORTH] is recognized for until midnight as the designee of the majority leader.

Mr. HAYWORTH. I thank the Speaker pro tempore for taking us through that process which is required because, after all, this House operates by rules, and we attempt to bring some rationality to this process that some would call highly irrational.

But as I was saying a moment ago, what I find completely irrational are the flip-flops of this administration as stewards of our foreign policy for once again, remarkable to me upon my election to this institution was hearing the suggestion, far from modest and far from realistic, that this Nation provide the technology for nuclear reactors to be construed in the outlawed Nation of North Korea. I asked the Secretary of Defense at a brunch we held, and I thanked the Secretary for coming by, and essentially he told me:

Congressman-elect, you need a better briefing on the subject.

It was my good fortune to run into the Honorable Jean Kirkpatrick, our former ambassador to the United Nations, who was far more candid in her assessment when she said:

Congressman-elect, you do not need a fuller briefing. You correctly identified the problem.

And it is this disturbing trend of this administration that would put Americans in harm's way, that would deal with the most irrational policy around the world that should give all Americans grave concern, for this administration is typified not by what it can accomplish but how it can explain away its problems this time, what verbal contortions and rhetorical gymnastics can be brought to bear to explain away an unfortunate snafu this time? Woe to us if we fail to develop a rational, consistent foreign policy that has paramount interests of the United States of America as its clearly defined goal.

No good people can disagree, but I maintain this administration, perhaps with the best of intentions, has made the worst of decisions.

I yield to my friend from Georgia.

Mr. KINGSTON. If the gentleman would yield, now on this subject of what is reality I have one that I want to share with you. It is a little bit off the military path, but is true.

Last night I attended a Georgia Farm Bureau dinner in Washington, and the speaker was Clinton appointee Richard Rominger. Now he was speaking on accomplishments of the Clinton administration. Well, as did everyone else in the audience, I thought it was going to be a real short evening with that being the topic, but as it turns out he was claiming everything with the conviction of the rooster taking credit for the rising sun, and so it was rather lengthy.

But one of the things that he said was the Clinton administration is claiming that the national debt has fallen $15,000 per family of four.

Now our colleague, MAC COLLINS, a Ways and Means member and number cruncher, says how is that possible? The national debt has risen for the last 3 years the Clinton folks have had the White House; how could it be falling? And without blinking a shameless Clinton appointee said:

Oh, it is easy. The annual deficit had been going up at a certain rate, and since it is no longer going up at that rate, then the savings that we calculate, the $15,000 per family, is in the anticipation.

And I said, OK, wait a minute, let me follow this, let me put it in laymen's terms. I weight 170 pounds. Now I have never weighed 190 pounds. But if I add up all the days that I passed up ice cream sundaes and other fattening desserts, I probably would weigh 190 pounds. But according to Clintonomics I have lost 20 pounds, and so I am going to pat myself on the back. And, Mr. HAYWORTH, I know that you are dieting. I just want you to feel better about yourself.

Mr. HAYWORTH. You know, I really do appreciate this new insightful diet plan offered by the administration, and let me pause here to actually give the President some credit because in terms of his diet and exercise regimen in the real world he has done a pretty good job passing up the fast food on several occasions, and I have to give him credit there.

Mr. DORNAN. Not Milwaukee.

Mr. HAYWORTH. Would that he only would help us put this Nation on a fiscal diet to help straighten out the priorities with tax reform for the middle class which he promised and then backed away from; with welfare reform, as the claim was to end welfare as we know it, but vetoing that meaningful welfare reform which we sent him and a myriad of other projects that he campaigned on and then backed away from. I can appreciate his exercise regimen, but I do wish that his exercises in his role as chief executive would have more followthrough and be more in tone with reality. But that new diet plan offered by an assistant secretary——

Mr. KINGSTON. A Clinton appointee, yes——

Mr. HAYWORTH. I guess this is something that will be printed up in the not too distant future and be available in Pueblo, CO, from the consumer folks there: The painless Clinton diet. Not "I feel your pain," but "I can miscompute your calories." Imagine what you would have weighed.

Mr. DORNAN. Mr. Speaker, if the gentleman would yield, the best Director of the Office of Management and Budget in my 18 years here, 20-year span, was Jim Miller, and Jim Miller in President Reagan's last 3 years brought the budget deficit down to $150 billion, down about where we are trying to get it now. Those were the 3 best years of all the Reagan 8 years and the Bush 4 years, which means, using his logic, if Reagan had had a third term and then a fourth term, every family in America would have saved $50,000, $60,000, $70,000, $100,000 because of Jim Miller. He was not able to carry that message in his quest to win the primary in Virginia, but this is like one of the most stunning speeches I ever heard in this house:

The then Speaker, Jim Wright, stood at what was then the majority lectern and said "Ronald Reagan has made a raid on the U.S. Treasury." I got him out in the Speakers Lobby, and I said, "Jim, that is tax dollars not yet collected." This was the Reagan tax cuts of 1982. I said, "It is money not yet collected. You mean money that has not even been taken out of the pockets on the withholding part of the check stub, that has not even be collected yet, is owed by the U.S. Treasury?" And he says, "Yes, that is exactly what I mean."

And I thought this is the difference between the two parties in modern America. They count tax dollars as theirs that have not even been earned yet.

Mr. KINGSTON. If the gentleman would yield for a second, it is not a difference between the two parties, it is a difference between Washington, been in town too long, status quo liberals and the rest of the United States of America.

Mr. DORNAN. And most of the Governors.

Mr. KINGSTON. Because not one household in America would think of economics——

Mr. DORNAN. Can I give you another example that one of the Interior Committee people asked me if I got to the floor before they did?

Bruce Babbitt, Secretary of the Interior, in testifying recently before the Interior Committee, and everyone is choking on themselves trying to hold back the word "lying." It is a tough word. We are not supposed to use it on this floor to one another, and we do not. Words can be taken down. But they are frustrated. They are trying to say to him, "You are not telling the truth."

So they got him afterward, this is your former Governor in Arizona, and they said to him, "Mr. Secretary, you were lying out there." They did use the word then off camera. And you know what his response was? And this ranking Republican majority member on Interior said please tell us on the floor. He said to them, smile ear to ear, you can picture him saying it: "Well, you guys know how the game is played."

Unbelievable.

Mr. HAYWORTH. Let me talk quite candidly about my fellow Arizonian who has a decidedly different interpretation of reality. In a western caucus meeting I brought forth a speech that Governor Babbitt made on two occasions, now as Secretary Babbitt, once at Tufts University, on the other occasion in Colorado Springs, where he essentially said that those of us who have honest disagreements on how best to balance the priorities of the economy and the environment were, quote, guilty of the greatest sneak attack on America since Pearl Harbor, end quote. When I asked him politely, "Now, Governor, do you really believe that?" he gave us the same aw shucks grin and said, "Oh, come on now, J.D., you know how the game is played."

Mr. Speaker, let me make this point, let me make this point to all the American Nation, Mr. Speaker. This is not a game.

Mr. DORNAN. Exactly.

Mr. HAYWORTH. It is a competition in a free society of conflicting philosophies, and when the day comes when one side continues to deliberately distort the truth, then, as in the eloquent words of Robert J. Samuelson last summer in the Washington Post, quoting now:

> The purpose is not to debate, it is to destroy.
>
> That has no place in the free society. If we cannot honestly debate factual material along philosophical lines and have honest disagreements, then I fear for the very foundations of our republic.
>
> When someone will go around the country saying here it is, here is the secret list of parks the Republicans are closing, when there are no secret lists and there are no plans to close the crown jewels of this country, it is inexcusable, and there should be an accounting to the——

Mr. DORNAN. Let me add a bipartisan note to some friendships around here. We all have friendships on both sides of the aisle. A Democrat from Texas who I dearly respect, I am sorry to see him leaving, a Democrat from Michigan who I dearly respect, one of the pro-life leaders on their side, both discussed today with me that pretty soon Clinton is going to have to visit all his friends from jail.

He was talking about indicted, not unindicted, coconspirator Bruce Lindsey, No. 2 man down at the White House staff down there, and this means that they could indict him, but they want to take care of the two bankers that are already indicted, Kenneth Starr special prosecutor, and by naming Bruce Lindsey an unindicted coconspirator they can go after what would otherwise be ruled hearsay evidence and get these two people, and they are going to win indictments against Herbie Branscom and the other banker.

But there is a young handsome guy, about 35 years old, beautiful wife, two or three kids, who my wife looked at him on the cover of Washington Times a few months ago, Ainslie, Jim, or John Ainslie, and she said.

Look at this young man, a young banker, rural banks, small town, Parish, Arkansas. She said his life is destroyed because he got too near Bill Clinton.

I am going back to my original prediction in 1993 and 1994 when I sat in for Rush Limbaugh:

An honorable man named AL GORE I believe is going to be the Democrat nominee and a new Vice President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAMSTAD (at the request of Mr. ARMEY) for today and the balance of the week, on account of illness.

Mr. TAUZIN (at the request of Mr. ARMEY) for today, on account of illness.

Mr. YATES (at the request of Mr. GEPHARDT) after 10 p.m. today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GEREN of Texas, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. TAYLOR of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, on June 20.

Mr. WICKER, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. COLLINS of Georgia, for 5 minutes, today.

Mr. BRYANT of Tennessee, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous matter:)

Mr. STOKES.
Ms. JACKSON-LEE of Texas.
Mr. HAMILTON.
Mr. SERRANO.
Mr. COSTELLO.
Mr. MCDERMOTT.
Mr. FAZIO of California.
Ms. NORTON.
Mr. BORSKI.
Mr. STARK.
Mr. VISCLOSKY.
Mr. MENENDEZ.
Mr. CLEMENT.
Mr. KLECZKA.
Mr. WARD.
Mr. TORRES.
Mr. FILNER.
Mrs. SCHROEDER.
Mr. ABERCROMBIE.
Mr. POSHARD.
Mr. PALLONE.

(The following Members (at the request of Mr. TAYLOR of North Carolina) and to include extraneous matter:)

Mr. RADANOVICH.
Mr. WICKER.
Mr. COBLE.
Mr. SMITH of New Jersey.
Mr. CAMP.
Mr. TALENT.
Mr. KNOLLENBERG.
Mr. DIAZ-BALART.
Mr. RIGGS in two instances.
Mr. CUNNINGHAM.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 3029. An act to designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1136. An act to control and prevent commercial counterfeiting, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock midnight), the House adjourned until tomorrow, June 20, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3713. A letter from the Regulatory Review Officer, Agricultural Marketing Service, transmitting the Service's final rule—Apricots Grown in Washington; Temporary Suspension of the Minimum Grade Requirement [Docket No. FV-96-922-1IFR] to the Committee on Agriculture.

3714. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York [Docket No. FV-96-929-1FR] received June 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3715. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Colorado; Assessment Rate [Docket No. FV-96-948-1IFR] received June 18, 1996, pursuant to 5 U.S.C. 810(a)(1)(A); to the Committee on Agriculture.

3716. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Fresh Cut Flowers and Fresh Cut Greens Promotion and Consumer Information Order—Postponement of Assessment [Docket No. FV-96-702FR] received June 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3717. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Limes and Avocadoes Grown in Florida; Relaxation of Container Marketing Requirements [Docket No. FV-96-911-41FR] received June 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3718. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Graps Grown in a Designated Area of Southeastern California; Revision of Container Requirements [Docket No. FV-96-925-1IFR] received June 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3719. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Washington; Modification of the Minimum Size Requirements [Docket No. FV-96-946-1FR] received June 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3720. A letter from the Director, Office of Bilingual Education and Minority Languages Affairs, Department of Education, transmitting final regulations—Bilingual Education: Graduate Fellowship Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Economic and Educational Opportunities.

3721. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of Final Priority and Limitation on Use of Funds for Fiscal Years 1996; Elementary School Mathematics and Science Equipment Program (Fund for the Improvement of Education (FIE)) received June 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

3722. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California—Mammoth Lakes Nonattainment Area; PM10 (FRL-5511-4) received June 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3723. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Michigan (FRL-5525-4) received June 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3724. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triflusulfuron Methyl; Pesticide Tolerance (FRL-5377-7) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3725. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sodium Salt of Acifluorfen; Pesticide Tolerance (FRL-5371-4) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3726. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diquat; Pesticide Tolerance (FRL-5372-5) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3727. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—1,1,1,2-Tetrafluoroethane; Pesticide Tolerance (FRL-5376-3) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3728. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxidized Pine Lignin, Sodium Salt; Pesticide Tolerance (FRL-5375-9) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3729. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Quizalofop Ethyl; Pesticide Tolerance for Use on Pineapple (FRL-5373-5) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3730. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Aluminum Tris (O-ethlyphosphonate); Pesticide Tolerance for Use in or on Blueberry (FRL-5374-7) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3731. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diflubenzuron; Pesticide Tolerance for Use on Artichokes (FRL-5370-8) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3732. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendment to the National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations (FRL-5521-5) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3733. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans; Louisiana; Revision to the State Implementation Plan (SIP) Addressing Ozone Monitoring (FRL-5522-6) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3734. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Operating Permits Program Interim Approval Criteria (FRL-5521-4) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3735. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenoxaprop-Ethyl; Extension of Study Due Date and Time-Limited Tolerances; Correction (FRL-5372-4) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3736. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the Synthic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks; Clarifications (FRL-5521-7) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3737. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3738. A letter from the Associate Attorney General of the United States, transmitting a report activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3739. A letter from the Secretary of the Treasury, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 1, 1996, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3740. A letter from the Assistant Secretary of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Leasing of Tribal Lands for Mineral Development and Leasing of Allotted Lands for Mineral Development (Bureau of Indian Affairs) (RIN: 1076-AA82) received June 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 18, 1996]

Mr. ARCHER: Committee on Ways and Means. H.R. 3161. A bill to authorize the extension of nondiscriminatory treatment—

most-favored-nation treatment—to the products of Romania (Rept. 104–629). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 19, 1996]

Mr. QUILLEN: Committee on Rules. House Resolution 456. Resolution providing for consideration of the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–630). Referred to the House Calendar.

Mr. WOLF: Committee on Appropriations. H.R. 3675. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–631). Referred to the Committee of the Whole House on the State of the Union.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections, Calendar:

H.R. 2531 A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUMP (for himself, Mr. MONTGOMERY, Mr. EVERETT, Mr. EVANS, Mr. BUYER, and Mr. FILNER):

H.R. 3673. A bill to amend title 38, United States Code, to revise and improve certain veterans programs and benefits, to authorize the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance of war memorials for which the Commission assumes responsibility, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUMP (for himself, Mr. MONTGOMERY, Mr. BUYER, Mr. EVERETT, Mr. EVANS, and Mr. MASCARA):

H.R. 3674. A bill to amend title 38, United States Code, to clarify the causal relationship required between a veteran's service-connected disability and employment handicap for purposes of determining eligibility for training and rehabilitation assistance, to transfer certain educational assistance entitlements from the post-Vietnam era educational assistance program to the Montgomery GI bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CONYERS:

H.R. 3676. A bill to amend title 18, United States Code, clarify the intent of Congress with respect to the Federal carjacking prohibition; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. MATSUI, Mr. ROYCE, Mr. RANGEL, Mr. BONO, Mr. GEJDENSON, Mr. DORNAN, Mr. TORRES, and Mr. WAXMAN):

H.R. 3677. A bill to amend the Internal Revenue Code of 1986 relating to the unemployment tax for individuals employed in the entertainment industry; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mr. PORTMAN, Mr. CARDIN, Mrs. JOHNSON of Connecticut, Mr. MCDERMOTT, Mr. ENGLISH of Pennsylvania, Mr. COYNE, Mr. BUNNING of Kentucky, Mr. ABERCROMBIE, Mr. STUPAK, Mr. BALDACCI, Mr. EMERSON, Ms. NORTON, and Mr. EHLERS):

H.R. 3678. A bill to extend the Medicare waiver of liability provisions for home health agencies, hospice programs, and skilled nursing facilities; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 3679. A bill to prohibit any increase in the amount of a security deposit paid by a low-income family for rental of a dwelling unit receiving Federal rental housing assistance during the occupancy of the family in the unit; to the Committee on Banking and Financial Services.

By Mr. JONES (for himself, Mr. HOKE, Mr. STUMP, Mr. SOLOMON, Mr. MCHALE, Mr. HUNTER, Mr. MONTGOMERY, Mr. LEWIS of Kentucky, Mr. TORKILDSEN, Mr. WATTS of Oklahoma, Mr. EVERETT, Mr. MCHUGH, Mr. ORTIZ, Mr. HOSTETTLER, Mrs. FOWLER, Mr. LONGLEY, and Mr. KOLBE):

H.R. 3680. A bill to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 3681. A bill to provide that if an employer provides additional leave to a parent for the birth such employer shall provide the same leave to a parent for an adopted child or a foster child; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SCHROEDER:

H.R. 3682. A bill to allow certain individuals seeking part-time employment to be eligible to receive unemployment compensation, to require the Secretary of Labor to establish and carry out an annual survey relating to temporary workers, to protect part-time and temporary workers relating to pension and group health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Government Reform and Oversight, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 3683. A bill to amend the Federal Election Campaign Act of 1971 to prohibit use of labor organization dues and fees for political activities, and for other purposes; to the Committee on House Oversight.

By Mr. ENGEL (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. BERMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. DEUTSCH, Mr. DORNAN, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. HASTINGS of Florida, Mr. KILDEE, Mr. KING, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LANTOS, Mr. LEVIN, Mrs. LOWEY, Mr. MCCOLLUM, Mr. MCNULTY, Ms. MOLINARI, Ms. ROS-LEHTINEN, Mr. SAXTON, and Mr. TORRICELLI):

H. Con. Res. 190. Concurrent resolution urging the Government of Syria to withdraw its armed forces from Lebanon; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 359: Mr. BEVILL.

H.R. 708: Mr. CUNNINGHAM.

H.R. 878: Mr. YATES and Mr. KASICH.

H.R. 1010: Mr. MATSUI, Mr. DEUTSCH, Mrs. MINK of Hawaii, and Mr. BAKER of Louisiana.

H.R. 1229: Ms. HARMAN.

H.R. 1750: Ms. DELAURO.

H.R. 1776: Mr. CHRISTENSEN and Mr. GEPHARDT.

H.R. 1805: Mr. SAXTON.

H.R. 1863: Mr. LEACH.

H.R. 1899: Mr. YATES and Ms. NORTON.

H.R. 2016: Mr. HOBSON.

H.R. 2026: Mr. GUTKNECHT, Mr. BARCIA, Ms. BROWN of Florida, Mr. BROWDER, Mr. BEREUTER, Mr. GORDON, Mr. KANJORSKI, Mr. THOMAS, Mr. EWING, Mr. GOSS, Ms. ESHOO, and Mr. CHRISTENSEN.

H.R. 2089: Mr. FAWELL.

H.R. 2244: Ms. PRYCE.

H.R. 2246: Mr. GREEN of Texas.

H.R. 2391: Ms. GREENE of Utah and Mr. COBURN.

H.R. 2545: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2651: Mr. BRYANT of Texas.

H.R. 2705: Mr. FRAZER, Mr. BROWN of Ohio, and Mr. GREEN of Texas.

H.R. 2868: Mr. HOKE.

H.R. 2900: Mr. HINCHEY, Mrs. SEASTRAND, Mrs. CUBIN, Mr. BEVILL, and Mrs. FOWLER.

H.R. 2928: Mr. LATOURETTE, Mr. SALMON, Mr. STOCKMAN, Mr. SMITH of Michigan, and Mr. DUNCAN.

H.R. 3037: Mr. RIGGS, Mr. VOLKMER, Mr. SANDERS, Mr. RAHALL, and Mr. EVANS.

H.R. 3084: Mr. DELLUMS, Mr. ROMERO-BARCELO, Mrs. LOWEY, and Mrs. MINK of Hawaii.

H.R. 3118: Ms. LOFGREN.

H.R. 3119: Mr. BOUCHER.

H.R. 3142: Mr. MINGE, Mr. OXLEY, Mr. DUNCAN, and Mr. MCKEON.

H.R. 3182: Mr. COSTELLO, Mr. JOHNSON of South Dakota, and Mr. RADANOVICH.

H.R. 3195: Mr. BALLENGER and Mr. BURR.

H.R. 3201: Mr. DORNAN, Mr. EHLERS, Mr. COMBEST, Mr. WELLER, Mr. BAESLER, Mr. CHAMBLISS, Mr. LUTHER, Mr. ROBERTS, Mr. STOCKMAN, Mr. PACKARD, Mr. BUNNING of Kentucky, Mr. KLECZKA, and Mr. CALLAHAN.

H.R. 3234: Mr. CRAPO, Mr. TAYLOR of North Carolina, and Mr. SHAW.

H.R. 3244: Mr. FATTAH and Mr. BOEHNER.

H.R. 3252: Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, and Mr. FRAZER.

H.R. 3266: Mr. LUTHER.

H.R. 3277: Mr. CUNNINGHAM, Mr. BAKER of Louisiana, and Mr. SCHAEFER.

H.R. 3303: Ms. LOFGREN.

H.R. 3307: Mr. MCCOLLUM.

H.R. 3324: Mr. BARR.

H.R. 3338: Mr. MCINTOSH, Mr. ROTH, Mrs. THURMAN, and Mr. WALSH.

H.R. 3349: Mr. MASCARA, Mrs. COLLINS of Illinois, Mrs. CLAYTON, Mr. WAXMAN, Mr. PAYNE of New Jersey, and Mr. FRAZER.

H.R. 3384: Mr. EHRLICH and Mr. PETRI.

H.R. 3423: Mr. LEACH and Mr. SOUDER.

H.R. 3450: Mr. DOYLE.

H.R. 3460: Mr. HYDE and Mr. JOHNSTON of Florida.

H.R. 3477: Ms. RIVERS and Ms. LOFGREN.

H.R. 3482: Mr. DELLUMS, Mrs. MINK of Hawaii, Mr. DEFAZIO, Ms. SLAUGHTER, Mr. STEARNS, Mr. FRANK of Massachusetts, Mr. TORRES, Ms. LOFGREN, Mr. EVANS, and Mr. SHAYS.

H.R. 3496: Mr. EHLERS and Mr. DELLUMS.

H.R. 3508: Mr. BAKER of California, Mr. GREEN of Texas, and Mrs. SCHROEDER.

H.R. 3533: Mr. FROST, Ms. VELAZQUEZ, Mr. ACKERMAN, and Mr. HINCHEY.

H.R. 3564: Mr. LATOURETTE, Mr. CANADY, Ms. DELAURO, and Mr. KLECZKA.

H.R. 3568: Mr. WALKER.

H.R. 3602: Mr. EVANS and Mr. HUTCHINSON.

H.R. 3605: Mr. BILBRAY, Mr. HORN, Mr. DREIER, Mr. POMBO, Mr. MOORHEAD, Mr. KIM, Mr. ROYCE, Mr. ROHRABACHER, Mr. DOOLITTLE, Mr. MCKEON, Mr. BAKER of California, Mr. HERGER, Mrs. SEASTRAND, Mr. RADANOVICH, Mr. COX, Mr. CALVERT, Mr. HUNTER, Mr. PACKARD, Mr. CUNNINGHAM, Mr. CAMPBELL, Mr. FAZIO of California, Mr. DOOLEY, Mr. MATSUI, Mr. LANTOS, Mr. BERMAN, Mr. DIXON, and Ms. LOFGREN.

H.R. 3618: Mr. CASTLE, Mr. DELLUMS, Mr. STARK, Mr. FAZIO of California, Mr. BROWN of Ohio, Mr. GREEN of Texas, Ms. NORTON, Mr. DINGELL, Mr. EVANS, and Mr. CONYERS.

H.R. 3619: Mr. PETERSON of Minnesota.

H.R. 3636: Mr. SMITH of Michigan, Mr. DUNCAN, Mr. LINDER, and Mr. QUILLEN.

H.R. 3648: Mr. LANTOS, Mr. FRAZER, Mr. BOUCHER, Mr. EVANS, Mr. UNDERWOOD, and Mr. FROST.

H.R. 3665: Mr. MINGE.

H.J. Res. 180: Mr. GREEN of Texas.

H. Con. Res. 47: Mr. RIGGS and Mrs. MYRICK.

H. Con. Res. 103: Mr. NADLER and Mr. FRAZER.

H. Con. Res. 170: Mr. COX.

H. Con. Res. 177: Mr. MORAN and Mrs. MEYERS of Kansas.

H. Res. 285: Ms. FURSE and Mr. CUMMINGS.

H. Res. 286: Mr. ENGLISH of Pennsylvania.

H. Res. 441: Mr. GILMAN, Mr. LANTOS, Ms. ROS-LEHTINEN, and Mr. ACKERMAN.

H. Res. 452: Mr. FAZIO of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1462: Mr. CALLAHAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3666

OFFERED BY: MR. BARR OF GEORGIA

AMENDMENT NO. 4: Page 70, line 2, after the dollar amount, insert: "(increased by $10,000,000)".

Page 70, line 21, after the semicolon insert: "$10,000,000 for the Clean Rivers and Lakes program under section 314 of the Federal Water Pollution Control Act;"

Page 66, line 8, after the dollar amount, insert the following: "(reduced by $10,000,000)".

H.R. 3666

OFFERED BY: MR. BARR OF GEORGIA

AMENDMENT NO. 5: Page 70, line 21, after the semicolon insert: "$10,000,000 for the Clean Rivers and Lakes program under section 314 of the Federal Water Pollution Control Act;"

H.R. 3666

OFFERED BY: MR. BARR OF GEORGIA

AMENDMENT NO. 6: Page 71, line 4, after the semicolon insert: *Provided further*, That from funds appropriated under this heading, the Administrator may use $10,000,000 for the Clean Rivers and Lakes program under section 314 of the Federal Water Pollution Control Act;"

H.R. 3666

OFFERED BY: MR. BENTSEN

AMENDMENT NO. 7: Page 95, after line 21 insert the following new section:

Sec. 422. None of the funds made available in this Act may be used by the Environmental Protection Agency to issue, reissue, or renew any approval or authorization for any facility to store or dispose of polychlorinated biphenyls when it is made known to the Federal official having authority to obligate or expend such funds that there is in effect at the time of the issuance, reissuance, or renewal a rule authorizing any person to import into the customs territory of the United States for treatment or disposal any polychlorinated biphenyls, or polychlorinated biphynyl items, at concentrations of more than 50 part per million.

H.R. 3666

OFFERED BY: MR. BENTSEN

AMENDMENT NO. 8: Page 95, after line 21 insert the following new section:

Sec. 422. None of the funds made available in this Act may be used by the Environmental Protection Agency to issue, reissue, or renew any approval or authorization for any facility to store or dispose of polychlorinated biphenyls when it is made known to the Federal official having authority to obligate or expend such funds that there is included as a binding and enforceable term of the issuance, reissuance, or renewal a commitment of the recipient of the issuance, reissuance, or renewal not to receive at the facility covered by the issuance, reissuance, or renewal any polychlorinated biphenyls, or polychlorinated biphenyl items, at concentrations of more than 50 parts per million that have been imported from outside the customs territory of the United States for treatment or disposal.

H.R. 3666

OFFERED BY: MR. BENTSEN

AMENDMENT NO. 9: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 422. None of the funds made available in this Act may be used by the Environmental Protection Agency to issue, implement, administer, or enforce any rule or order when it is made known to the Federal official having authority to obligate or expend such funds that the rule or order authorizes any person to import into the United States (pursuant to an exemption under section 6(e)(3)(B) of the Toxic Substances Control Act or otherwise) any waste containing concentrations or more than 50 parts per million (ppm) or polychlorinated biphenyls for the purposes of disposal or treatment.

H.R. 3666

OFFERED BY: MR. BROWN OF CALIFORNIA

AMENDMENT NO. 10: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act for the National Aeronautics and Space Administration may be used for the National Center for Science Literacy, Education and Technology at the American Museum of Natural History.

H.R. 3666

OFFERED BY: MR. BROWNBACK

AMENDMENT NO. 11: Page 28, line 20, after the dollar amount, insert the following: "(increased by $352,000,000)".

Page 61, line 14, strike "$365,000,000" and all that follows through page 64, line 4, and insert "$15,000,000.".

H.R. 3666

OFFERED BY: MR. DURBIN

AMENDMENT NO. 12: Page 65, line 16, after the second dollar amount, insert the following: "(reduced by $1,500,000)".

Page 66, line 8, after the dollar amount, insert the following: "(increased by $1,500,000)".

H.R. 3666

OFFERED BY: MR. DURBIN

AMENDMENT NO. 13: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT BLOCK GRANTS FUND", after $4,300,000,000" insert "(increased by $300,000,000, which additional amounts shall become available on September 30, 1997)".

In the item relating to "INDEPENDENT AGENCIES—FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF", after $1,320,000,000" insert "(reduced by $300,000,000)".

H.R. 3666

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 14: Page 95, after line 21, insert the following new section:

SEC. 422. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

H.R. 3666

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 15: Page 37, after "$962,558,000" insert "(reduced by $42,000,000)".

Page 69, line 8, after "$46,500,000" insert "(increased by $20,000,000)".

H.R. 3666

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 16: In the item relating to "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES", after each of the first and penultimate dollar amounts, insert the following: "(reduced by $12,787,000)".

H.R. 3666

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 17: In the item relating to "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES", after each of the first and penultimate dollar amounts, insert the following: "(reduced by $1,100,000)".

H.R. 3666

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 18: In the item relating to "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES"—

(1) after the sixth dollar amount, insert the following: "(increased by $30,000,000)"; and

(2) strike the tenth proviso.

H.R. 3666

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 19: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act for the Corporation for National and Community Service may be used for the operation of the Presidio Leadership Center at the Presidio National Park in San Francisco, California, or for the operation of any other training facility.

H.R. 3666

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 20: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act for the Corporation for National and Community Service may be used for training and technical assistance contracts.

H.R. 3666

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 21: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act for the Corporation for National and Community Service may be used for uniforms, site signs, palm cards, or any other national identity activity.

H.R. 3666

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 22: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act for the Corporation for National and Community Service may be used to award any grant to any national service program when it is made known to the Federal official having authority to obligate or expend such funds that the amount of such grant exceeds $21,000 per program participant, using the accounting methodology utilized by the Government Accounting Office in its cost study of the Corporation.

H.R. 3666

OFFERED BY: MR. HOKE

AMENDMENT NO. 23: At the end of the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT BLOCK GRANTS FUND", insert the following:

Of the amount made available under this heading, $5,000,000 shall be available for the John Heinz Neighborhood Development Program under section 123 of the Housing and Urban-Rural Recovery Act of 1983.

H.R. 3666

OFFERED BY: MR. HOKE

AMENDMENT NO. 24: Page 95, after line 21, insert the following new section:

SEC. 422. None of the funds appropriated by this Act may be used for the aircraft consolidation at the Dryden Flight Research Center proposed in May 1995 in the Zero-Base Review of the National Aeronautics and Space Administration.

H.R. 3666

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 25: Page 95, after line 21, insert the following new section:

SEC. 422. None of the funds made available in this Act may be used to provide assistance under section 8 of the United States Housing Act of 1937 when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the assistance will be used for tenant-based assistance in connection with the revitalization of severely distressed public housing; and

(2) the public housing agency to which such funds are to be provided—

(A) has a waiting list for public housing of not less than 10,000 families;

(B) has a jurisdiction for which the Secretary of Housing and Urban Development has determined (pursuant to section 203(e)(2)(A) of the Housing and Community Development Amendments of 1978 or otherwise) that there is not an adequate supply of habitable, affordable housing for low-income families using tenant-based assistance; and

(C) does not include, under its plan for revitalization of severely distressed public housing, replacement of some of the public housing dwelling units demolished with new units.

H.R. 3666

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 26: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HOUSING PROGRAMS—ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING", after "$5,372,000,000" insert "(increased by $174,000,000)".

In the item relating to "INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after "$5,362,900,000" insert "(decreased by $174,000,000)".

H.R. 3666

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 27: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOMELESS ASSISTANCE FUNDS", after "823,000,000" insert "(increased by $297,000,000)".

In the item relating to "INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after "$5,362,900,000" insert "(decreased by $297,000,000)".

H.R. 3666

OFFERED BY: MR. KLUG

AMENDMENT NO. 28: Page 30, line 13, strike ", including" and all that follows through line 17 and insert a period.

H.R. 3666

OFFERED BY: MR. KOLBE

AMENDMENT NO. 29: Strike Section 421 of the bill.

H.R. 3666

OFFERED BY: MR. LAZIO

AMENDMENT NO. 30: Page 19, line 9, after the dollar amount insert "(reduced by $235,000,000)".

Page 19, line 11, after the dollar amount insert "(reduced by $235,000,000)".

Page 20, line 18, after the dollar amount insert "(increased by $235,000,000)".

H.R. 3666

OFFERED BY: MR. LAZIO

AMENDMENT NO. 31: Page 19, line 9, after the dollar amount insert "(reduced by $100,000,000)".

Page 19, line 11, after the dollar amount insert "(reduced by $100,000,000)".

Page 20, line 18, after the dollar amount insert "(increased by $100,000,000)".

H.R. 3666

OFFERED BY: MR. LAZIO

AMENDMENT NO. 32: Page 19, line 9, after the dollar amount insert "(reduced by $84,000,000)".

Page 19, line 11, after the dollar amount insert "(reduced by $84,000,000)".

Page 20, line 24, after the dollar amount insert "(increased by $84,000,000)".

H.R. 3666

OFFERED BY: MR. LAZIO

AMENDMENT NO. 33: Page 19, line 9, after the dollar amount insert "(reduced by $40,000,000)".

Page 19, line 11, after the dollar amount insert "(reduced by $40,000,000)".

Page 20, line 24, after the dollar amount insert "(increased by $40,000,000)".

H.R. 3666

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 34: Page 70, line 21, after the semicolon insert: "$15,000,000 for grants to the State of New York to be used for New York City Watershed Protection;".

H.R. 3666

OFFERED BY: MR. MARKEY

AMENDMENT NO. 35: Page 95, after line 21, insert:

SEC. 422. None of the funds made available to the Environmental Protection Agency under the heading HAZARDOUS SUBSTANCE SUPERFUND may be used to provide any reimbursement of response costs incurred by any person when it is made known to the official having the authority to obligate such funds that such person has agreed to pay such costs under a judicially approved consent decree entered into before the enactment of this Act, and none of the funds made available under such heading may be used to pay any amount when it is made known to the official having the authority to obligate such funds that such amount represents a retroactive liability discount or similar reimbursement for response costs incurred by any person for liability under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 that is attributable to a status or activity of such person that existed or occurred prior to January 1, 1987.

H.R. 3666

OFFERED BY: MR. MINGE

AMENDMENT NO. 36: Page 30, line 13, strike ", including" and all that follows through line 17 and insert a period.

H.R. 3666

OFFERED BY: MR. PALLONE

AMENDMENT NO. 37: Strike the last proviso under the heading HAZARDOUS SUBSTANCE SUPERFUND.

H.R. 3666

OFFERED BY: MR. ROEMER

AMENDMENT NO. 38: At the end of the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—ADMINISTRATIVE PROVISIONS", insert the following:

The amounts otherwise provided in this title for the following accounts and activities of the National Aeronautics and Space Administration are hereby reduced by the following amounts:

(1) "Human Space Flight", $1,840,200,000.

(2) "Science, Aeronautics and Technology", $308,400,000.

H.R. 3666

OFFERED BY: MR. ROEMER

AMENDMENT NO. 39: In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after the dollar amount, insert the following: "(reduced by $75,000,000)".

H.R. 3666

OFFERED BY: MR. ROEMER

AMENDMENT NO. 40: At the end of the bill, insert after the last section (preceding the short title) the following new section:

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

H.R. 3666

OFFERED BY: MR. SANDERS

AMENDMENT NO. 41: Page 37, line 13, after the first dollar amount, insert the following: "(reduced by $1,411,000)".

Page 64, line 9, after the dollar amount, insert the following: "(increased by $1,411,000)".

H.R. 3666

OFFERED BY MR. SHAYS

T4Amendment No. 42: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS," after the dollar amount, insert the following: "(increased by $15,000,000)".

In the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—SALARIES AND EXPENSES", after the last dollar amount, insert the following: "(reduced by $15,000,000)".

H.R. 3666

OFFERED BY: MR. SHAYS

AMENDMENT NO. 43: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS," after the dollar amount, insert the following: "(increased by $15,000,000)".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after the dollar amount, insert the following: "(reduced by $15,000,000)".

H.R. 3666

OFFERED BY: MR. SHAYS

AMENDMENT NO. 44: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS," after the dollar amount, insert the following: "(increased by $15,000,000)".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—SCIENCE, AERONAUTICS AND TECHNOLOGY", after the dollar amount, insert the following: "(reduced by $15,000,000)".

H.R. 3666

OFFERED BY: MR. SHAYS

AMENDMENT NO. 45: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS," after the dollar amount, insert the following: "(increased by $15,000,000)".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—SCIENCE, AERONAUTICS AND TECHNOLOGY", after the dollar amount, insert the following: "(reduced by $60,000,000)".

H.R. 3666

OFFERED BY: MR. SHAYS

AMENDMENT NO. 46: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS", after the dollar amount, insert the following: "(increased by $15,000,000)".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MISSION SUPPORT", after the last dollar amount, insert the following: "(reduced by $15,000,000)".

H.R. 3666

OFFERED BY: MR. SHAYS

AMENDMENT NO. 47: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS", after the dollar amount, insert the following: "(increased by $15,000,000)".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MISSION SUPPORT", after the last dollar amount, insert the following: "(reduced by $60,000,000)".

H.R. 3666

OFFERED BY: MR. SHAYS

AMENDMENT NO. 48: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS", after the dollar amount, insert the following: "(increased by $15,000,000, which additional amount shall become available for obligation on September 30, 1997)".

In the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF", after the dollar amount, insert the following: "(reduced by $15,000,000)".

H.R. 3666

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 49: Page 95, after line 21, insert the following new sections:

SEC. 422. (a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the institution (or subelement); or

(2) a student at the institution (or subelement) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(a) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 423. (a) DENIAL OF FUNDS FOR PREVENTING FEDERAL MILITARY RECRUITING ON CAMPUS.—None of the funds made available in this Act may be provided by contract or grant (including a grant of funds to be available for student aid) to any institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access to the following information pertaining to students (who are 17 years of age or older) for purposes of Federal military recruiting, student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and the most recent previous educational institutions enrolled in by the students.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 424. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

H.R. 3666

OFFERED BY: MR. STUMP

AMENDMENT NO. 50: After section 401 (page 88, after line 16), insert the following new section:

SEC. 401A. The amount provided in title I for "Veterans Health Administration—Medical care" is hereby increased by, the amount provided in title I for "Departmental Administration—General operating expenses" is hereby increased by, and each amount of budget authority provided in this Act for payments not required by law for the fiscal year ending September 30, 1997 (other than any amount of budget authority provided in title I and any such amount provided in title III for the American Battle Monuments Commission, the Court of Veterans Appeals, or Cemeterial Expenses, Army), is hereby reduced by, $40,000,000, $17,000,000, and 0.40 percent, respectively.

H.R. 3666

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 51: Page 8, line 8, after the dollar amount, insert the following: "(increased by $20,000,000)".

Page 8, line 19, after the dollar amount, insert the following: "(increased by $20,000,000)".

Page 61, line 14, after each of the two dollar amounts, insert the following: "(reduced to $0)".

Page 64, line 4, after the dollar amount, insert the following: "(reduced to $0)".

H.R. 3666

OFFERED BY: MR. WALKER

AMENDMENT NO. 52: In the item relating to "NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES", after the first dollar amount, insert the following: "(increased by $9,110,000)".

In the item relating to "NATIONAL SCIENCE FOUNDATION—SALARIES AND EXPENSES", after the second dollar amount, insert the following: "(reduced by $9,110,000)".

H.R. 3666

OFFERED BY: MR. WELLER

AMENDMENT NO. 53: At the end of the bill (before the short title), insert the following new section:

SEC. . (a) DEPARTMENT OF VETERANS AFFAIRS SHARING AGREEMENTS FOR HEALTH CARE RESOURCES.—(1) Subchapter IV of chapter 81 of title 38, United States Code, is amended—

(A) by striking out section 8151; and

(B) by redesignating sections 8152, 8153, 8154, 8155, 8156, 8157, and 8158 as sections 8151, 8152, 8153, 8154, 8155, 8156, and 8157, respectively.

(2) The table of sections at the beginning of such chapter is amended—

(A) by striking out the item relating to section 8151; and

(B) by revising the items relating to sections 8152, 8153, 8154, 8155, 8156, 8157, and 8158 to reflect the redesignations made by paragraph (1)(B).

(b) REVISED AUTHORITY FOR SHARING AGREEMENTS.—Section 8152 of such title (as redesignated by subsection (a)(1)(B)) is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out "specialized medical resources" and inserting in lieu thereof "healthcare resources"; and

(B) by striking out "other" and all that follows through "medical schools" and inserting in lieu thereof "any medical school, health-care provider, health-care plan, insurer, or other entity or individual";

(2) in subsection (a)(2) by striking out "only" and all that follows through "are not" and inserting in lieu thereof "if such resources are not, or would not be,";

(3) in subsection (b), by striking out "reciprocal reimbursement" in the first sentence and all that follows through the period at the end of that sentence and inserting in lieu thereof "payment to the Department in accordance with procedures that provide appropriate flexibility to negotiate payment which is in the best interest of the Government.";

(4) in subsection (d), by striking out "preclude such payment, in accordance with—" and all that follows through "to such facility therefor" and inserting in lieu thereof "preclude such payment to such payment to such facility for such care or services";

(5) by redesignating subsection (e) as subsection (f); and

(6) by inserting after subsection (d) the following new subsection (e):

"(e) The Secretary may make an arrangement that authorizes the furnishing of services by the Secretary under this section to individuals who are not veterans only if the Secretary determines—

"(1) that such an arrangement will not result in the denial of, or a delay in providing access to, care to any veteran at that facility; and

"(2) that such an arrangement—

"(A) is necessary to maintain an acceptable level and quality of service to veterans at that facility; or

"(B) will result in the improvement of services to eligible veterans at that facility.".

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 8110(c)(3)(A) of such title is amended by striking out "8153" and inserting in lieu thereof "8152".

(2) Subsection (b) of section 8154 of such title (as redesignated by subsection (a)(1)(B)) is amended by striking out "section 8154" and inserting in lieu thereof "section 8153".

(3) Section 8156 of such title (as redesignated by subsection (a)(1)(B)) is amended—

(A) in subsection (a), by striking out "section 8153(a)" and inserting in lieu thereof "section 8152(a)"; and

(B) in subsection (b)(3), by striking out "section 8153" and inserting in lieu thereof "section 8152".

(4) Subsection (a) of section 8157 of such title (as redesignated by subsection (a)(1)(B)) is amended—

(A) in the matter preceding paragraph (1), by striking out "section 8157" and "section 8153(a)" and inserting in lieu thereof "section 8156" and "section 8152(a)", respectively; and

(B) in paragraph (1), by striking out "section 8157(b)(4)" and inserting in lieu thereof "section 8156(b)(4)".

EXTENSIONS OF REMARKS

IN HONOR OF MRS. SALLIE LANGSETH FOR HER INDUCTION INTO THE NATIONAL TEACHERS HALL OF FAME, DEER PARK, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. BENTSEN. Mr. Speaker, I rise to honor Mrs. Sallie Langseth of Pasadena, TX, who will be inducted into the National Teachers Hall of Fame in Emporia, KS, on June 22, 1996. She is one of five educators in the country being inducted into the Hall of Fame. It is a particular honor to recognize Mrs. Langseth because she was named Texas' Teacher of the Year in 1995. I cannot think of a more deserving recipient of this award.

Mrs. Langseth is the first teacher from a Texas school district to be inducted into the National Teachers Hall of Fame. Mrs. Langseth taught in the Pasadena School District from 1969 to 1972 and has since taught in the Deer Park School District. She has distinguished herself through her innovative teaching methods and her dedication to her students, and her ability to help them understand problems. Her teaching goes well beyond the classroom, including hosting study groups in her home and tutoring former students who are having difficulty with their college math courses.

Mrs. Langseth's tremendous dedication in serving her students and our community is consistent with the highest degree of professionalism. I join her students, their parents, her colleagues, and our entire community in thanking her for all that she has done for the young people of Pasadena and Deer Park. She truly belongs in the National Teachers Hall of Fame.

TRIBUTE TO HILBERT L. BRADLEY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. VISCLOSKY. Mr. Speaker, it is the belief of many that we are all put on this Earth for a reason. Mr. Hilbert L. Bradley has accomplished his mission in life after spending a lifetime working unselfishly to improve the lives of citizens in the city of Gary, as well as the entire State of Indiana. In a congratulatory celebration, the community of Indiana's First Congressional District will gather on Sunday, June 23, 1996, for a testimonial dinner to honor Hilbert. This dinner will take place at Marquette on the Lagoon in Gary, IN.

As an attorney dedicated to his profession, and a community activist dedicated to the well-being of others, Hilbert has tirelessly led the fight for equal opportunity, and civil and human rights protections for all people. He has provided legal counsel in landmark civil rights cases, as well as pro bono services for the NAACP. Hilbert is a noted trial lawyer and has had a distinguished career as a deputy prosecutor, corporation counsel, and interim judge and mediator.

In 1987, Hilbert founded the Indiana Coalition for Black Judicial Officials, and he serves as the group's general chairman today. The organization's purpose is to increase the number of black judicial officials in the State of Indiana. The Indiana Coalition for Black Judicial Officials organizes statewide public awareness campaigns which have resulted in an increased number of black referees and judges pro tem, the election of a black judge to the Lake County Superior Court, the appointment of Robert Rucker, the first African-American to serve on the Indiana Court of Appeals, Fifth District, and Myra Selby, the first female and the first African-American to serve on the Indiana Supreme Court.

Hilbert also cofounded the Fair Share Organization in 1958. Its purpose was to assure that black people receive their fair share of the fruits of American democracy. One major accomplishment of the organization was the employment of the first black managers of a major chain store, the A&P, in Gary.

Outside of the legal profession, Hilbert has reached out to several civic organizations. Hilbert's distinguished memberships include: lifetime memberships of the NAACP and the Kappa Alpha Psi Fraternity; the Urban League of Northwest Indiana; St. Timothy Community Church; Calumet Inn of Court; James C. Kimbrough Law Association; the Lake County Bar Association; the Indiana State Bar Association. He also serves as a board member for the Methodist Hospitals.

Moreover, he has received local and national recognition for having excelled in his profession. In 1994, Hilbert received the National NAACP William Ming Award, the Valparaiso University Black Law Students Association Education and Civil Rights Award, the Omega Psi Phi Inc. Citizen of the Year Award, and the Phi Delta Kappa (Beta Mu Chapter) Outstanding Service and Leadership Award. In 1992, Hilbert was inducted into the Steel City Hall of Fame, and, in 1991 and 1958, he received the NAACP Mary White Ovington Award. Hilbert is the only member to whom the Gary branch has twice presented this award. In 1990, Hilbert was presented with the Gary Frontiers Drum Major Award, the Focus 2000 Great Garyite Award, the NAACP Community Service Award, and the Tolleston Community Council Service Award.

As Hilbert reflects back on his career and community activism, he can hold his head high and be proud of his accomplishments. Hilbert is a true role model for all young professionals and citizens. Mr. Speaker, I ask you and my other distinguished colleagues to join me in honoring Hilbert Bradley for his unselfish dedication to make Indiana's First Congressional District, as well as the entire Nation, a better place in which to work and live.

ZACKY COLD STORAGE GROWTH WARMS FRESNO ECONOMY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. RADANOVICH. Mr. Speaker, a major California poultry producer, Zacky Farms, is embarking on an expansion plan in cooperation with the city of Fresno, and I am pleased to bring it to the attention of my colleagues.

Zacky Farms is an engine of economic enterprise in my 19th Congressional District. In sharing the following article from the Fresno Bee, written by business news reporter Sanford Nax, I salute the men and women of Zacky Farms and wish them well as they grow and add value to our community.

[From the Fresno Bee, June 6, 1996]

ZACKY FARMS EXPANSION EXPECTED TO ADD 200 JOBS

(By Sanford Nax)

The latest expansion by Zacky Farms will generate 200 new jobs, with more to come as the poultry producer puts even deeper roots into Fresno.

A 75,000-square-foot addition to its Empire Cold Storage plant at East and California streets will add 13 million pounds of storage.

Also, 5,000 square feet of space is being added to the East Street turkey-processing operation in a related project, said Ken Rutledge, vice president and general manager of Zacky Farms.

Together, the two expansions will increase Zacky's local work force by about 200. The poultry processor employs about 2,400 people in Fresno and is one of the largest private employers in the county.

Many of the turkeys supplied to Zacky are raised in Fresno, Tulare, Kings and Madera counties. California is its largest market.

The expansion of the cold-storage plant should be complete in October. The addition to the turkey processing plant should be done in January.

The projects, which will total about $12 million, are among the $124 million worth of investment Zacky plans to make in Fresno in the next 20 years, Rutledge said.

Zacky operates turkey and chicken plants in Fresno, and the investments could lead to 3,400 new jobs over 20 years, city officials said.

Ruledge said an expanded freezer will enable Zacky to store all of its produce internally rather than contracting some of it out to a public freezer as it now does. The additional 5,000 square feet at the processing plant will allow Zacky to consolidate functions that are divided between two buildings, he said.

The expansions also will make Zacky's operation more energy-efficient and will reduce

water consumption. "This new equipment is very efficient," Rutledge said.

Zacky's "grand plan" in Fresno is being accomplished with help from city officials through a development incentive agreements.

In such agreements, companies get a credit for some development fees against the projected increase in tax payments. These agreements are common with large manufacturing companies that make significant contributions to the tax base and have large work forces.

"They provide the necessary incentive to encourage expansion and relocation," said Bill Evans, vice president of the Fresno County Economic Development Corp.

Any program that generates new jobs is welcome in a county where the labor pool is expanding at twice the pace of job creation.

Zacky Farms began business in Los Angeles in 1928 and expanded its operations to Central California and the Fresno area in 1971.

TRIBUTE TO PICATINNY ARSENAL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, when "Braveheart" won the Oscar for best motion picture this year, everyone knew about it, because an Oscar is the top award for the motion picture industry. The Emmys, the Tonys, the Pulitzers, the Nobels, and others are just like it. We recognize these awards and immediately equate them with excellence and unparalleled achievement in a certain field of endeavor. They represent the "creme de la creme," the best of the best. And when people win them, they receive well-deserved recognition.

But 2 weeks ago, a group of neighbors, friends, relatives, and peers in our community who work at Picatinny Arsenal won the top military awards for installation excellence, and no one seemed to notice. In fact, they won the top three awards, including the highly coveted President's award—an extremely rare feat in the military and one which is referred to as the Triple Crown in the hallowed halls of the Pentagon. At the ceremony, I sat next to Senator STROM THURMOND—who's served in the Senate longer than anyone else—and even he was shaking his head in amazement that one base won all the awards.

I was fortunate to have been with base commander Brig. Gen. James W. Boddie, Rockaway Mayor John Inglesino, and a group of Picatinny employees when they received the Army's top award, and I must admit it was an awesome explosion of pride. Military brass up to and including Secretary of Defense William Perry clapped long and loud, saluted time and again, and sat up and took notice of the success of Picatinny Arsenal.

The Defense Department created these awards to recognize excellence and to reward improvement in quality, performance, and productivity. The criteria that is used is exactly the same that private businesses are rated on when being judged for the prestigious Malcolm Baldridge Awards for Quality.

But what makes this achievement much more amazing is that all of this took place during what Secretary Perry called in his remarks "the toughest times in the U.S. military." Indeed, several top officers told stories of the pain and reality of working in the times of base closures and defense downsizing, when both civilian and military employment rolls are being reduced.

"You can't cut excellence," said Lt. Col. Carl Smith, in reference to the shrinking military. Smith is a staff officer who works for the assistant chief of staff for installation management. I asked him how rare it was that Picatinny hit the grand slam of military awards. "It is a milestone, because most of the time the larger installations—the Fort Bennings—are the top-dog winners. To have a smaller installation like Picatinny come in and win all three really is precedent-setting."

I couldn't say it any better myself.

On Memorial Day, we'll salute and remember the men and women who gave the ultimate sacrifice for this Nation. And when we do, we often think of veterans and those who currently serve our Nation in the armed services.

The men and women at Picatinny Arsenal are these people. They build the munitions and armaments that our soldiers in Bosnia and throughout the world are using. They assure that we have the best technology and arms to keep the peace.

When I traveled to Bosnia in December and met with our troops on the eve of their deployment, I saw determination, professionalism, and a willingness to do the job. When Secretary Perry led the thundering and raucous applause to congratulate Picatinny employees for being the best of the best, I saw joy and pride of a job well done.

Congratulations, Picatinny. I salute you, and salute those who gave their lives and those who have defended our country on this Memorial Day.

ACTING TO SHAPE THE FUTURE: MACHASKEE ADDRESSES WORLD NEWSPAPER CONGRESS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. STOKES. Mr. Speaker, just recently, the 49th World Newspaper Congress gathered in Washington, DC. Using the theme, "Vision for the Future," the group addressed the challenges which must be met if newspapers are to retain their vital place in the world.

One of the highlights of the World Newspaper Congress was a keynote address delivered by Alex Machaskee, the president and publisher of the Plain Dealer newspaper which serves my congressional district. Mr. Machaskee has enjoyed a distinguished career at the Plain Dealer, which spans approximately 36 years, serving at the helm as president and publisher since 1990. The newspaper has maintained a daily circulation level of approximately 400,000 and a Sunday circulation of 550,000. Among major metropolitan newspapers in the United States, the Plain Dealer ranks first in circulation penetration in the home county.

In his remarks at the World Newspaper Congress, Mr. Machaskee outlined how the Plain Dealer is meeting the current global competition. He said, in part,

We are exploring and entering new areas to meet changing needs and a changing world. Indeed, in all that we do, we are acting to shape our future so it does not become necessary to react to save our existence.

Mr. Speaker, I am pleased to share the entire text of Mr. Machaskee's remarks with my colleagues and others throughout the Nation. It represents worthwhile and insightful reading.

ACTING TO SHAPE THE FUTURE

(By Alex Machaskee)

I want to express my thanks to Donald Newhouse, who addressed this Congress in Berlin in 1993 and "nominated" me to provide an update on the message he shared at that time. As you certainly know by now, this year's theme is "Vision for the Future," and those of you who were in Berlin three years ago may recall that Donald conveyed his own "vision for the future" at that time. Donald expressed the hope that his young grandson, Andrew, and his peers will still receive their news from newspapers when they are adults. Grandfather Donald expressed another hope for the future as well—that Andrew wouldn't be his only grandchild! Well, I am pleased to report to you that Donald's vision is already coming true. First, as an industry, we are beginning to successfully address the challenges we must meet if newspapers are to retain their vital place in our world and in the world of our children and grandchildren. Second—and of equal importance to Donald—young Andrew now has a little brother, Alexander, giving Donald two grandsons!

Back in 1993, Donald talked about the need for newspapers to "constantly reinvent ourselves," and he suggested five "seismic changes" that all of us in the industry must address. He mentioned (1) competition from mass marketers; (2) database marketing; (3) consolidation among retailers; (4) magazines and cable television focusing on narrower demographic groups; and (5) the multi-year recession which, fortunately, is now behind us. Donald cited The Plain Dealer as a case study in dealing with these seismic changes. Much of what he talked about was still in process at the time—most significantly the construction of our $200 million, state-of-the-art production and distribution center. So, Donald suggested that an update of our vision of the future might be in order.

Before I bring you up to date, I believe we all could agree that since 1993, two additional factors have had a crucial impact on our industry: the dramatic increase in newsprint prices, which have skyrocketed 55% in the United States since Donald addressed the Congress; and the intensifying competition for people's time and attention, especially from the Internet. Nearly 30 years ago, when I was promotion manager at The Plain Dealer, I told a marketing group: "Intelligent and foresighted planning permits the marketing-oriented newspaper to act to shape its future rather than react to save its very existence." That message is really at the heart of the philosophy that drives us at The Plain Dealer. Throughout our organization, we are acting to shape our future—to protect our news-on-paper franchise and to ensure our role as a primary provider of information for my own grandchildren, as well as Andrew and Alexander.

When we set out several years ago to "reinvent" The Plain Dealer, we determined

that we needed to produce a more relevant newspaper for current and potential subscribers and that we had to create the capability to provide quality color reproduction for advertisers, better sectionalizing and more zoning availabilities for target marketing. Key to the strategy we developed was the "reallocation of resources" from redundant manufacturing and distribution activities to areas that would improve the content of the newspaper. We knew that enhancing our core product was the most essential component of our strategy. After all, the finest facilities and technologies in the world mean nothing unless the quality of the content is there.

So we adopted the phrase "Leadership in editorial excellence"—not only as a promotional tagline emblazoned on our trucks but as an attitude. We invested in people, adding 75 reporters and editors at a time when other newspapers were cutting back on stall. We added or enhanced a number of editorial features and sections aimed at specific demographic targets, including minorities, women and teen-agers. We also opened three bureaus in outlying counties as part of our commitment to in-depth coverage of the 125 communities in our primary circulation area. We began to provide more local news and features, including increased coverage of scholastic sports at 176 high schools. "News from around the world and around the corner" became our hallmark as well as a promotional slogan.

Not only did we change our product, but we fundamentally changed the way we produce and distribute it. In the late 1980's we began a planning process to identify and eliminate contract language that was an impediment to effectively managing the work force and implementing changes in technology. Considerable time and effort were put into developing an operational change plan based on how we would operate if we had no contractual limitations and restrictions to deal with. This exercise was particularly important as we planned our new production facility. The end result of that exercise was a 33-page document that served as our guide for setting bargaining goals and objectives and for implementing and managing change over the next several years.

In two very successful rounds of negotiations, we won more favorable contract terms and phased in a program of voluntary buyouts in the manufacturing and distribution areas of our operation. The first major component of the "reinvention" of The Plain Dealer was the phased-in opening of 19 strategically located circulation depots, where newspapers could be trucked in bulk by our drivers for pickup by independent distributors. The distribution of newspapers to depots would allow the use of a two-part run system when the new plant opened, with classified and feature sections being printed early in the evening and main news and sports printed several hours later. The depots were all fully operational a year before the plant opened, giving us ample time to work out bugs in the system.

This transition, which included a $3.5 million conversion of our fleet, meant we had fewer trucks, going to fewer places—so we were able to reduce our driver work force by about 80 positions. Surely the capstone of our "reinvention," however, was the 1994 opening of our Tiedeman Production and Distribution Center. With this plant, we now have the very latest newspaper technologies and capabilities, including electronic prepress pagination, high-speed printing and color capability throughout the newspaper.

The plant brought a high level of automation to our operation, and it resulted in a number of innovations of our own—including the only automated, cart-based loading, storage and delivery system operational in the world today. We are very proud of our facility, and grateful to our very supportive owners. We are also very proud of our people for helping to ensure a virtually problem-free startup. This was a result of the fact that, as I mentioned, we had already converted to the depot system a year earlier. It was also a result of the tremendous effort that went into planning and training.

To train our pressmen, for example, we erected two Goss press units and a folder next door to our downtown facility. Long before the new plant opened, we conducted test runs and produced live product on the new presses, easing the transition not only for the pressmen but for graphic designers and pre-press personnel as well. We went fully operational at the new plant in early April of 1994—and things went so smoothly that it was almost a "non-event." The changeover happened to coincide with the similarly exciting and successful opening of a new ballpark for our red-hot Cleveland Indians in downtown Cleveland. To most of our readers, our front-page headline the next morning seemed to refer to the opening of the ballpark and Cleveland's opening-day victory: "Just perfect," it said. But for us at The Plain Dealer, the headline had a second, more personal meaning.

As proud as we are of the Tiedeman facility, we know that shaping the future requires doing much more than building a new plant. That is why we are constantly "reinventing" and fine-tuning our primary product and the way we produce and distribute it. In the editorial area, we introduced a major graphic redesign in 1994, including not only easier-to-read body type, but a completely new headline face designed for us specifically for offset reproduction. We also continually develop additional features that target specific demographic groups. Over the past 18 months, for example, these have included weekly sections devoted to Family, Personal Finance/Personal Technology, On Campus, Driving and others, as well as Community pages twice a week.

Our teen section, which we call "NEXT," was redesigned and expanded by editors who involved teen-agers extensively in the process. We also have undertaken a number of major special sections for such events as the Major League Baseball playoffs, the opening of the Rock and Roll Hall of Fame and Cleveland's bicentennial celebration.

One project we are especially proud of is "What Makes Cleveland, Cleveland!"—48 pages of color photography featuring our metropolitan area through the eyes of our photographers. This was a very special section for several reasons. For one, it was a great device for showcasing our color capabilities and the talents of our photo staff. Even more importantly, it was great testimony to Editorial and Advertising working together. At the time, a major national retailer, Target stores, was entering the Cleveland market and was looking for a way to top off its marketing plan. Target became the only sponsor of the section, which later earned a major local advertising award as well as the National Printing Industries of America award for best four-color printing on newsprint. All in all, while color is very important, our primary focus is on creating an excellent product, day in and day out.

In "reinventing ourselves," to use Donald's phrase again, The Plain Dealer is rediscovering something that the best community-oriented newspapers of the past knew and practiced—that it is possible to be an aggressive watchdog while simultaneously recognizing pride and achievement in a community. Such undertakings as "What Makes Cleveland Cleveland" and the extensive coverage of the Rock Hall opening and the baseball playoffs come from a newspaper that has also been recognized as a civic watchdog. Our coverage of government investment practices, for example, was credited by banking experts with forestalling an Orange County-style bankruptcy in our home county. And editorially we have been aggressive in demanding reform of the Cleveland public schools.

Our goal is to create an information resource that competitors cannot match in terms of breadth and depth. At times, we can even hold our own against television in terms of timeliness. One of the best examples of that came last fall, when the Cleveland Indians brought our city its first post-season baseball game in 41 years. Things seemed to be working against us all night—the game was delayed several hours by rain, and on top of that it went into extra innings, ending after 2 o'clock in the morning. Many Clevelanders didn't get to bed until 3 o'clock or later. But thanks to the flexibility of our plant, some latitude in our deadlines and a lot of hustle on the part of our staff and our independent distributors, most of our readers woke up just a couple of hours later to the complete game story and color action shots in *The Plain Dealer*.

The power of color is the big story in Advertising. Major retailers tell us that, without question, color ads move more product. One of the most dramatic results, in fact, came from a department store that directly linked a color ad to a 45 percent increase in sales of a particular fragrance. Timeliness of advertising, too, can be dramatically effective. One Friday night last September when the Indians clinched the division championship, The Plain Dealer had special advertising pages ready to put on the presses—*IF* the Indians won. This required reconfiguring the presses on deadline, but planning and teamwork by Production, Advertising and Editorial and the capabilities of the new plant combined to make it possible. As a result, advertisers found crowds of baseball fans waiting for their doors to open on Saturday morning. And within hours, those customers snatched up millions of dollars' worth of championship jackets, T-shirts and caps.

Advertisers are very pleased with results like these, and so are we. In fact, in retail display alone, our color ad revenues were up 17 percent from 1994 to 1995. Color revenues from national advertising, while starting from a smaller base, were up 90 percent. And classified advertisers—particularly auto dealers—are seeing the benefits of using spot and full color. But color isn't the only story, as we continually work to identify appropriate new products and services in an effort to provide marketing solutions for our advertisers. Our Marketing Database now has well over one million names and addresses, appended with a broad array of demographic and lifestyle information from quality sources. In a joint effort between Advertising and Circulation, we are working rapidly toward the day when we can actually deliver an address-specific product. In the meantime, we are constantly exploring opportunities to utilize this wealth of information to help our advertisers achieve their marketing objectives.

Over the winter, for example, we put it to use for a heating and air conditioning distributor. This advertiser was running a print

and broadcast campaign focusing on the theme of cold-weather pet care, and he wanted to supplement the campaign with a direct mail piece. His target consisted of dog and cat owners with specific income and demographic criteria. Using our data base, we were able to identify more than 10,000 readers who met these requirements. In our effort to be full-service providers and to develop marketing solutions for our advertisers, we are offering new options that go beyond traditional newspaper advertising. One such option is PDQuickline, our audio-based system that puts an array of information—including information about advertisers' products and services—at callers' fingertips.

Another new product is Star Watch, a nonproprietary, entertainment-oriented publication that carries single-sheet and other inserts to non-subscribers and enhances the effectiveness of advertising in the Plain Dealer. Being a full-service provider also requires the capability to compete successfully for advertisers' commercial printing business. This is a relatively small but growing part of our business, primarily involving supermarket preprints. Speaking of supermarkets, while many newspapers have all but lost food advertising, the leading supermarket chains in our market rank as our number-three and number-four advertisers. Our success in retaining these important advertisers is clearly a result of our ability to provide more than "traditional" newspaper advertising services. Circulation is an area that poses a special challenge for us, because we are in a shrinking marketplace—with a trend of outmigration of people from our core market. Even so, among major metropolitan newspapers in the United States, we rank first in circulation penetration in our home county—with 54% penetration daily and 72% on Sunday. And despite three suggested retail price increases in three years, we have maintained circulation levels of about 400,000 daily and 550,000 Sunday. This is largely a result of gearing the Circulation Division's efforts toward establishing a productive and efficient distribution system that provides both outstanding service and professionalism. Going forward, it requires building our ability to distribute an evermore narrowly targeted product.

We are also working to create an environment that enables our independent distributors to succeed, by improving communications, offering incentives and sponsoring seminars to help them run their operations profitably. And, to reduce the handling of money, we worked with Diebold Incorporated, the nation's leading maker of automated teller machines, to develop an ATM-like machine in which independent distributors can deposit their receipts at the depots. Considerable attention is being focused on single-copy sales, as well. We have worked hard over the past several years to improve our relationships with vendors and to develop the capability to determine by computer just how many newspapers should be placed at each location each day to avoid sell-outs and reduce returns. Our continuing community outreach efforts are helping us learn the concerns of various ethnic and nationality groups as well as young people, our readers of tomorrow. And within The Plain Dealer, we are working hard to get every one of our more than 1,600 employees committed to our vision of being the finest newspaper in the United States. Over the past 18 months, I have met with virtually every one of our employees, usually in groups of no more than 25 over breakfast or lunch. I have found these sessions insightful and invaluable in truly keeping a finger on the pulse of our newspaper.

As I mentioned at the outset, two significant factors have emerged during the past couple of years—newsprint costs and the Internet. In addressing these factors, it is interesting that we find ourselves dealing with "webs" in both cases. At The Plain Dealer, part of our efforts to reduce our newsprint consumption was a reduction in or web width this past February. The conversion went without a hitch, and the change in widths is imperceptible. Nevertheless, we expect savings of upwards of $1 million a year in our newsprint costs. The other "web," of course, is the burgeoning World Wide Web. As part of our vision for the future, we formed a wholly owned subsidiary this past year that specializes in developing Internet sites. In connection with this, we are actively working with advertisers and potential advertisers to identify opportunities for increased business. For example, recently we worked with the local Auto Dealers Association to provide a web site in connection with a major Auto Show.

Our first venture onto the Internet was rockhall.com, our very successful Web site for Cleveland's new Rock and Roll Hall of Fame and Museum. The site has recorded more than 20 million "page impressions" since its debut last August and has been named a "cool site" by many publications. In addition to features about the Hall of Fame and its inductees, the site offers a link that features information on Cleveland restaurants, hotels and museums. At The Plain Dealer, our vision of the future is very clear—the newspaper will remain our core business for as long as we can foresee. In fact, with the support of the Newhouse organization we are betting more than $200 million on this vision, represented by our new plant.

On June 5, 1994, at the formal dedication of The Plain Dealer's Tiedeman Production and Distribution Center, the symbolism was reassuring: it was young Andrew Newhouse who pushed the button to start the presses! Yet, like most of you, we are exploring and entering new areas to meet changing needs and a changing world. Indeed, in all that we do, we are acting to shape our future so it does not become necessary to react to save our existence. Most of us in this room have dedicated our lives to newspapers. For us, nothing beats the roar of the presses, and we believe nothing can ever replace the depth and breadth of information newspapers present. In the current environment, however, we need to work harder than ever to ensure that newspapers remain a vital part of our children's lves—and our grandchildren's lives—as well.

NORTH CAROLINA IS HOME TO A GREAT SOCCER TRADITION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. COBLE. Mr. Speaker, the State of North Carolina is home to a great soccer tradition, particularly in women's soccer. This year, Mr. Speaker, the Sixth District of North Carolina is proud to add two more chapters to this outstanding tradition.

North Carolina has long divided its schools into classifications to determine sports champions. That way schools of equal size can compete fairly. This system also allows more schools the opportunity to compete for titles and trophies. We are proud to say, Mr. Speaker, that the Piedmont Triad is the home of the North Carolina 1A/2A/3A and the North Carolina 4A women's soccer champions for 1996.

The Ragsdale High School Tigers of Jamestown, NC, captured the 1996 1A/2A/3A State women's soccer championship, and the Whirlies of Grimsley High School in Greensboro, NC, claimed the 4A women's soccer championship. Both teams were crowned champions on June 1 in Raleigh, NC.

In the 1A/2A/3A class, the Ragsdale Tigers captured the State title with a 3 to 0 shutout of the Asheville Roberson Rams, limiting the Rams to just four shots on goal all game. The championship win capped off a brilliant 23–3 season for coach Brien Braswell's squad. The Ragsdale Tigers have been outstanding in the championships, claiming two State titles in the last 3 years.

Congratulations go to Sarah Judy, who won the championship game's Most Valuable Player Award. Mr. Speaker, congratulations on a great season are in order for Coach Braswell, manager Joey Menendez, Trainer Julie Hutchens, and team members Cindy Mullinix, Kyleen Hudson, Kelly Martin, Kristin Wittenborn, Anna Dellosa, Jordan Allison, Erin Beeson, Paige Waggoner, Vickie Cortes, Nicole Brannan, Ashline Green, Christie Dixon, Lindsey Moorefield, Laura Pendergrass, Ryan Andres, Danielle Gain, Emily McCoy, Cari Hammond, Michelle Pizzuro, Becky Garmon, Amanda Holtzman, Meg Herndon, and Kellie Dixon.

To athletic director Mike Raybon, principal Dr. Kathryn Rogers, the faculty, staff, students, parents, and friends of Ragsdale High School, we offer our congratulations for winning the North Carolina 1A/2A/3A State women's soccer championship.

Raleigh also was the site of another Sixth District high school State championship. The women's soccer team of Grimsley high School in Greensboro, NC, captured the 1996 State 4A women's soccer championship, defeating the Raleigh Broughton High School Caps 2 to 1. The victory moved the Grimsley Whirlies to a stellar record of 21–1–1 for the 1996 season.

The State championship was the third in 5 years for the Whirlies, and the win was truly a team effort. As Coach Herk DeGraw put it, "This one is sweet. Everybody stepped up and did their jobs extremely well."

Congratulations go to Laurie Benson, who won the championship game's Most Valuable Player Award. Congratulations are also in order for team members Meagan Renn, Cori Stevens, Lacy Ross, Sarah Ann Davis, Mollie Lynch, Meredith Seawell, Sarah Atkinson, Mikel Casey, Kristy Shumate, Kelly Clark, Jennifer Marsh, Carrie Anderson, Jamie Bombart, Kristen Moody, Courtney Black, Jessica Overby, and Ashley Andringa.

Mr. Speaker, on behalf of the citizens of the Sixth District of North Carolina, let me congratulate the 1996 Grimsley Whirlies on their State championship. Congratulations to head coach Herk DeGraw, assistant coach Susie Williams, announcer Dick Forrester, faculty trainer Joe Franks, student trainer Pablo Torrente, and statisticians Lisa Evans, Zach Wineberg, Tyler Spence, and Mike Cleaver.

To athletic director Bob Sawyer, principal Tom Penlend, the faculty, staff, students, parents, and friends of Grimsley High School, we offer our congratulations on winning the North Carolina 4A State women's soccer championship.

Once again, North Carolina remains a soccer hotbed and the Sixth District is proud to claim two more champions.

NORTH PONTOTOC STUDENT, ABIGAIL HAMILTON, IS DISTRICT WINNER IN RESPECTEEN SPEAK FOR YOURSELF PROGRAM

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. WICKER. Mr. Speaker, more than 15,000 seventh- and eighth-grade students around the country participated in this year's RespecTeen Speak for Yourself social studies curriculum program, which teaches young people about the political process. The program is part of the Lutheran Brotherhood's philanthropic initiative in support of our Nation's youth.

One of the final lessons in the program included having students write their Members of Congress to express their views or offer solutions to issues of interest. The letters were judged by a panel of educators and one winner was chosen in each congressional district. A seventh-grade student from North Pontotoc Attendance Center was selected as the winner from Mississippi's First Congressional District. Her name is Abigail Hamilton. Abigail wrote to me regarding prayer in our public schools.

I wanted to share Abigail's letter with my colleagues and congratulate her for participating in this program.

SPEAK FOR YOURSELF,
Ecru, MS, January 30, 1996.

Hon. ROGER WICKER,
U.S. Representative,
Washington, DC.

DEAR CONGRESSMAN WICKER: How would you feel if one day someone suddenly said you could no longer continue a tradition? Devastated? Grieved? This scenario describes what had been done to students, teachers, and the community of North Pontotoc. A tradition of student-initiated, student-led, prayer was taken from us. For approximately 20 years, we had this type prayer in our school.

On December 20, 1994, Mrs. Lisa Herdahl with the ACLU and People for the American Way filed a lawsuit against Pontotoc County Schools for having student-led, student-initiated prayer over the school's intercom. A court injunction last spring stopped prayer over the intercom. The court date deciding whether to continue student-initiated prayer is March 4, 1996 at federal court in Oxford, Mississippi.

George Washington warned: "reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." Research proves the accuracy of his warning. Birth rates for teenagers and cases of sexually transmitted diseases have risen since 1962. Also, SAT test scores have plummeted for 18 consecutive years since that year. What happened in 1962? The Supreme Court took prayer out of public school with the Engel case.

I support you co-authoring the school prayer amendment with Congressman Istook from Oklahoma. Please participate in the meeting to force this amendment to the House floor, and do not allow compromises that would defeat the purpose of this amendment. I wouldn't want a government written prayer or mandatory participation in devotion. I trust you are influencing other congressmen to be co-signers of this amendment.

Our Constitution guarantees us freedom of speech and religion. However, should one person be allowed to dictate the beliefs of a community? Thomas Jefferson said: "The will of the majority, the natural law of every society, is the only sure guardian of the rights of man."

Sincerely,

ABIGAIL HAMILTON,
7th grader NPAC.

PRESIDENT VISITS YOUNG RESIDENTS OF HOMELESS SHELTER IN MOSCOW

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. SMITH of New Jersey. Mr. Speaker, I rise to note and commend the President for taking the time during his recent trip to Moscow to meet with, and encourage the work of Alexander Ogorodnikov, a former political prisoner and founder of the Christian Mercy Society. Alexander Ogorodnikov established a private shelter for young homeless from all over Russia who find themselves on the streets of Moscow without a roof over their heads. During the Moscow G–7 Nuclear Security Summit in April, President Clinton visited a number of the residents of the shelter.

Naturally, Mr. Ogorodnikov's work has been very challenging. After 70 years of communism, the institution of private charity has been slow to make a comeback. Resources are scarce; property rights are unclear. Bureaucrats often seem more determined to stifle than assist private initiative. Criminal structures would prefer that idle hands look in the direction of criminal activity for sustenance and livelihood. Nevertheless, Mr. Ogorodnikov has persisted. His efforts have been reported and applauded by the Moscow press, and Mayor Luzkkov's office has been supportive of his work. Some international organizations are providing a measure of assistance.

As Moscow was preparing for the Summit, Mr. Ogorodnikov had invited President Clinton to visit the Christian Mercy Society shelter to observe private charity in action in Russia. This request was forwarded through the Beautiful Hearts charitable organization of Erie, PA, and by many Members of the Congress of both parties. For logistical and security reasons, the President was unable to visit the shelter itself, but Mr. Ogorodnikov and his Beautiful Hearts associates had arranged an exhibit about the shelter at a Moscow hotel where the President had other meetings scheduled. Despite the heavy demands on his schedule, President Clinton graciously visited the exhibit and met with some of the young residents.

Mr. Speaker, the G–7 Nuclear Security Summit was about providing nuclear safety in our uneasy world, about governments cooperating with one another to reduce danger to millions of people. Security can also be a function of mutual understanding and having genuine concern—even across borders—for other human beings, one for another. By visiting the young people of the Christian Mercy Society shelter, President Clinton exhibited that concern on behalf of all of us here in the United States, and I appreciate his kind gesture.

TRIBUTE TO MICHAEL STEVENS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to a celebrated community servant, Mr. Michael Stevens. On Friday, June 21, 1996, Michael, along with his friends and family, will celebrate his retirement from the Iron Workers Union Local No. 395 in Hammond, IN. This retirement dinner will be held at St. Elijah Serbian-American Hall in Merrillville, IN.

We are all fortunate to have dedicated people, like Michael, involved in the labor movement in Indiana's First Congressional District. Michael embarked on his distinguished career as an iron worker in local No. 392 in East St. Louis, IL, in June of 1966. He then moved to northwest Indiana and joined Iron Workers Local No. 395 in Hammond in September 1967.

In May, 1974, he suffered from a disabling fall on the job. During his convalescence, Michael earned a degree from Mineral Area College in Missouri. Following his graduation in June 1979, he returned to ironworking out of local No. 395 in September of that same year.

In 1981, Michael was elected to the local No. 395's examining board. In 1981, 1986, and 1991, Michael was elected to represent local No. 395 as a convention delegate. In 1984, Michael was elected as local No. 395's financial secretary-treasurer and he was reelected for three more terms in 1987, 1990, 1993. Michael retired this year after 30 years as a member of local No. 395, 15 years as an officer, and 4 terms as local No. 395's financial secretary-treasurer.

I offer my heartfelt congratulations to Michael, his wife, Bonnie, and his two children, Tina and Byron. They can all be proud, as Michael has worked arduously in the labor movement to make the American dream possible for others. Mr. Speaker, I ask you and my other distinguished colleagues to congratulate Michael, who has proven himself to be a distinguished advocate for the labor movement. I sincerely wish Michael a long, happy, and productive retirement.

TRIBUTE TO WILLIAM SINCLAIR

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. UPTON. Mr. Speaker, I rise today to honor Mr. William Sinclair. Please join me in congratulating Bill as he retires after spending almost two decades as the city manager of my hometown, St. Joseph, MI. For 18 great years he has dedicated his hard work and efforts into making St. Joseph a quality city and a great place to call home.

Bill's career in public service reaches back to 1954 when he began working as a surveyor and cartographer for the city of Detroit. His time in Detroit was interrupted for 2 years by a tour of duty in the U.S. Army. After spending a few more years in Detroit, Bill lent his engineering expertise to the cities of Birmingham and Rochester before calling the west side of the State his new home.

He has also been active in other aspects of the community. Bill has served on the Twin Cities Airport Board, the Harbor Authority, and has been a fixture in the Michigan Municipal League.

Over the past 18 years, local officials, city councils, businesses, and residents, alike, have all correctly sung the praises of this wonderful civic leader. He has been a fixture in our community and an integral part of its growth. His dedication, vision, and commitment has been an important ingredient in the rebirth of the twin cities area.

Mr. Speaker, I have been lucky enough to work with Bill Sinclair on many different occasions. Time and time again I have counted on Bill for his assistance, his advice and his abundant energy. I know that though Bill is officially retiring, looking out for the best interests of the people of the St. Joseph-Benton Harbor area will continue to be a major focal point in his life. Someone this dedicated simply could not have it any other way.

Mr. Speaker, please join with me on behalf of the people of Michigan's Sixth Congressional District in thanking Bill Sinclair for 18 years of dedication to St. Joseph, MI. I wish him and his wife, Hilda, a long, healthy, and happy retirement. All the best, Bill, and thank you for all that you have done.

TRIBUTE TO JIM WEATHERS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to honor Mr. James J. "Jim" Weathers. Jim answered his Nation's call to arms, served his community, and most importantly raised a family. He provided a sterling example of what we hope to accomplish and strive to be.

Jim served in the U.S. Navy during the Vietnam war. Following his naval service, he participated in the Naval Reserve. As a member of New Lothrop Post 6579 of Veterans of Foreign Wars, he served as 9th VFW District Commander and captain of the VFW State Honor Guard and was instrumental in serving the needs of veterans. He was also employed by General Motors' Buick Motor Division for 32 years, 8 years as a driver.

Jim was born in Owosso, MI, on January 19, 1944, the son of Jerome and Gladys Weathers. He was a 1964 graduate of New Lothrop High School and resided in New Lothrop most of his life. He married Glenda Walworth on November 4, 1967, and raised a family.

Jim was a member of the West Flint Church of the Nazarene. He was also a member of the New Lothrop-Hazelton Township Fire Department and the Tri-County and Shiawassee Bike Club. Jim was very active with the New Lothrop Athletic Department.

Jim's extraordinary life was cut short during a recent biking trip. His family and accomplishments stand as a testimony to his commitment to service, dedication to country, and love of family.

Mr. Speaker, I know you will join me in paying tribute to Jim Weathers for his service to his country, his community, and his family. The people of mid-Michigan will miss him dearly.

TRIBUTE TO MS. IDA CASTRO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Ms. Ida Castro, an outstanding individual who has dedicated her life to the empowerment of Hispanic women. Ms. Castro was recently appointed by President Clinton as Director of the Women's Bureau of the U.S. Department of Labor.

Mr. Speaker, Ms. Castro was born in Puerto Rico. On the island, she directed job training and job development programs. Later on she taught labor law at Rutgers University in New Jersey, and worked at Hostos Community College in my congressional district, the south Bronx, helping mothers who were receiving Aid for Families with Dependent Children become economically independent through full-time employment.

Ms. Castro has been a long-time advocate of women's issues. She has fought to improve working conditions for women, insure equal pay for equal work, incorporate employment with family needs, and increase job opportunities for women in all fields.

Prior to her appointment as Director, she worked as Deputy Assistant Secretary of Labor for Workers' Compensation programs and later as the Labor Department's Acting Deputy Solicitor. Through her new position at Labor's Women's Bureau, Ms. Castro will continue working to provide better employment opportunities for women and encouraging them to develop their full potential.

Mr. Speaker, I ask my colleagues to join me in congratulating Ms. Ida Castro for her new post as Director of the U.S. Department of Labor Women's Bureau and in recognizing her contributions to the advancement of women in this Nation.

HONORING SAM LENA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. PASTOR. Mr. Speaker, today I rise to pay tribute to Sam Lena, a beloved public servant of southern Arizona who passed away on March 12, 1996. He will be greatly missed.

Sam Lena was born January 23, 1921, in Evergreen, LA. At the age of 20, he moved to Tucson for health reasons. For the ensuring 55 years, Sam was a distinguished member of the Tucson and the southern Arizona community. He was an outstanding softball player, and was well-known for being a strike-out ace. In one game as the pitcher for the Tucson Elks, he struck out 21 batters in eight innings. Sam was also a respected businessman and dedicated public servant.

His athletic skills and business talents gained him widespread recognition and respect throughout the community. This popularity encouraged him to move into a more formal leadership role. In 1965, he was appointed to the Arizona House of Representatives where he served two elected terms. In 1968 he was elected to the State senate where he served three terms and became a powerful force in southern Arizona politics.

From playing softball as a pitching strike-out ace to his extraordinary effectiveness as a public servant, Sam Lena infused his life with commitment and caring. He worked tirelessly for those groups and issues that were dear to him: Law enforcement, education, health care, social services, and the mentally retarded. Each of these areas benefited throughout Sam's tenure in the Arizona State Legislature, the Arizona State Senate, the Pima Country Board of Supervisors, and as the special assistant to Arizona Governor Rose Mofford while he directed her southern Arizona office.

Sam made government personal. To quote his friend and protege of many years, Pima County Supervisor Dan Eckstrom:

> Sam truly loved the many constituents that he served, from the youngest child to the oldest senior citizen. To him all people were the same. Yet, it was his special love for the indigent and disadvantaged that made him such the great community servant that he was. "Mr. Sam," as he was affectionately called by many, really enjoyed being out with his people, whether it was at the Knights of Columbus Hall, Lena's Liquors, the District 10 Democratic Club meetings, at Safeway, or just on the street, Sam was very approachable, willing to listen and always ready to help. He knew practically everyone in his district and everyone who knew him knew him first as a friend.

Sam Lena worked diligently to ensure that society's resources were available to all. But more importantly, he spoke for those who are often unable to speak for themselves: The poor, the disadvantaged, the downtrodden. In many areas of health care, services to the poor, recreation facilities, education, and services for the mentally retarded, Sam Lena's peace making ability and genius as a consensus builder made new and better programs possible.

In addition to his official duties as an elected and appointed public servant, Sam Lena was

an activist for the community. Through his personal efforts on behalf of Kino Hospital, this critically needed community facility has been kept open. As a member of the Pima County Sports Authority, Sam was instrumental in promoting sporting activities, especially spring training baseball and the building of a new southside baseball stadium.

Kino Hospital and the new baseball stadium are a small part of the legacy Sam Lena leaves this community. The greater part of his legacy is the people he helped and encouraged. "Mr. Sam" was a friend, a teacher, a counselor, a mentor. Many community leaders were first befriended and encouraged by Sam Lena. The spirit of community that he engendered continues to grow through those he has mentored.

Sam was always available to counsel and to talk with those who needed a caring friend. We are fortunate that this man of good morale character, simple tastes, and mild manner offered his guidance to so many others. Many were encouraged by his example to emulate these positive characteristics.

To Sam Lena's many friends, to his beloved wife, Tina, to his children, Sam, Jr., Katherine, and Johnny, and his step-children, Christine and David, to his grandchildren, Jennifer, Julieanne, Catherine, Benjamin, Matthew and Sara, to his sisters, Lily and Virginia, and his brothers Buddy and Babe, I extend my sincere appreciation for their willingness to share this great man with so many others. His life is a model for all to follow. I thank Sam Lena for being my friend and for making his city, his county, his State, and his country better for all of us.

CAREGIVERS LEND A HAND

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a special person who has taken on a special task.

Livonia native Vikki Kowaleski, publisher of Caregiver Monthly, and her husband John have dedicated themselves to people who need help.

After a personal experience with the everyday rigors of caregiving in which their ideas were innovative and praised, Vikki and John decided to share their experience.

They developed Caregiver Monthly, a nationwide, Livonia-based newsletter, which is published to encourage, support, assist, inform, and exhort caregivers throughout the world.

Celebrating the first anniversary of their initial publication this month, this first year has been a tremendous success.

Dedicated to helping those who—out of need or even the goodness of their hearts—care for relatives, the elderly, or those unable to care for themselves, Caregiver Monthly focuses on helpful hints and information on many things like nutrition, long-term care, and other important health and personal tips.

Often promoting ways to make caregiving easier, Caregiver Monthly is a very important reading for our dedicated individuals who care for those who need help the most.

Congratulations, Vikki and John, and keep up the great work. Caregiver Monthly is headed in the right direction. Your commitment to caregiving, as well as our outstanding dedication are tribute to your success. It is also an important part of making our community and country a better place.

THE 100TH ANNIVERSARY OF PEACE LUTHERAN CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. COSTELLO, Mr. Speaker, I rise today to recognize Peace Lutheran Church in Steeleville, IL. August 9, 1996, marks the church's 100th anniversary.

Their first church was built in 1896 by 27 charter members. Peace considered itself an independent Lutheran congregation affiliated with the Wartburg synod, which it officially joined in 1933. In 1950, the remaining services still conducted in German were discontinued in favor of services conducted in "American." Throughout the years Peace has established a school for seventh and eighth graders, a Sunday school program, a missionary society, two children's choirs, a young women's missionary society, and a prayer group. In 1988, Peace Lutheran Church became part of the Central-Southern Illinois Synod of the Evangelical Lutheran Church in America.

Peace Lutheran Church has contributed to the life of the Steeleville community for a century. Their faith and dedication to their community remains a fine example for the people of Illinois and the country as a whole.

Mr. Speaker, on August 11, Bishop Zenker of the Central-Southern Illinois Synod will join Rev. James R. Lillie and the rest of the Peace Lutheran congregation for their 100th anniversary celebration. I ask my colleagues to join me in wishing them a wonderful celebration and hope that their next century can be as productive as the past century.

WHY CONGRESS NEEDS THE MENTAL HEALTH BENEFIT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. STARK. Mr. Speaker, I know it is not fashionable to seek perks for Members of Congress, but we desperately, desperately need one—and the country would be better for it if we obtained this benefit for ourselves.

We need the mental health parity amendment, because a majority of the Members are clearly suffering from severe mental disconnect. As an institution, we are in need of treatment.

I refer, of course, to the insanity of spending long hours trying to pass the Kennedy-Kassebaum amendment to improve health insurance coverage, while we are also about to pass Medicaid budget cuts which will effectively remove health insurance coverage from millions of Americans.

The Congressional Budget Office estimates that the Kennedy-Kassebaum bill might help about 550,000 people a year when they switch jobs or leave a job which offers health insurance and want to buy a policy of their own. It is a nice little bill and justifiably helps many worthy people. The Medicaid budget bill, on the other hand, will probably reduce Medicaid resources by a quarter of a trillion dollars over the next 6 years, and remove the guarantee of adequate health insurance from millions of children, parents, and grandparents. Thirty-seven million low-income blind, disabled, aged, and low-income children and their families are currently covered by Medicaid. Far more people will be hurt by the Medicaid cuts than will ever be helped by the Kennedy-Kassebaum bill.

If an individual pursued two such diametrically opposed actions, we'd say he was unbalanced and should seek professional help. The Senate in Kassebaum-Kennedy adopted an amendment to provide basically equal coverage of mental and physical health. I understand that that provision is being dropped. That is unfortunate. Members of Congress could use the help.

IN RECOGNITION OF THE SALVATION ARMY'S EFFORTS IN ST. LOUIS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. TALENT. Mr. Speaker, I rise today in recognition of two outstanding programs that have made a tremendous impact on the St. Louis community: the Salvation Army comprehensive substance treatment and rehabilitation program [CSTAR] and the Salvation Army community in partnership family center [CIP]. These two organizations have worked with a consortium of businesses, service organizations, and governmental groups to provide the St. Louis community at large with invaluable homeless and drug treatment services.

The Salvation Army's CSTAR and CIP programs are part of an effort to help stabilize and empower homeless families and women with chemical dependencies so that they may help themselves. By nurturing a sense of dignity and resourcefulness, these programs enable individuals and their families to re-enter the community as participating citizens. Through the unique programming offered at each of the centers, families are given a foundation to rebuild their lives and eventually relocate into safe and affordable housing.

About a year ago, Congressman WATTS and I began to travel and visit organizations, like these, around the country. We asked the people and community leaders what they needed to run their programs more efficiently and what it would take to revitalize these impoverished communities.

All of the organizations found the Federal Government's involvement in their programs to

be burdensome and intrusive. The Government made them jump through bureaucratic hoops, fill out stacks of paperwork, and follow silly, expensive, and troublesome regulations. They asked us to reduce this redtape and allow participants to enter their programs without having to comply with an abundance of requirements and to be able to run their program without being told which portions of the programs were acceptable and which were not.

Based on these recommendations and others from people we met, we introduced legislation designed to empower the institutions that provide structure, rehabilitation and order to low-income neighborhoods. The bill does this by empowering faith-based and other private groups, funding scholarships for low-income children, encouraging private investment and home-ownership, and assisting those neighborhood groups which are restoring structure to their communities.

The American Community Renewal Act allows for up to 100 renewal communities to be established on a competitive basis in both urban and rural areas. To be designated a renewal community, State and local governments would have to work together with neighborhood groups to lessen the burden of rules and regulations that hamper job creation.

There are two tenants of the bill that would directly and positively impact the Community in Partnership Family Center as well as the CSTAR program. The first is a charitable tax credit. Individuals would be able to contribute to the charity of their choice, whose mission is poverty relief, and receive a tax credit of up to 75 percent of a $200 donation. The other provision would allow renewal communities to voucherize their drug and alcohol rehabilitation programs. Participants would have the ability to choose where to receive their treatment—whether private or public. It's no great secret that private programs like CSTAR have tremendous success rates and little recidivism.

Targeting the few pillars of strength in these communities and empowering them is essential to uplifting the deterioration of our low-income communities. CSTAR, the family center, and others deserve the recognition and support from the Federal Government and I believe the community renewal bill does just that.

Mr. Speaker, it is both an honor and a privilege for me to pay tribute to these fine organizations, and commend them upon their efforts to ensure that all residents of St. Louis County have the opportunity to operate in the community as participating citizens. They are an outstanding example not only for the residents of St. Louis County, but to the Nation as a whole.

ACADEMIC HIGH SCHOOL: RANKED AMONG NEW JERSEY'S BEST

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Academic High School. Academic has consistently been ranked one of the best public schools in the State, and has been ranked one of New Jersey's top 21 best high schools by New Jersey Monthly.

At a time when some question the mission of our public school system, Academic High School is an example of what can be done with dedication and commitment to an ideal. Public schools can excel and anyone who doubts this need only take a tour of Academic High School.

Academic High School was established in 1976 as a college preparatory school for highly motivated students. Academic serves an ethnically and racially diverse population. Prospective students must undergo a highly selective screening process. This process is based on the student's elementary school performance, standardized tests, recommendations, attendance, and participation in extracurricular activities. With a student-teacher ratio of 15 to 1, every student's individual academic needs can be addressed. The faculty shows a great deal of dedication to their work. This is exemplified by the fact that 51.9 percent of the teachers hold master's degrees—well above the State average.

The students of Academic High School have consistently distinguished themselves at the Hudson County Science Fair. Academic students have won trips to the International Science Fair on a regular basis. Academic students have distinguished themselves by qualifying as National Merit semifinalists, as well as attending the Governor's Schools and the St. Peter's College Summer Scholars Program. Students also have received the New York Times' Young Citizen Award and placed first in the Kiwanis-Key Club essay contest. With achievements such as these, it is not surprising that 96.9 percent of the graduates go on to attend 4-year colleges, including the most competitive colleges, such as Harvard, Yale, MIT, and Cornell.

Despite the challenges inherent in providing quality, urban public education, Academic High School demonstrates that it can be done. Providing a quality public education takes dedicated teachers, parents, and students working together to build a community school. I want to particularly note the work of School Principal Robert J. Roggenstein, who has worked many long hours to fulfill the school's mission.

I am proud to have a school in my district that serves as a model for other urban schools. I ask that my colleagues rise and join me in honoring this outstanding school.

TRIBUTE TO THE AWARD WINNING STUDENTS OF HILLSBORO HIGH SCHOOL

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. CLEMENT. Mr. Speaker, on April 27–29, 1996, more than 1,300 students from 50 States and the District of Columbia were in Washington, DC, to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Hillsboro High School in Nashville represented Tennessee. These young scholars have worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the team representing Tennessee are: Aras Alexander, Meghan Ashford-Grooms, Allison Bradfield, Jennifer Cartwright, Andy Cheatham, Grace Cheng, Alfredo Cisneros, Hillary Condon, Lisa DeBusk, Kimberly Ewton, Marthie Francis, Blythe Gore, Corey Harkey, Eva Lea, Charles McMackin, Katie Newman, Casey O'Shea, Amanda Osteen, Austin Ray, Jamie Richards, Kristin Robertson, James Shadinger, James Shaub, Madeline Short, Eleanor Smith, Jennifer Tlumak, Emily Van Hook, Katie Walton, and Emily White.

I would also like to recognize their teacher, Mary Catherine Bradshaw, who deserves much of the credit for the success of the team. The district coordinator, Holly Brewer, and the State coordinator, Dorothy Skeel, also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the We the People . . . program, now in its ninth academic year, has reached more than 70,400 teachers, and 22,600,000 students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People . . . program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I wish these students the best of luck in the national finals and look forward to their continued success in the years ahead.

A TRIBUTE TO DARRELL TORGERSON

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to salute a decorated veteran of public education, Darrell Torgerson, on the occasion of his retirement from active service.

Mr. Torgerson has taught chemistry to students at Mira Loma High School in Sacramento for the past 30 years. Over the course of those three decades, Mr. Torgerson's rare fusion of light-heartedness and dedication to the task at hand has earned him a permanent place in the hearts and minds of countless pupils.

Mr. Torgerson is the kind of teacher in whose eyes the classroom door is never

closed, and in whose ears the dismissal bell never rings. Ignoring the common standards of mediocrity, Darrell Torgerson has set the standard for this students by demanding more of himself than was ever asked. Mr. Torgerson has devoted countless hours after school to tutoring both the eager and the frustrated, has worked closely with honor students on their science papers for the International Baccalaureate program, and has coached student teams to numerous victories in various local and national science competitions. His freshman students have made their mark in Sacramento area competitions by regularly taking first place over opposing high school teams made up of juniors and seniors.

We all know that teachers are the guardians of America's future, but we don't hear enough about teachers like Darrell Torgerson, who has been a guardian angel for an entire generation of young people. I commend him on his long and fruitful career, and I wish him the best of luck on the next stage of his life as educator.

INTRODUCTION OF THE PARENTAL LEAVE EQUITY ACT OF 1996

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Ms. NORTON. Mr. Speaker, today, I introduce the Parental Family Leave Act of 1996, a bill which will ensure that employees who choose to care for a foster child or adopt a child will benefit from the same leave policy as their coworkers who are birth parents. This bill does not mandate that employers provide leave benefits beyond existing law, but rather that if they choose to provide such benefits, they do so for all parents equitably. Because the employers involved are generally larger businesses and the number of children is small, the bill will not burden employers.

The Family Medical Leave Act of 1993 [FMLA] provides that employers must grant up to 12 weeks of unpaid, job-protected leave for adoptive, birth and foster parents to care for a new child. Although some employers go beyond the mandate of the act and provide paid leave or allow paid sick leave to be used by employees with a new child, they often extend these benefits only to birth parents and not to foster parents or parents who adopt. My bill tracks the FMLA, correcting this inequity by providing that if an employer allows additional leave benefits for the birth of a child, the employer shall provide the same leave benefits to parents of a foster child or an adopted child. Thus, my bill does not require employers to provide leave policies beyond the requirement of the FMLA, but provides only for equal treatment for adoptive and foster parents, in keeping with the intent of the original legislation.

The basis for granting parental leave to both foster and adoptive parents overlap, but the circumstances of foster parents and adoptive parents are often different. Foster children are generally older children who have been removed from their own homes. Often they are children with specific needs. Sometimes they have been abused. Thus, a foster parent will normally have a greater challenge of adjustment than a new birth parent. A foster parent must acclimate to a child who already has set habits and personality traits. The foster child is sometimes intimidated by being thrust into her new surroundings. She may have come from dangerous or perhaps life threatening circumstances. In addition, foster care systems, especially those in large cities, are in great disrepair. A recent GAO report reported disgraceful circumstances for the care of many of these youngsters, a situation that is pervasive throughout the United States. The wreckage left behind by failed foster care systems is often reflected in the lives of foster children. They clearly need their parents in their new home as much, and probably more than the newborns who are the major recipients of paid leave.

Adopted children are generally not as old as foster care children and do not generally come to their new families from troubled circumstances. However, because most adoptive parents are caring for an infant, they find themselves in a situation similar to the parents of newborns. There is no reason, therefore, to treat them differently than birth parents.

There are few foster or adoptive parents in any single workplace, guaranteeing that the effects on the employer would be minuscule in keeping with the policy of the FLMA. I urge my colleagues to support this bill to help ensure that foster parents and adoptive parents receive the same opportunity as birth parents to bond with a new child and to acclimate that child to her new family and surroundings.

ZION EVANGELICAL LUTHERAN CHURCH CENTENNIAL ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. STUPAK. Mr. Speaker, it is an honor for me to bring to the attention of the House of Representatives and the Nation that the Zion Evangelical Lutheran Church or Ironwood, MI, is celebrating its centennial anniversary on June 22, 1996. It was 100 years ago that 20 Lutherans were drawn together by their common faith to form the Church of Ironwood, MI. Today, the congregation has nearly 600 dedicated members who are proudly celebrating the love and faith that has been shared within the congregation and the Ironwood community for the past century.

In 1896, Pastor Michael Kivi was asked to lead the small congregation. He graciously accepted the offer and began his new job for a salary of $20 a month. Thirteen dedicated pastors have served the congregation since Pastor Kivi. Currently, Pastor Francis Strong leads the members in worship and fellowship.

The congregation has been planning the anniversary festivities since 1992. "The History of the Zion Evangelical Lutheran Church," a concise history of the parish, was printed last fall. An original stage play was written for the celebration entitled "Workers in the Vineyard." A centennial feast is being hosted on June 22 for members and friends of the congregation.

Mr. Speaker, on behalf of all northern Michigan, and the entire Nation I would like to congratulate Zion Evangelical Lutheran Church on 100 years of faith, love, and ministry.

FATHER THOMAS PATRICK JOSEPH DOYLE, S.J.

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. BORSKI. Mr. Speaker, I rise today to honor Father Thomas J. Doyle, S.J., who will be celebrating the 50th anniversary of his ordination into the Society of Jesus on June 30, 1996.

Father Doyle, a product of the Philadelphia community, attended the Gesu Grammar School, Roman Catholic High School, and St. Joseph's Preparatory School before deciding to serve God and the community. Upon his graduation from St. Joseph's in 1933, Father Doyle entered the Society of Jesus. After performing his priestly studies in Toronto, Canada, he was ordained on June 30, 1946, by James Cardinal McGuligan. Father Doyle returned to Philadelphia to celebrate his first mass at Our Lady of Mercy Church before traveling the world as an educator, mission director, editor, and preacher.

Since returning to Old St. Joseph's Church in 1967, Father Doyle has become a pillar of the Philadelphia Community. He has served as chaplain to the Federation of Irish Societies of the Delaware Valley, the Irish Society, Legion of Mary, Knights of Columbus, and the Ancient Order of Hibernians. Father Doyle was honored as the 1992 Hibernian of the year for his selfless dedication to the community and willingness to help those in need.

Father Thomas Patrick Joseph Doyle epitomizes the Jesuit ideals. Today, I join his friends in offering both thanks and congratulations for his years of dedicated service.

CUTTING SPENDING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 19, 1996, into the CONGRESSIONAL RECORD.

CUTTING SPENDING

Despite much of the political rhetoric in Washington, Congress and the President have made significant progress on reducing the federal budget deficit. For the first time since President Truman, the deficit has been reduced for years in a row. In fact, the projected 1996 deficit ($140 billion) is less than half of the 1992 deficit ($290 billion). Compared to the size of the economy, the U.S. deficit is now lower than that of any other major industrialized nation. However, much more must be done. The challenge facing Congress is to maintain this discipline and stay the course until the deficit is erased. In past months, Congress has taken a number of positive actions.

1996 SPENDING

With my strong support, Congress recently passed the last of the yearly appropriations bills which fund basic government operations. Overall, these bills cut spending $23 billion blow 1995 levels—about 5 percent. I voted to eliminate more than 200 wasteful programs, including the Advisory Commission on Intergovernmental Relations, the modular helium reactor program, a congressional warehouse and parking lot, and many more.

LINE-ITEM VETO

With my support, Congress passed a line-item veto, and the President signed it into law. Under this provision, the President can object to any specific project or program and return it to Congress. Without a two-thirds vote in both the House and Senate, the program would be eliminated. This is an important step in efforts to block wasteful spending and "pork-barrel" projects. I am disappointed that the congressional leadership delayed this provision until 1997 by defeating an effort to make it effective immediately. If this had passed, even more could be saved from spending bills this year.

BALANCED BUDGET AMENDMENT

For the first time in history, the House last year approved a balanced budget amendment to the Constitution. The version that passed the House would require a ⅗ vote of both the House and the Senate to pass an unbalanced budget or to raise the debt limit. It would allow certain exemptions in time of war or national security threat. I voted for this amendment, and am disappointed that it failed in the Senate.

DOWNSIZING GOVERNMENT

With my support, Congress voted in 1994 to cut more than 270,000 federal positions by 1999. We are significantly ahead of schedule, with more than 160,000 positions eliminated, leaving the federal workforce smaller now than at any time since the mid-1960s. We should continue this course, focusing particularly on top-heavy bureaucracies that have the bulk of their employees in Washington, D.C. It has been my personal practice each year to reduce administrative spending for government programs and agencies to lessen the opportunity for waste. During the appropriations process for fiscal year 1996, I supported many amendments to reduce overhead in certain government agencies and programs.

REFORMING GOVERNMENT PURCHASING

Too often we hear about outrageous government purchases of $600 toilet seats or $100 screwdrivers. Centralized management is often inefficient. Last year, with my support, Congress passed legislation to streamline the wasteful government procurement process. The new law reduces paperwork burdens, streamlines acquisition procedures, and cuts government purchasing costs. It encourages federal employees to act like private businesses and purchase certain supplies at a local office supply store if it saves money. It also expands the bidding process to make it more competitive and efficient.

SIX-YEAR BALANCED BUDGET

I voted for a plan to balance the budget in six years. This conservative "Coalition" budget asks all Americans to do their fair share with equitably distributed savings. This plan would cut spending by more than $700 billion. It reforms welfare, protects Social Security, preserves Medicare and Medicaid for the future, maintains investments in education and job training, and cuts corporate subsidies. The Coalition budget would reduce the deficit by $9 billion in 1997, $25 billion in 1998, and continue on a glidepath to a balanced budget in 2002.

Unfortunately, the House defeated this budget and passed a version that would increase the deficit in 1997 and 1998. This is the plan that was supported by House Speaker Newt Gingrich. I voted against increasing the deficit. The main difference between this plan and the Coalition budget is that the Speaker's plan borrows an additional $150 billion to expand certain tax breaks. As a result, the national debt would be billions of dollars higher in 2002 than under the Coalition budget. The Coalition budget demonstrates that it is possible to make tough budget choices while reflecting the values American cherish: responsibility, honesty, fairness, and the promise that the future will be better for our children. The problem with the budget supported by Speaker Gingrich is that increasing the national debt would leave even more of a burden on our children.

It is correct that both the Speaker's plan and the Coalition plan balance the budget on paper, but the Speaker's plan postpones 82% of the deficit reduction until after the 1998 elections. In fact, the President's separate plan makes a similar mistake. History shows that such an approach is a recipe for failure. Time and time again Congress has passed "deficit reduction" plans that postpone serious spending cuts for several years. My position is that we should use the Coalition approach and pay our bills now, and not just promise to pay them later. We should continue reducing the deficit, year by year, in a disciplined, methodical manner.

Unless significant changes are made, the final budget plan is expected to be vetoed by the President. Although the differences between the sides are significant, I think the American people want Congress and the President to continue negotiating to reach agreement on the budget. It is the responsibility of leaders in both parties to put aside partisan differences for the common good of the nation.

Over the past year, both the President and the congressional leadership have moved towards the Coalition budget. There is still time to unite the American people behind a tough, honest, and fair balanced budget that reflects basic American values and invests in our future. It would be a tragedy if the progress that has been made since 1992 is reversed with a budget that increases the deficit in 1997 and 1998. I will continue to urge all of my colleagues to seek a final agreement.

TRIBUTE TO HUGH B. MITCHELL, FORMER MEMBER OF CONGRESS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. McDERMOTT. Mr. Speaker, I rise today to pay tribute to a former Member of both Houses of Congress, Hugh Burnton Mitchell. Mr. Mitchell died on June 10, at age 89, and his family and friends are gathering at Daybreak Star Center in Seattle to remember him today.

Hugh Mitchell was a true son of the Northwest, and true Democrat. His belief, that government could help people realize their dreams, was at the core of his public service. He was born in Great Falls, MT in 1907, grew up on a dairy farm, and attended public schools. After graduating from Dartmouth College, he engaged in editorial work at an Everett, WA newspaper. In 1933, he joined the congressional staff of U.S. Representative Monrad Wallgren, and extended his service on the Hill for 12 years, including Wallgren's term in the Senate.

When Wallgren was elected Governor of the State of Washington, he appointed Mitchell to serve the balance of his Senate term. Hugh Mitchell was just 37 years old when he was sworn on January 10, 1945—the second youngest U.S. Senator at the time. He was defeated for election in 1946, but was elected to the House in 1948 and served in the 81st and 82d Congresses. He was not a candidate for renomination in 1952, but mounted an unsuccessful bid for the governorship of Washington in 1952.

Mr. Speaker, our country has changed dramatically in the 40 years since Hugh Mitchell graced the floor of this Chamber, but the principle that animated his public service is timeless: that government could and should aid the people he represented. He listened to the people, and tried to put government to work for them.

Hugh Mitchell's congressional career began as World War II was ending; the country's agenda then was similar to that which faces it today in the post-cold war era. Mitchell urged conversion of America's war-related industries to peacetime infrastructure-building, both to put people to work, and to prevent a reversion to the hardships of the Depression.

America's hard-won superiority in science and technology, he believed, should be used to relieve the tensions and miseries of the war-torn world. He supported the Marshall plan for Europe, but also proposed a similar program of engagement in Asia. Had the Congress heeded his prophetic advice, we might have avoided the disastrous route that took our country into conflicts in Korea and Vietnam. "We must make allies in Asia," he warned, "or we are doomed to protracted, costly, and indecisive wars."

His ideas about cultivating constructive cooperative relationships with Pacific Rim countries were part of the long tradition of trade and friendship among the people of the Northwest and their neighbors to the East. Our APEC program today is a culmination of the vision of Washington State advocates such as Warren Magnuson, Henry Jackson, and Hugh B. Mitchell.

Mitchell's legislative agenda also included the careful stewardship of the abundant natural resources of the Pacific Northwest. Adoption of his plan for comprehensive management of the Columbia River Valley by the Congress might have averted the ecological crisis we now struggle to overcome.

Hugh Mitchell's reputation as a far-sighted intellectual is complemented by his legendary attentiveness to the wisdom of his constituents. His civility of discourse and equanimity in the face of adversity sprang from his faith in the democratic process. His pragmatic vision of government of, by, and for the people is a legacy that enhances this body, Mr. Speaker, and I commend it to you.

AMERICA WANTS HEALTH CARE REFORM

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. PACKARD. Mr. Speaker, America's wait for health care reform is nearly over. My colleagues in both the House and the Senate have reached agreement on the Health Coverage Availability and Affordability Act of 1996. This is the health care bill the American people have wanted for years.

The Republican health care reform plan is portable and affordable. Despite the extremist efforts of the Clinton administration to nationalize this Nation's private health care system, the long wait for portable and affordable heath care is over, and, it took a Republican Congress to get it done. Our plan ensures portability, fights fraud and abuse, cuts red tape, increases access, and enhances affordability.

For the first time, working Americans will be able to leave their jobs without having to worry about losing their health care insurance due to preexisting conditions. Up to 25 million Americans per year will benefit from this agreement, which eliminates preexisting condition exclusions for persons with prior health insurance coverage. An additional 4 million job-locked Americans are freed to job hunt because insurance companies will be required by law, to accept persons who had prior health insurance coverage.

This agreement fights fraud and abuse by creating new penalties against those who engage in health care fraud. It creates a national health care fraud and abuse control program to coordinate Federal, State, and local law enforcement actions and funding is increased for investigation, reviews, and prosecutions.

To provide greater access to health care, the agreement fights discrimination in the Tax Code against millions of small, self-employed business men and women by giving them virtually the same rights as large corporations to deduct their health insurance costs. It allows tax deductions for long-term health care needs, and it allows terminally ill patients and their families to receive tax-free accelerated death benefits from their insurance companies.

The President and his liberal allies insist on perpetuating big Government policies and socialized heath care. America rejected it in 1993, and they do not want it today. The Health Coverage Availability and Affordability Act of 1996 ensures portable, affordable health care for working Americans.

It is time the Clinton liberals stop dragging their feet and came to the negotiating table.

DO NOT PUT HARD-WORKING AMERICANS AT RISK

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. LAUGHLIN. Mr. Speaker, like other Members of this body, I abhor terrorism and support ongoing efforts to reduce the spread of weapons of mass destruction. But I also want to be sure that we do not hurt hard-working Americans in our efforts to achieve foreign policy objectives. From the outset, I have been particularly concerned that enactment of this bill might hurt the citizens of the 14th District of Texas and American families throughout the country.

As the chairman of the Trade Subcommittee knows, I was particularly concerned that the bill, as reported by the International Relations Committee, could have two potentially harmful effects. First, the initial bill would have put at risk the jobs of Americans at totally innocent U.S. subsidiaries of foreign companies. Second, the initial bill could be read to apply retroactively to investment commitments made and contractual obligations undertaken many years ago.

Through the strong leadership and personal intervention of the chairman of the full committee and of the Trade Subcommittee, these concerns have been addressed. I am gratified that the unprecedented innocent subsidiary provision was dropped in its entirely. That change alone will ensure that workers in my district will not have their livelihoods affected by the actions of others that were well beyond their control. Moreover, the bill was redrafted to ensure that the long-standing principle of contract sanctity is preserved. To eliminate any possible interpretive ambiguity, the definition of investment makes clear that the legislation applies only to activities undertaken pursuant to an agreement entered into with the Government of Iran or the Government of Libya (or nongovernmental entities formed by those governments) after the date of enactment. Thus, for example, companies can continue to honor their contractual obligations under existing contracts without fear of being sanctioned. As a result, the supply of services and other subcontracts, farm-in arrangements, and the like in connection with contracts entered into prior to the date of enactment will not expose companies to potential sanctions. Similarly, companies may continue the development of oil resources as contemplated under exploration and production-sharing agreements signed long before introduction of this legislation. By addressing these legitimate concerns of the business community, our committee has preserved an important principle while reducing the likely exposure of U.S. companies and U.S. workers to foreign government retaliation.

As the administration made clear in its testimony before the Trade Subcommittee, it too shares my concerns about the potential unintended consequences of the legislation. I was pleased that the administration indicated that the bill should apply only prospectively, to future contracts and to future investments. With the bill before us today, the administration should be in a better position to ensure that hard-working Americans in the 14th District or anywhere in our great land will not be put at risk.

In closing, I wish to again commend our Committee leadership for producing a bill that maintains long-standing principles, reduces the risk of harmful retaliation, and provides the President with the flexibility needed to ensure that the American economy is not adversely affected by our pursuit of foreign policy objectives.

HONORING "OLD" JOE CLARK

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. ROGERS. Mr. Speaker, I rise today to honor one of southern Kentucky's country music legends, "Old" Joe Clark.

"Old" Joe recently celebrated his 50th year of performing at Renfro Valley, Kentucky's premier country music venue. He has been making us laugh with his unique brand of country humor and skillful banjo-picking for the last half century. He is a true treasure of the Commonwealth.

"Old" Joe came to Renfro Valley after entertaining folks in and around his home of Johnson City, TN. After sharpening his talents in Tennessee, "Old" Joe attracted the attention of Renfro Valley's founder, John Lair. And, as they say, the rest is history.

It did not take long for "Old" Joe's fame to spread throughout southern Kentucky. And, he was soon a part of the national country music scene. He appeare at the Grand Ole Opry and performed with some the Nation's top country stars.

"Old" Joe Clark talents are legendary at Renfro Valley. For 50 years, he has set the standard for an entire generation of country musicians and comedians. Without a doubt, "Old" Joe has left his mark on the Renfro Valley community.

Mr. Speaker, I am very proud to honor "Old" Joe Clark on his 50th anniversary at Renfro Valley. I know that the people of southern Kentucky love Joe and appreciate his lifetime of service to entertain us.

TRIBUTE TO WENDY GUEY, 1996 NATIONAL SPELLING BEE WINNER

HON. MARK ADAM FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. FOLEY. Mr. Speaker, today, I rise to salute an exceptional student from Palm Beach County, FL, Miss Wendy Guey. At 12 years old, Wendy attends the Palm Beach County School of the Arts and was the winner of the 1996 Scripps Howard National Spelling Bee.

Not only a talented pianist and violinist, Miss Guey is also a bright, young lady who calmly spelled vivisepulture to become a national champion. To get through the early rounds, she spelled correctly—parquet, multifarious, and gesticulate. Aside from a small shopping trip, she donated $200 to her school while the rest of the prize money has been put away for college.

This was Miss Guey's fourth National Spelling Bee. In 1993, she came in fourth place at the unbelievable age of 9. This year, she came back after missing two words in previous rounds to win the championship.

Perhaps most importantly, Miss Guey has reached a level that all American students

should strive to achieve. Education cannot be emphasized enough; our children need to be prepared to attain the skilled positions that will await them in the future. For the United States to compete on the international level, young individuals such as Miss Guey need to become the role models for all students.

I am proud to recognize Miss Guey for her victory as well as her parents Mr. and Mrs. Ching and Susan Guey of Palm Beach Gardens. We should all be proud to salute Wendy for her achievements and wish her the best of luck in her future endeavors.

POSTAL REFORM

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. McHUGH. Mr. Speaker, the following letter by Postmaster General Marvin Runyon was published in the June 1, 1996 Washington Post as a rebuttal to an earlier Washington Post column calling for the creation of a Government commission to address the complex issues of postal reform. The authors of the original article—Messrs. David Ginsburg, Murray Comarow, Robert Hardesty and David Harris—argued in their guest column, "Delivery for the Postal Service," that postal reform would best be addressed through the creation of a Government commission to report and analyze these important public policy issues. While I do not embrace that conclusion, I included their column in the CONGRESSIONAL RECORD of June 6.

In his rebuttal, Mr. Runyon argues to the contrary and says that the Postal Service cannot wait for results of findings of a commission. Mr. Runyon stresses that the Postal Service has begun to meet the demands of today's mail delivery and that legislative reforms are needed to keep it thriving for years to come. I will be introducing such legislation in the next few days.

[From the Washington Post, June 1, 1996]

ALREADY DELIVERING

(By Marvin Runyon)

Were the Postal Service a private company, it would be the ninth-largest business in the United States. It is bigger than Coca-Cola, Xerox and Eastman Kodak—combined. With more than 750,000 employees in all U.S. states and territories, the U.S. Postal Service is the largest civilian employer in the country—accounting for one out of every 170 U.S. paychecks. Last year, the Postal Service delivered 181 billion pieces of mail—more pieces in a day than Federal Express delivers in a year.

No doubt the complex and amazing U.S. Postal Service faces some serious challenges. But does anyone seriously believe that this calls for creating another government commission?

In their article of May 20 ["Delivery for the Postal Service," op-ed] four friends of the Postal Service—David Ginsburg, Murray Comarow, Robert L. Hardesty and David F. Harris—argue for just such a panel.

The fact is, the Postal Service can't wait for a commission. We've already begun to turn things around.

No tax dollars fill our coffers. And the real price of a stamp, when adjusted for inflation, is about the same today as it was in 1971. But today's Postal Service makes a profit. Last year, we earned $1.8 billion. So far, we're on track to earn between $700 million and $900 million in fiscal 1996.

In 1995 we set a record of 88 percent for on-time delivery. We expect to set a new record when new statistics are released next week. Moreover, we intend to raise our national on-time delivery average for local first-class mail to 92 percent by next year. By 2000, we are aiming for 95 percent or better, with similar improvements in other service categories.

We're also working to raise revenue and exploring the universe of technology. In the coming months, we will be launching hybrid mail services that combine the speed of computer messaging with the security and impact of the U.S. Mail. We'll also be introducing electronic money transfer services, international catalogue shopping, convenient new bill-paying methods and dozens of new services available at our 40,000 post offices.

And we're increasing service, not costs, by reengineering the way we deliver the mail. Last year, we launched a new blueprint for excellence called CustomerPerfect!, which is helping us examine how we deliver the mail every step along the way, from the back dock to the customer's mailbox. At the same time, we're working to reduce labor costs, which account for some 80 percent of our annual budget.

But more must be done. Legislative reform is needed to allow the Postal Service to keep pace with the communications business; for example, to offer business customers volume discounts and customized service contracts. We need the authority to test new products more easily and bring them to market more quickly. And we need changes that will bring labor negotiations back to the bargaining table so we can better control our costs.

The Postal Service doesn't need a commission. It needs to have the shackles of government regulation loosened so it can continue its commitment to excellence.

INS TO BE COMMENDED IN MIAMI

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. DIAZ-BALART. Mr. Speaker, the Immigration and Naturalization Service [INS], created by Congress over a hundred years ago—March 3, 1891—has been charged with the responsibility of providing services under the Immigration and Nationality Act, which among other things includes providing assistance to individuals seeking naturalization—the process by which eligible immigrants become U.S. citizens. Therefore, INS is appropriately involved in the citizenship process as an integral part and I believe that Commissioner Meissner has made significant progress in reducing the extensive processing backlogs for prospective new citizens as interest in naturalization has increased substantially during her term as commissioner.

Although I cannot speak for other portions of the country, in Miami INS has done a commendable job of moving applicants through the citizenship process expeditiously. As a part critic of INS's failure to process applications on a timely basis, I have been encouraged by the important headway INS has made in reducing the average time for completing an application.

Naturalization applications have severely outpaced the capacity of INS—from just over 200,000 in 1983 to over a million in 1955, and thousands of applications had been accumulating in Miami with a mere 22 personnel to process them. To respond to this unacceptable situation, using its own fee revenue, INS has added 158 naturalization personnel to the Miami District staff this year to handle the steadily increasing volume of citizenship applications. In the first half of this year, thanks to the additional staffing provided by Commissioner Meissner, the Miami district has been able to complete close to 30,000 N–400 applications—the standard naturalization form—which is over 1,000 more than the Miami district completed in the entire year for 1995. I have been pleased with this progress and commend Commissioner Meissner's hard work to ensure that naturalization is given the priority it merits.

Through its Citizenship USA project, INS is meeting on a monthly basis in Miami with local organizations to improve community outreach. Groups such as One Nation, the Catholic Legal Immigration Network Inc. [CLINIC], Dade County Schools and the Hispanic Coalition have worked with volunteers and local officials to help the INS facilitate its citizenship activities.

To be eligible for citizenship, an immigrant must be a legal permanent resident for at least 5 years—three if married to a U.S. citizen—exhibit good moral character and understanding of constitutional principles, demonstrate a knowledge of U.S. history/civics and basis English—unless exempted for age or disability—and must pay an application fee of $95 which funds the INS process of examining each case. Thus, naturalization is not an automatic step for every immigrant, and those individuals who have gone to the trouble and effort of playing by the rules and have demonstrated their dedication and desire to be a U.S. citizen deserve the opportunity to be processed on a timely, efficient basis by INS. Although there have been enormous backlogs in the past, I believe that Commissioner Meissner is taking important steps toward helping immigrants naturalize and take full advantage of citizenship in these great United States.

CITRUS TRISTEZA VIRUS

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. RIGGS. Mr. Speaker, northern California, with its benign temperature, is home to many agricultural products, including grapes, stone fruits, vegetables, and citrus. California has 275,000 acres in citrus groves. Roughly 30,000 to 35,000 people are employed in the citrus industry, which means ontree revenues of $546.3 million for the State of California. However, if the brown citrus aphid intrudes into our groves, everything we worked so hard for will be lost.

The brown citrus aphid is the carrier for the citrus tristeza virus or CTV. CTV is a very destructive disease that has already killed over 40 million trees worldwide and is projected to destroy 180 million citrus trees on citrus tristeza virus-sensitive sour orange rootstock in the United States, Mexico, the Caribbean, and other parts of North America. If there is even one strain of the CTV in the rootstock, it will debilitate the trees and will produce extremely low quantities of fruit. If the quantity of citrus decreases, it means millions of dollars in revenue lost for the State of California.

My colleagues in Arizona, Flordia, Louisiana, and Texas share California's understanding of the importance of the threat presented by the brown citrus aphid. If not controlled, the disease will escalate and will affect the U.S. citrus industry, possibly eliminating the United States as a major supplier of fresh fruit and juice concentrate in the world.

Congress has already made a commitment to fight the citrus tristeza virus in the fiscal year 1996 and fiscal year 1997 Agricultural appropriations bills with a $500,000 special research grant. However, I believe more needs to be done. The farm bill, passed earlier this year, created a $3 million cooperative national research initiative to control the citrus tristeza virus and the brown citrus aphid. The program would entail new research and develop technologies needed to manage the disease, provide environmentally and energy-efficient control measures, and reduce the economic losses due to the diseases caused by the CTV. Unfortunately it was not possible to fund the research initiative in this year's appropriations bill. However, if additional monies become available to the committee, I will work to ensure that the CTV research initiative is given strong consideration for funding.

AUNG SAN SUU KYI AND HER WORK IN BURMA

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. ABERCROMBIE. Mr. Speaker, today there was a ceremony commemorating the 51st birthday of Aung San Suu Kyi, the rightful leader of Burma. It highlighted the continuing repression occurring in Burma. As you know, Burma is ruled by a brutal military dictatorship which rejects the mandate of the democratic elections of 1990.

Although Aung San Suu Kyi is no longer under house arrest, the military regime has been stepping up its repressive measures against her and her party, the National League for Democracy. As the sixth anniversary of the democratic election approached, over 200 people were arrested. Recently, the regime released half of the detainees. These arrests were the latest example of the egregious human rights situation in Burma.

Aung San Suu Kyi and members of the National League for Democracy did not give in to the fear of retribution. They held rallies these past two weekends and will continue to meet.

I say to Anug San Suu Kyi, thank you for your courage and devotion to principle, you inspire all of us. You are a very courageous woman, who has endured uncomprehensible hardships. We will continue to help restore you and the rightfully elected parliament to power in Burma and end the horrendous human rights violations.

SALUTE TO THE MISSIONARY EFFORTS OF NINTH AND O BAPTIST CHURCH

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. WARD. Mr. Speaker, I rise today to salute the Ninth and O Baptist Church of Louisville, KY. This remarkable congregation led by Pastor Rodney Burnette organized relief efforts for the children of a war-torn Bosnia.

Last October, the parishioners of the Ninth and O Baptist Church organized an amazing conglomeration of "shoebox blessings" filled with a variety of gifts for children in Bosnia. They worked in collaboration with the Southern Baptist Foreign Mission Board administrator in Eastern Europe Bill Steele to iron out the specifics of the project. They then appealed to other churches, schools, and community organizations to donate boxes filled with toys, clothes, picture books, and candy for children of ages up to 13 years old.

More than 2,700 boxes were collected as well as over 200 cases of medical supplies and 150 cases of food. Thanks to this extraordinary church group, thousands of Bosnian children had gifts for Christmas. I would like to take this opportunity to commend them for their efforts and their commitment to building bridges of peaceful offerings to the unfortunate victims of war across the Atlantic.

TRIBUTE TO DARLENE CAROL CALVERT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. FILNER. Mr. Speaker, I rise today to honor a great community leader who passed away last week—Darlene Carol Calvert.

Ms. Calvert dedicated her life to community service. She was active in the Unitarian Universalist Church of San Diego and in its Women's Federation and Project Freedom of Religion. She was coordinator of the Religious Rights Task Force and advisor for Planned Parenthood at her church. She served as founder and chairwoman of the San Diego chapter of the Religious Coalition for Abortion Rights and as a member of the board of directors of the Coalition for Reproductive Choice.

As a woman who had been stricken with polio at the age of 15, she committed herself to ensuring that others in similar situations could enjoy a rewarding and independent life. She was an appointee to the County Committee for Persons with Disabilities, and she lobbied for access to facilities and services for disabled persons.

With a power wheelchair, arm braces and a ventilator to provide oxygen, she lived as independently in San Diego as her health would permit—and she worked at The Access Center, a nonprofit agency that provides services for the disabled, representing her clients in their efforts to also live independently.

Despite being told often that she would never finish college or be employed, she received a bachelor's degree in social work and a master's degree in counseling from San Diego State University. She was employed in social work and chemical dependency counseling, first at Episcopal Community Services and then at the California Youth Authority. She joined The Access Center in 1993 and coordinated a program to buy adaptive equipment for people with severe disabilities.

She was honored with several awards, including the Gallantry Award by the Easter Seal Society, the Unsung Unitarian of the Year Award, the Woman of the Year Award by the Coalition for Reproductive Choice, and the Freedom of Religion Award by the Religious Coalition for Abortion Rights.

But of all the awards, the most significant was the respect and admiration of her friends, family, and community for her community involvement, her passionate advocacy for the disabled, and her desire to make the world a better place for all people with disabilities.

We seldom find a person as dedicated and brave as Ms. Calvert—those who touch us with their perseverance and optimism. My thoughts and prayers go out to her partner, Chris Shelly, to her family, and to her friends in the disabled community and in the San Diego community at large. She will be missed.

THE PART-TIME AND TEMPORARY WORKERS PROTECTION ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mrs. SCHROEDER. Mr. Speaker, we live in a disposable society. We have disposable diapers, cups, plates, utensils, gloves, needles, razors, bags, heat packs, and flashlights. We even have disposable cameras and contact lenses. But we have gone too far. We have entered the age of the disposable worker.

I am talking about the contingent work force, which is made up of part-time workers, temporary employees, independent contractors, day laborers, and others. Let me make it clear. I am not talking about teenagers flipping burgers. Contingent workers can be heads of a households. They can be old or young. But, not surprisingly, they are disproportionately women and minorities.

Employers increasingly view contingent workers as disposable. Contingent workers often provide short-term profits to employers who don't want to pay health insurance, pension benefits, unemployment insurance, and vacation and sick leave. This is not to say that there should be no part-time or temporary jobs. They provide flexibility for both employees and employers. Moreover, there are consciences employers and temporary agencies that set the standard when it comes to pay

and benefits for part-time and temporary workers. But the rise in the number of involuntary contingent workers and the recent corporate purging that has taken place paint a gloomy portrait of contingent work in America.

Temporary employment alone grew 10 times faster than overall employment between 1982 and 1990. In 1982 contingent workers constituted a quarter of the labor force. And that number continues to rise.

Not surprisingly, women and minorities are overrepresented in the part-time and temporary work force. For example, the percentage of African-Americans in the temporary work force is double that of the whole work force. Moreover, two out of three temporary workers are women. Women and minority groups, therefore, suffer a disproportionate share of the drawbacks of involuntary part-time and temporary employment—lower per-hour wages than full-time workers; reduced or no employment-based health, retirement, and other benefits; and the constant threat of being released with little or no warning.

Employees who worked for Honeywell Information Systems found out the hard way. After working for Honeywell as a computer programmer for 8 years, Jimmie Ruth and the majority of her department were laid off. She was hired back as a consultant, but the change in status resulted in a loss of benefits and forced her to pay Social Security taxes. She found herself working along side her former coworkers, who had also been hired back without their benefits.

Corporations that replace full-time workers with temporary workers do it to save money. But it can often cost taxpayers money. We all pay higher health costs when uninsured workers receive expensive emergency care rather than preventative medicine. We all pay when employees without retirement plans must depend on public assistance. We all pay when families are unable to reinvest money back into the economy.

There is little proof that replacing core workers with contingent labor benefits companies. According to management research consultant Helen Axel, companies do not always save money by providing contingent employees with lower wages and fewer benefits. The productivity of companies is often negatively impacted by the high turnover rates of contingent employees. The costs and time required for training new waves of temporary employees are not compensated for by trimming wages and benefits.

Cutting jobs has become profitable in another way—fattening the pockets of CEO's. When Robert Allen, CEO of AT&T, announced 40,000 layoffs in January, he made more than $5 million as AT&T stock soared. This is in addition to his $3 million salary. So Allen earned millions for firing thousands.

The Part-Time and Temporary Worker Protection Act address this problem. Simply put, if an employer provides health care and pension benefits to full-time workers, then they must provide partial coverage to contingent workers.

Under the bill, all employees working 500 hours or more per year receive a prorated share of health benefits under the employee sponsored group health plan based on the amount they worked. In other words, an employee who works 20 hours per week is eligible for half of the benefits of a full-time employee.

In addition, employees working 500 hours or more per year are eligible to participate in an employer-provided pension plan at the same prorated rate.

The bill also allows voluntary part-time workers to receive unemployment compensation while looking for part-time work. Currently, in order to receive unemployment insurance, a part-time worker must look for, and accept if offered, full-time work.

Another concern is the misclassification of employees as independent contractors. The Part-Time and Temporary Workers Protection Act limits the IRS's ability to waive employer tax liability for misclassifying employees as independent contractors and prevents Federal and defense contractors from willfully misclassifying employees as independent contractors.

Finally, the bill requires the Bureau of Labor Statistics to conduct an annual survey to determine the level of health and pension benefits for temporary employees, the number of jobs an individual holds, and the number of hours an individual works on each job.

I urge my colleagues to join with me in supporting the Part-Time and Temporary Workers Protection Act of 1996.

TRIBUTE TO 1996 PRESIDENTIAL SCHOLAR BRAD CONNERS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. KLECZKA, Mr. Speaker, I rise today to pay tribute to Brad Conners, who was named a 1996 Presidential Scholar. As a constituent of mine, it is a special honor to congratulate Brad and his distinguished teacher, Mr. John Burke.

Each year, only 141 students in the country are selected for the prestigious Presidential Scholar award. The competition is fierce, and those that are chosen must demonstrate excellence in academics, leadership, and school and community involvement.

Brad recently graduated from Catholic Memorial High School, where he excelled both in and out of the classroom. Namely, he finished school with an A average and was a member of the academic decathlon team. Coached by Mr. Burke, the team took second place at the State finals. Brad won individual honors, as well, with a gold medal in economics and bronze medals in both fine arts and science.

In addition, Brad participated in football, basketball, and track all through high school. In fact, this year the Catholic Memorial track team took the State championships by one-half of a point thanks to Brad's relay team in the final event. And, somehow he still found the time to coach a youth basketball team in his community.

Brad's parents, Mike and Sheila Conners, are undoubtedly very proud of their son's achievements. I share in their pride and wish Brad the best of luck in his studies at Notre Dame next year.

IN HONOR OF MARIO JIMENEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me in recognition of the great honor that will be bestowed upon Mr. Mario Jimenez of Whittier, CA.

On June 28, 1996, during the annual graduation ceremony of the university of his hometown, Huitzuco, Guerrero, Mexico, Mr. Jimenez will be named the "Father of the Generation" for the class of 1993–96.

Mario Jimenez, a leader of the community and a philanthropist in my congressional district, has spent many years supporting our local youth and educational initiatives. As a successful businessman in Pico Rivera, Mario has dedicated his time and resources to various programs and activities that promote excellence in education. He is a member of the Congressional Award Council, a national organization that challenges and recognizes young people in my congressional district.

In honor of the following 1996 graduates of the Centro de Bachillerato Tecnologico, I congratulate the candidates to receive a bachelor of science in electricity: Francisco Castrejon Marban, Isahi Flores Garcia, Eden Vladimir Garces Nunez, Ricardo Ernesto Garcia Castro, Jose Alfredo Jimenez Roman, Adrian Lopez Carrera, Jose Esteban Marban Salcado, Rafael Mendoza Pañaloza, Jorge Israel Ortega Figueroa, and Jorge Luis Rivera Roman y Armando Tellez Escamilla.

The following candidates are to receive a bachelor of science in fiscal accounting: Flavio Aguirre Pineda, Lazaro Alonso Astudillo, Edgar Aragon Perez, Heriberto Coronel Flores, Silberto Calindo Garcia, Marlyn Gonzalez Varga, Maribel Ildenfoso Flores, Martha Eugenia Jimenez Elizalde, Rubi Nelly Lagunas Gaytan, Suhail Lopez Garcia, Omar Marban Ocampo, Nayelli Miranda Sanchez, Celina Nieves Nieves, Adson Peralta Bautista, Alicia Rodriquez. Arellano, Claudia Rojas Aragon, and Susana Sonido Gomez.

The following candidates are to receive bachelor of science in administrative information: Nazaria Basilio Saavedra, Alejandro Casarrubias Merino, Violeta Castillo Jaimes, Elida Castro Ayala, Victor Hugo Delgado Hernandez, Antonio Elizalde AVila, Ozcar Encarnacion Jaimes, Flor Figueroa Taboada, Alfonsina Hernandez Castrejon, Matriza Hernandez De La Cruz, Armida Eliona Marban Marban, Gustavo Morales San Matrin, Henrik Adu Nava Figueroa, Andres Nery Robles, Malinal Xochitl Ocampo Cardenas, Nallely Pineda Gonzales, Lorena Rosales Franco, Rocio Segura Eligio, Juan Tabodada Ayala, Alfonso Toledo Figueroa, Isaias Valle Abrego, and Magdalena Villalva Estrada.

The following candidates are to receive bachelor of science in fiscal accounting: Yaraset Maria Alonso Cruz, Candido Barrera Vasquz, Angel Bautista Capistran, Lucero Bustos Quezada, Yaneth Alejandra Bustos Terrones, Daniel Castrejon Hernandez, Conrado Diaz Mota, Luis Alberto Elizalde Marban, Arturo Guevara Dircio, Maricela Jarez Gatica, Maria Aldegunda Lopez Hernandez,

Andres Jordan Mendoza Arteaga, Rosales Maricruz Morquecho, Sandra Ocampo Santos, Yareli Perez Herta, Jesus Reza Cruz, Luis Rojas Castro, Betzavet Salinas Mateos, and Maria Del Rosario Santiaguillo Guerrero.

The following candidates are to receive bachelor of science in general medicine: Rossana Castrejon Hernandez, Belen Catalan Chavez, Fatima Janet Catalan Lopez, Sindy De Jesus Tapoya, Magnolia Elizalde Gaytan, Maribel Garcia Munoz, Juan Benito Gaytan Catrejon, Nestor Hernandez Riquelme, Luz Estela Iriarte Salinas, Selene Montanez Dominguez, Maribel Montes Juan, Graciela Peralta Marba, and Maria De La Guadalupe Soto Garcia.

GEYSERVILLE INTERMODAL/ VISITORS CENTER

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. RIGGS. Mr. Speaker, I would like to express my appreciation and support for the recognition given by the Committee on Appropriations to the value of a proposed project in Geyserville, CA, in Sonoma County. In the report accompanying the fiscal year 1997 Agriculture appropriations bill, the committee expresses its expectation that the Department will give consideration to funding this project under the rural business enterprise grants program. While the report makes reference to intermodal transportation and technical assistance requests relating to a train depot in Geyserville, one point merits clarification. In order to fully meet the rural needs of Geyserville, it is important to give equal consideration to funding the construction of a visitor's center and small business incubator, which will be constructed adjacent to the depot.

MFN STATUS FOR CHINA

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. ABERCROMBIE. Mr. Speaker, today I rise to speak out against granting China the most-favored-nation [MFN] status. For many years I have followed the human rights and business violations occurring in China. This past year we have once again seen many problems arise with China.

As my colleagues know, last month the United States customs agents arrested suspects in the United States with ties to China's state-owned munitions companies for smuggling AK–47's and other dangerous weapons into the United States. These same companies are selling nuclear weapons technology to Pakistan and advanced missile technology to Iran.

Many people claim that if we don't grant MFN status to China that American business will be hurt. That's not true. American businesses are hurt by the Chinese Government allowing piracy of copyrighted American goods. These pirated copies are made in factories with the full knowledge of the Chinese Government. Everyone here is aware that a trade war was barely averted yesterday because the United States and China came to an agreement that is designed to crack down on Chinese piracy of compact discs and computer software.

Unfortunately, I don't think the Chinese understand that we are serious about protecting our copyrighted goods. Once again, the Chinese have only been slapped on the wrist for not abiding by agreements made. In the past, MFN status has been granted in hopes that the Chinese Government was going to crack down on the piracy problems and human rights violations. This has not happened yet.

Granting MFN to China does not encourage the Chinese Government to correct their human rights violations. Despite China's robust economy and economic reforms, there continues to be widespread human rights abuses. China still places severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, movement and worker rights. In Sunday's Post, it was noted that China's priority for the next 15 years would be to discredit Tibet's exiled religious leader, his Holiness, the Dalai Lama.

I ask my colleagues to ask themselves—Why would we want to grant MFN status to a country that continues to ignores human rights violations, continues to replicate American copyrighted goods, smuggles guns into our country, and has given nuclear technology to rogue nations? I strongly urge my colleagues to vote against MFN for China.

SIOUX FALLS MAY REPRESENT THE FUTURE OF MOTHERHOOD

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mrs. SCHROEDER. Mr. Speaker, talking family values is one thing. But in yesterday's Los Angeles Times article "Sioux Falls May Represent the Future of Motherhood" Melissa Healy tells us how one community is living them. The article tells how family values and working mothers are coexisting peacefully in Sioux Falls, SD, because, as Ms. Healy points out, the community, its employers and its institutions, "are scrambling to adapt to the needs of working mothers instead of expecting mothers to adapt to theirs." Hats off to the Los Angeles Times and to the moms in Sioux Falls for showing us how a community can work together to help its families thrive.

[From the Los Angeles Times, June 18, 1996]

SIOUX FALLS MAY REPRESENT THE FUTURE OF MOTHERHOOD

(By Melissa Healy)

SIOUX FALLS, SD.—Marjorie Beeck, 31, grew up in small-town South Dakota, and she is not abashed about calling herself traditional. There is no trace of irony in her voice when she volunteers that she has family values; she likes to think most folks in Sioux Falls do.

So when daughter Jessica was born four years ago, Beeck made a decision that she says reflects her deep conviction that family comes first: Seven weeks after giving birth, she enrolled Jessica in day care and returned to her job as a securities broker at Citibank's South Dakota branch.

For Beeck, whose pay nudges her family's annual income just above the nation's median of $33,000, working outside the home could easily be characterized as a choice in name only. Her family needs her income if it is to afford the trappings, and opportunities, of middle-class life.

Yet there's more involved here than economic necessity. The fact is, Beeck likes her job. She likes day care too. She says it has given her children, Jessica and 7-year-old Ryan, "things I couldn't give them at home," including field trips, a structured learning environment and other kids to play with—lots and lots of other kids.

Beeck could easily parlay her skills into a high-intensity, and probably higher-paying, job elsewhere. But she has chosen to stay at Citibank and in Sioux Falls in part because her employer and her community have taken pains to ease the burden on mothers who work outside the home.

"Staying here," she said, "is a measure of my commitment to family values."

Sioux Falls, in fact, might just represent the future of American motherhood.

A surprising 84% of mothers who live here are employed outside the home, according to the 1990 census. Among women with children younger than 6, a whopping four out of five are in the paid work force. In a recent national ranking of the best places for mothers to work, Sioux Falls with its population of approximately 100,000 placed first.

The reason: Local employers such as Citibank are scrambling to adapt to the needs of working mothers instead of expecting mothers to adopt to theirs. Civic leaders are mobilizing private charities an public schools to pitch in. Elected officials are doing their part, providing a model for other cities, and perhaps Washington, to emulate.

As a result, family values and working mothers are coexisting peacefully here in America's heartland.

"I don't think women have to be home to teach their children family values," said Liz Bute, a 37-year-old manager at Citibank whose five children have all spent their preschool years in day care. "I think we're past that."

While it is no simple matter for women to simultaneously keep their careers on track and give their kids the moral foundation they need, she said, it's up to "society as a whole" to share the burden.

That, said Bute, is part of what values are all about. And it is a responsibility that Sioux Falls is taking seriously.

SPECIAL PLACE

At a time when many Americans say they are reexamining some of the fundamental choices made by themselves as individuals—and by society as a whole—the issue of working moms occupies a special place in the national "values" debate.

In the mid-80s, conservative activist Phyllis Schlafly suggested that mothers who remained employed for their own self-fulfillment had contributed to adolescent suicides. As recently as 1991, then-Rep. William Dannemeyer (R-Fullerton) took to the floor of the House of Representatives to denounce the "devastation" that results when "working mothers * * * put careers ahead of children and rationalize material benefits in the name of children."

But a substantial number of working mothers, including many who characterize

themselves as political and social conservatives, has rejected that argument. They work not just because they need to, but because they want to. They believe they can continue to work without jeopardizing the physical and psychological well-being of their children, particularly if they get a little help from their employers, their communities and their elected representatives.

Clearly, for women whose families can afford it, curtailing outside work can increase the quantity, as well as the quality, of their involvement in their children's lives. Evidence indicates some women are managing to do so, although their numbers so far don't add up to a significant demographic trend.

But for a majority of American women, the values debate no longer turns on the question of whether they will or won't work outside the home. They simply will, at a rate of almost seven out of 10 nationally.

In places like Sioux Falls, the values debate now turns on the question of how husbands, employers, communities and government will adapt to the reality of a society in which both mothers and fathers draw a paycheck.

"We have an economy that requires women to work and, of course, by choice, women work," said Fran Sussner Rogers, chief executive officer of Work/Family Directions, a Boston consulting firm. "But we've kept our institutions and the places we work running on rules that were made for men with wives at home. And then we've had such ambivalence about whether women should work that we haven't adapted our communities to a new situation."

The solution, Rogers said, is obvious: "Social institutions, not individuals, need to deal with this as a values issue. Working is a necessity, and it's good for us."

Does this mean the end of maternal guilt, and of politicians and activists who prey upon it? Certainly not. But the working mothers of Sioux Falls have a message for public figures who suggest that employed mothers are hurting their kinds and eroding the nation's values: Don't try it here.

"To tell you the truth, it kind of makes my blood boil" to hear politicians who equate stay-at-home moms with family values, said Karla Quarve, a 31-year-old mother of a son in day care and a daughter in first grade.

An auditor at Sioux Falls' Home Federal Savings Bank, Quarve works because she likes her job. And she offers no apologies. Because she has a boss who values her and respects her family responsibilities, she regularly helps out during school and day-care field trips, and always makes it to her daughter's school ceremonies.

Although it could probably afford to do without her income, Quarve said, "I think our family would suffer" if she stayed home. She would be less happy, and the kids would be denied the fun of their day-care center.

"You can still instill values in your children and work," she said.

DRAMATIC RISE

Today, more than two out of three children have mothers who work outside the home, up from just under half in 1972. More dramatic, however, is the rise in women with very young children at home returning to work. In 1980, 38% of mothers with infants younger than 1 worked outside the home. By 1990, that percentage had climbed to 53%. Among women with preschool children, the figure has risen to 67%, from 44% in 1970.

According to a 1995 Harris Poll cited by the Families and Work Institute, 48% of married women in 1995 were bringing in half or more of their family's income, making women a significant financial, as well as emotional, pillar of their families.

The rapid rise in maternal employment has coincided with extraordinary social ferment on a number of fronts: a surging divorce rate, more children born to single moms, a drastic rise in crime, a decline in academic standards and a general sense that the nation's ethical climate has eroded. It was only a matter of time, say some, before mothers who work outside the home got blamed.

"Women have always been seen as the people who are the custodians of morals and values," said Caryl Rivers, co-author of the book, "She Works, He Works: How the Two-Income Family Is Happier, Healthier and Better Off." "They are seen as the people who are supposed to keep the culture tidy. So when it becomes untidy, there is a rush to say to women, 'It's your fault.'"

As a result, Rivers said, "we're loading all the issues of modern society—drugs, crime, violence, rap music—onto the question of whether Mom is home or not."

But it remains a subject of intense debate within academic circles whether children—and with them, society—suffer from that decision.

The early results of the most comprehensive study on the subject, released in April, appear to offer heartening news to women who work outside the home. In the first phase of a study overseen by the National Institute of Child Health and Human Development, psychologists tracked 1,300 families from a child's birth to 15 months. They found that the security of the bond infants form with their mothers is largely unaffected by their having been left in the care of others.

Behavioral scientists have long surmised, though not yet established, that a weak trust relationship between a mother and her infant often marks a child for future trouble. But the study found that only in cases where the mother is judged to be insensitive to a baby's needs does day care—especially extensive day care or poor-quality day care or a succession of day-care providers—adversely affect an infant's attachment to its mother.

A 1993 survey by the Education Department also reflects favorably on working mothers. The study gauged parental involvement in their children's school life—a strong predictor of student behavior and in turn, student achievement. It found that mothers in the workplace are, overall, more likely to be involved in their children's school life—going to plays, volunteering in classes, organizing fund-raising or school functions—than mothers who are not employed.

GOVERNMENT HELP

When it comes to working moms, many Americans appear willing to abandon their customary caution about the wisdom of out side intervention.

In a pool conducted in January 1996 as part of a National Issues Convention sponsored by the University of Texas at Austin, 80% said they believe that government should help with child care and preschool would be a "useful step in strengthening the family."

The Clinton administration and its Democratic allies on Capitol Hill have tried to seize upon such views in their efforts to shore up the party's values credentials. Arguing, for instance, that half of all low-wage workers in America have children, Clinton officials have pressed for a boost in the minimum wage, sought to stave off Republican efforts to restrict the earned-income tax credit for low-income families, and endorsed legislation to make women's pensions more comparable to men's.

"We as a society cannot and should not separate family values from economic values," said Labor Secretary Robert B. Reich. "And what is the most important family value? The ability to keep your family in shelter, food and clothing." On Capitol Hill, Rep. Cynthia McKinney (D-Ga.) is pressing legislation to create a more generous tax credit than currently exists for day-care costs incurred by families with annual incomes ranging from $20,000 to $80,000.

Many in the GOP have sought to improve access to day care as well, especially as a corollary to welfare reform, which would allow states to require recipients to go to work.

Republicans have added $4 billion to bolster welfare recipients' access to day care, and legislation by Rep. Constance A. Morella (R-Md.) would expand poor women's access to day care by providing additional tax credits.

For middle-class parents, Republicans have argued that the broad design of their policy priorities is family-friendly: By balancing the budget, cutting taxes and reducing the deficit, they argue, Republicans would return more money to families, which they could use as they see fit.

WORKPLACE CHANGES

While politicians look for legislative remedies, women increasingly are voting with their pumps and work boots and rubber-soled uniform shoes.

In places like Sioux Falls—a tight labor market in which working mothers enjoy considerable clout—mothers are doing more than merely hoping their kids will not be adversely affected. They are commanding changes in the ways that employers and the community operate, making the care of children easier and higher in quality, and making vital family time better, both qualitatively and quantitatively.

Sioux Falls' largest employer, Citibank, subsidizes a day-care center for its employees just across a grassy field from its sprawling campus. The firm's corporate culture is consciously pro-family. Supervisors try to accommodate the needs of their largely female work force, offering flexible working hours, insurance for part-timers, and a hotline offering employees advice on everything from breast feeding to balancing career and family.

Easing the burden on employed mothers is a challenge the Sioux Falls community is working to shoulder as well. The Sioux Empire United Way spends 20% of its funds to help provide day care, compared with a national average of about 9%. The Sioux Falls public schools have switched many of their parent-teacher conference times to evening hours, and family physicians like Dr. Jerry Walton have altered their hours so they can see many of their youngest patients, with parents in tow, after the standard workday.

Privately funded before- and after-school programs serve 600 children throughout the Sioux Falls school district, with sliding-scale fees for children from lower-income families. The school district has launched a summer-care program that combines learning and fun, and fills the vital child-care gap that working parents of school-age kids find during the summer months.

"We don't take the place of parents, no one could do that," said Dennis Barnett, president of Sioux Falls' Volunteers of America, and organization that funds three day-care centers in the city. "But we are partners with parents in teaching some of these values we would all expect in our children. In many cases, parents choose to have that kind of partner in raising their children."

Some in Sioux Falls would take the concept of partnering with working parents even further.

Mark Britzman, a psychologist and 35-year-old father of two, is laboring to create the Circle of Hope Family Enrichment Center, which he calls a "one-stop shopping center for families."

Britzman's center would provide day care with a holistic twist: When a child is enrolled, his or her family would undergo a family assessment, designed to identify areas of strength and weakness, and would agree to volunteer a certain amount of time to the program.

For families, and especially for stressed-out working mothers, he says, the family enrichment center would be a place to "relax and connect" with an extended network of neighbors and other helpers.

TOP ENVIRONMENT

Sioux Falls recently topped a list of cities with the friendliest environment for working mothers, compiled and published by the women's magazine Redbook. Some observers caution that the city is still far from nirvana for employed moms and their families. Wages for both men and women remain quite low—part of the region's draw to big corporations like Citibank.

For all their growing economic clout in their families and the community, professional women here still react coolly to feminist rhetoric.

Yet it may be that Sioux Falls and other communities like it represent the best available synthesis of our culture's traditional commitment to family and mothers' increasing commitment to work.

"There's a quiet revolution going on in this city," said Susan Randall, development director of Turning Point, a social service agency that works with troubled children.

"There are still the trappings of traditionalism, but the reality is very different."

TRIBUTE TO STEPHEN R. BRASWELL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, I rise to recognize and honor the retirement of the esteemed Vice President and Chief Ethics Officer of The Prudential, Mr. Stephen R. Braswell.

Mr. Braswell began his career with The Prudential in Jacksonville, Florida in 1963. He held a wide variety of positions before rising to the position of Vice President of Prudential's Group Insurance Department. In 1975, he was transfered to Prudential's Government Relations Division in Washington, DC where he was responsible for Prudential's federal government relations. Mr. Braswell spent five years, working with Congress, the White House, Federal Regulatory Agencies, and the National Trade and Business Organizations. In 1981 Mr. Braswell was named President of Southwestern Operations in Houston, Texas with overall responsibility for ten southwestern states. He also served as Senior Vice President in charge of Human Resources and as President of the Prudential Property and Casualty Company for four years. Mr. Braswell ends his years of service from the New Jersey headquarters as the Senior Vice President and Chief Ethics Officer of The Prudential.

Mr. Braswell has been personally involved in the communities in which he has lived. He served as President of both the Jacksonville, Florida and Houston, Texas Mental Health Associations. He also has acted as Vice Chairman of the Metropolitan YMCA Board and served on the Board of Trustees of the Rice Center, while he was a resident of Houston. His commitment to excellence and dedication to service clearly extend past the realm of his professional commitments. His involvement is admirable.

The retirement celebration honoring Mr. Braswell's many years of service will take place on the twenty fourth of June. Mr. Speaker, please join me in thanking Mr. Braswell for 33 years of service and devotion to the Prudential.

TRIBUTE TO STELLA PODBELSKI KUKULSKI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. PALLONE. Mr. Speaker, I rise to pay tribute to Stella Podbelski Kukulski of Sayreville, NJ, a valued and cherished member of our community who recently passed away.

Stella Kukulski lived her entire life in Sayreville. She served with distinction as a valued employee for Sunshine Biscuit in Sayreville for 17 years before her retirement in 1981 and as a supervisor for the Marion Dress Company in South River, NJ, where she worked for 40 years. For her involvement in community service, Stella Kukulski was well respected and admired. She served as a member of the Sayreville Saint Stans Seniors Club, the Sayreville Senior Citizens Thursday Club, and as a charter member of the Union of Polish Women Group 81. Her deep faith and generosity was consistently demonstrated as a communicant of Our Lady of Victories Roman Catholic Church in Sayreville, and as member of its Rosary Society.

As a testimony to the high esteem in which Stella Kukulski was held, the New Jersey General Assembly enacted a resolution, introduced by Assemblyman John Wisniewski who represents Sayreville in the State legislature, paying tribute to the memory of Stella Kukulski and extending profound sympathy and sincere condolences to her family.

Mr. Speaker, I am honored to join in paying tribute to Stella Kukulski, an exceptional person who will be deeply missed by all those who knew her.

TRIBUTE TO RALPH MILTEER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, this evening a retirement dinner is being held in honor of Ralph Milteer. Mr. Milteer is "a man for all seasons." He has spent all of his adult life helping others. When I think of achievers, Ralph is always on my list. His achievements have benefited him personally but more importantly, they have benefited many, many New Jerseyans.

Ralph Milteer is a product of the East Orange, NJ, school system where he attended elementary and high schools. After graduation from Montclair State College Ralph returned to the system as a teacher. For 36 years, he has been affiliated with the same school system in many different capacities. He has been a classroom teacher, a counselor, a coordinator, a director, an administrative assistant, and an assistant principal during his career.

Ralph believes in being prepared and has spent a great deal of his life attending school. He has done a great deal of graduate work and received his Master's degree from Newark State College Graduate School. Coursework at the NASA Center is also a part of his résumé. Ralph has used his experience in the classroom in a great deal of his community work where he has been active in many recreation programs.

Ralph's love of the communities he serves is evident in his work in East Orange and in his hometown of Hillside, NJ. He has been active in the Citizens' Advisory Committee of the Hillside Board of Education, a member of the Hillside Board of Education, and president of the Hillside Democratic Club. Realizing that he could serve his community better from an elected position, Ralph was elected to the Hillside Township Committee where he has served as the Finance Commissioner, the deputy major and major of Hillside for two terms.

Mr. Speaker, I am sure my colleagues will want to join me as I offer my congratulations to Ralph Milteer and extend my best wishes to him and his family for a happy, active and healthy future.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 20, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

10:00 a.m.
Foreign Relations
To hold hearings on the nominations of John Christian Kornblum, of Michigan, to be Assistant Secretary of State for European and Canadian Affairs, Madeleine May Kunin, of Vermont, to be Ambassador to Switzerland, and A. Vernon Weaver, of Arkansas, to be the Representative of the United States of America to the European Union, with the rank and status of Ambassador.
SD–419

10:30 a.m.
Foreign Relations
To hold hearings on the nomination of Barbara Mills Larkin, of North Carolina, to be an Assistant Secretary of State.
S–116, Capitol

JUNE 25

9:30 a.m.
Commerce, Science, and Transportation
To hold closed hearings on broadcast spectrum issues.
S–407, Capitol

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold oversight hearings on the impact of Federal streamlining efforts on General Services Administration leasing activities.
SD–406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the security status of national computer information systems and networks.
SD–342

10:00 a.m.
Foreign Relations
To hold hearings on the nominations of Leslie M. Alexander, of Florida, to be Ambassador to the Republic of Ecuador, James Francis Creagan, of Virginia, to be Ambassador to the Republic of Honduras, and Lino Gutierrez, of Florida, to be Ambassador to the Republic of Nicaragua.
SD–419

Veterans' Affairs
Business meeting, to mark up S. 1791, to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and other pending legislation.
SR–418

2:00 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To resume hearings to examine prospects for peace in Afghanistan.
SD–106

JUNE 26

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 1726, to promote electronic commerce by facilitating the use of strong encryption.
SR–253

Energy and Natural Resources
To hold hearings on S. 1804, to make technical and other changes to the laws dealing with the territories and freely associated States of the United States, on a proposed amendment relating to Bikini and Enewetak medical care, and to hold oversight hearings on the law enforcement initiative in the Commonwealth of the Northern Mariana Islands.
SD–366

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the security status of national computer information systems and networks.
SD–342

Labor and Human Resources
Business meeting, to mark up S. 1221, to authorize funds for fiscal years 1996 through 2000 for the Legal Services Corporation, S. 1400, to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts, proposed legislation authorizing funds for the National Institutes of Health, and pending nominations.
SD–430

Rules and Administration
To hold hearings on proposed legislation authorizing funds for the Federal Election Commission, and on campaign finance reform proposals.
SR–301

Indian Affairs
To hold hearings on proposals to reform the Indian Child Welfare Act.
SR–485

10:00 a.m.
Judiciary
To hold hearings to examine the Department of Justice's handling of "Project Special Delivery".
SD–226

2:00 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To continue hearings to examine prospects for peace in Afghanistan.
SD–106

JUNE 27

10:00 a.m.
Judiciary
To hold hearings to examine the recent incidents of church burnings.
SD–226

2:00 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To continue hearings to examine prospects for peace in Afghanistan.
SD–106

JULY 11

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1738, to provide for improved access to and use of the Boundary Water Canoe Area Wilderness.
SD–366

JULY 16

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Education.
SD–138

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion. 334 Cannon Building

CANCELLATIONS

JUNE 20

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 1424, to redesignate the Black Canyon of the Gunnison National Monument as a national park to establish the Gunnison Gorge National Conservation area, to establish the Curecanti National Recreation Area, and to establish the Black Canyon of the Gunnison National Park Complex.
SD–366

10:00 a.m.
Governmental Affairs
To resume hearings to examine the status of the modernization of the Internal Revenue Service tax information systems, focusing on certain technical problems.
SD–342

JUNE 25

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Library of Congress, and the Government Printing Office.
S–128, Capitol

POSTPONEMENTS

JUNE 21

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Sergeant At Arms, and the Government Printing Office.
S–128, Capitol